City of Phoenix

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

City of Phoenix

Agenda

Wednesday, December 3, 2025

2:30 PM

phoenix.gov

City Council Formal Meeting

*****REVISED December 2, 2025*****
Item with Additional Information Added: 23

If viewing this packet electronically in PDF, open and use bookmarks to navigate easily from one item to another.

OPTIONS TO ACCESS THIS MEETING

Virtual Request to speak at a meeting:

- Register online by visiting the City Council Meetings page on phoenix.gov at least 2 hours prior to the start of this meeting. Then, click on this link at the time of the meeting and join the Webex to speak: https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=eeab18c50fc257dd97ec23a3eef536087

- Register via telephone at 602-262-6001 at least 2 hours prior to the start of this meeting, noting the item number. Then, use the Call-in phone number and Meeting ID listed below at the time of the meeting to call-in and speak.

In-Person Requests to speak at a meeting:

- Register in person at a kiosk located at the City Council Chambers, 200 W. Jefferson St., Phoenix, Arizona, 85003. Arrive 1 hour prior to the start of this meeting. Depending on seating availability, residents will attend and speak from the Upper Chambers, Lower Chambers or City Hall location.

- Individuals should arrive early, 1 hour prior to the start of the meeting to submit an in-person request to speak before the item is called. After the item is called, requests to speak for that item will not be accepted.

At the time of the meeting:

- Watch the meeting live streamed on phoenix.gov or Phoenix Channel 11 on Cox Cable, or using the Webex link provided above.

- Call-in to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 2553 558 2572# (for English) or 2552 496 8259# (for Spanish). Press # again when prompted for attendee ID.

- Watch the meeting in-person from the Upper Chambers, Lower Chambers or City Hall depending on seating availability.

- Members of the public may attend this meeting in person. Physical access to the meeting location will be available starting 1 hour prior to the meeting.

Para nuestros residentes de habla hispana:

- Para registrarse para hablar en español, llame al 602-262-6001 al menos 2 horas antes del inicio de esta reunión e indique el número del tema. El día de la reunión, llame al 602-666-0783 e ingrese el número de identificación de la reunión 2552 496 8259#. El intérprete le indicará cuando sea su turno de hablar.

- Para solamente escuchar la reunión en español, llame a este mismo número el día de la reunión (602-666-0783; ingrese el número de identificación de la reunión 2552 496 8259#). Se proporciona interpretación simultánea para nuestros residentes durante todas las reuniones.

- Para asistir a la reunión en persona, vaya a las Cámaras del Concejo Municipal de Phoenix ubicadas en 200 W. Jefferson Street, Phoenix, AZ 85003. Llegue 1 hora antes del comienzo de la reunión. Si desea hablar, regístrese electrónicamente en uno de los quioscos, antes de que comience el tema. Una vez que se comience a discutir el tema, no se aceptarán nuevas solicitudes para hablar. Dependiendo de cuantos asientos haya disponibles, usted podría ser sentado en la parte superior de las cámaras, en el piso de abajo de las cámaras, o en el edificio municipal.

- Miembros del público pueden asistir a esta reunión en persona. El acceso físico al lugar de la reunión estará disponible comenzando una hora antes de la reunión.

CALL TO ORDER AND ROLL CALL

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3 **Liquor License - Serra Gaucha Happy Valley - District 1** Page 23

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65 **Amend City Code - Ordinance Adoption - Rezoning Application Z-83-25-4 - Southeast Corner of 19th Avenue and Montebello Avenue (Ordinance G-7454) - District 4** Page 373

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74 **(CONTINUED FROM NOVEMBER 19, 2025) - Authorization to Grant Sheely Ted D / ET AL c/o William Sheely / ET AL (Sheely Center) a Binding Waiver of Enforcement (Waiver) of the Special Permit Provisions for Data Centers (Ordinance S-52435) - District 5** Page 685

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Items 68 - Continuance Memo.pdf

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Attachment B - VPC Summary - PHO-1-25--Z-29-12-7(5).pdf
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76 **(CONTINUED FROM NOVEMBER 19, 2025) - Public Hearing and Ordinance Adoption - Rezoning Application Z-29-A-14-1 (Metro North Corporate Park PUD) - Approximately 550 Feet South of the Southwest Corner of Thunderbird Road and Black Canyon Highway (Ordinance G-7450) - District 1** Page 706

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Attachment B - Staff Report - Z-29-A-14-1.pdf
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77 *****REQUEST TO CONTINUE (SEE ATTACHED MEMO)*** (CONTINUED FROM OCTOBER 15 AND NOVEMBER 5, 2025) - Public Hearing and Modification of Stipulation Request - Rezoning Application PHO-1-25--Z-323-79-6 - Northwest Corner of 24th Street and Missouri Avenue - District 6** Page 732

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Item 114 - Continuance Memo.pdf
Item 50 - Continuance Memo.pdf

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

000 CITIZEN COMMENTS

ADJOURN

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 1

Swearing In of Municipal Court Judges

Request to permit the swearing in of Municipal Court Judges.

Summary
Administer the oath of office for the Honorable Brett Hutchison and Honorable Christine Mulleneaux each to a four-year term as Judge of the Phoenix Municipal Court to expire on November 19, 2029.

Concurrence/Previous Council Action
On September 25, 2025, the Judicial Selection Advisory Board (JSAB) recommended approval to the Public Safety and Justice Subcommittee.

On November 5, 2025, the Public Safety and Justice Subcommittee recommended approval to the City Council by a vote of 4-0.

On November 19, 2025, the City Council approved appointment of Judge Hutchison and Judge Mulleneaux by a vote of 9-0.

Responsible Department
This item is submitted by Deputy City Manager Gina Montes and the City Council Office.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 2

Liquor License - Hopsology Taproom and Wine Bar - District 1

Request for a liquor license. Arizona State License Application 360416.

Summary

Applicant
Adam Vath, Agent

License Type
Series 3 - Microbrewery

Location
4925 W. Bell Road, Suite C-9
Zoning Classification: PSCOD
Council District: 1

This request is for a new liquor license for a microbrewery. This location is currently licensed for liquor sales with a Series 7 - Beer and Wine Bar, liquor license.

The 60-day limit for processing this application is December 6, 2025.

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

Other Active Liquor License Interest in Arizona
The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Hopsology Taproom and Wine Bar (Series 7)
4925 W. Bell Road, Suite C-9, Glendale
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:
"I currently hold a Series 7 liquor license maintaining an active liquor license demonstrates my reliability and commitment to operating within legal and regulatory frameworks. With 15 years of brewing experience, I have developed the technical expertise and business acumen necessary to responsibly hold and manage a liquor license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Our small-batch brewery will serve as a community gathering space and educational hub that enriches our local area in several meaningful ways: Community Education & Engagement: These programs will provide hands-on learning opportunities with our brewing classes. Charitable Commitment: The expansion of our brewery will allow us to increase our charitable contributions with our current charity tap. As a small-batch operation, we will contribute to the local economy while maintaining a personal, community-focused approach."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment A - Hopsology Taproom and Wine Bar - Data
Attachment B - Hopsology Taproom and Wine Bar - Map

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the City Clerk Department.

Liquor License Data: HOPSOLOGY TAPROOM AND WINE BAR

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	2	1
Beer and Wine Bar	7	1	1
Liquor Store	9	3	1
Beer and Wine Store	10	3	1
Restaurant	12	21	7

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	36.91	36.73
Violent Crimes	12.31	5.01	4.56

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

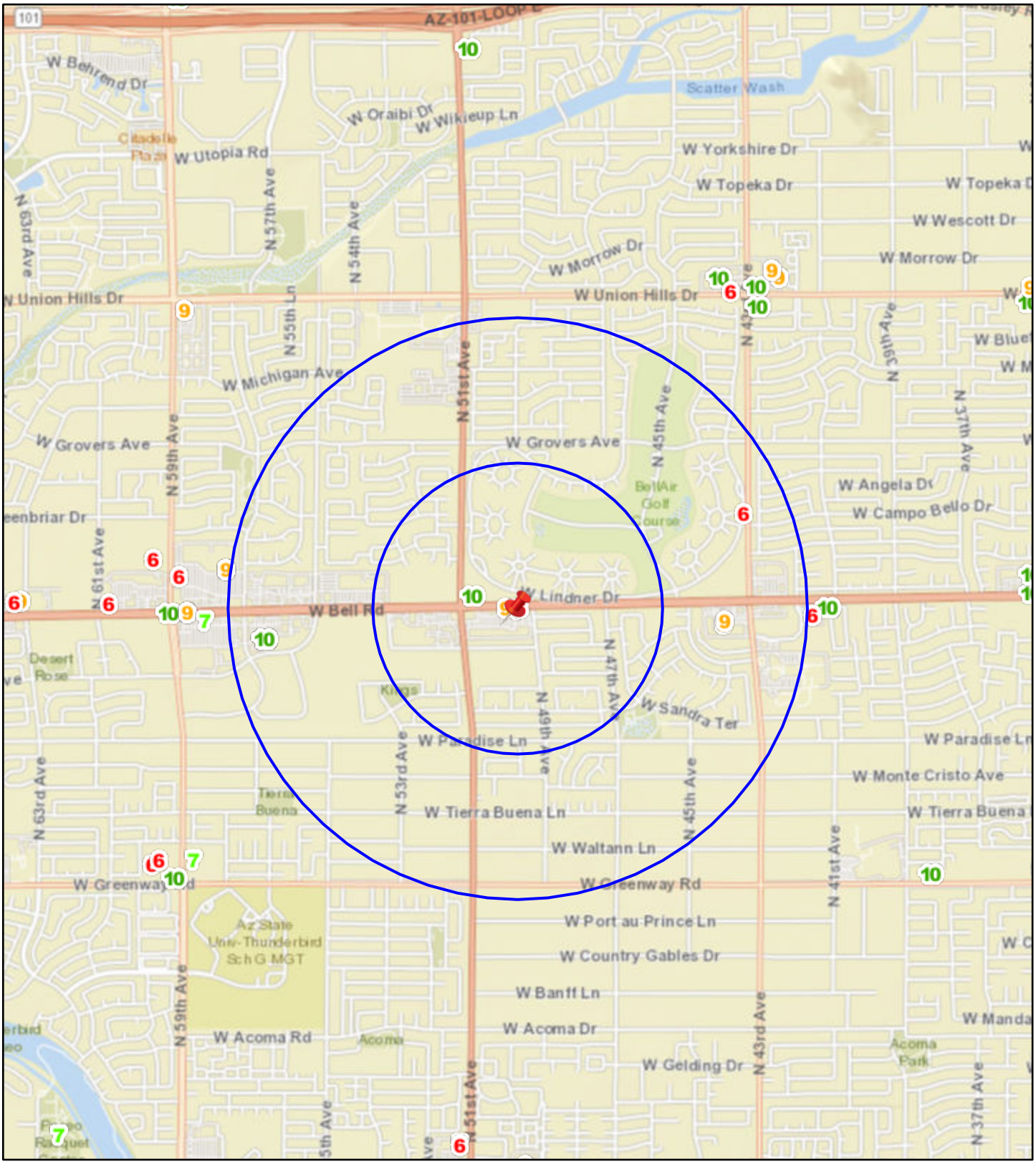
Description	Average	1/2 Mile Average
Parcels w/Violations	40	13
Total Violations	69	23

Census 2020 Data 1/2 Mile Radius

BlockGroup	2020 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1042142	990	310	26	265
1042251	1988	402	1	142
1042252	1012	346	32	21
1042253	805	272	12	65
6180001	2319	594	14	143
6181001	1908	536	20	61
Average	1601	393	60	177

Liquor License Map: HOPSOLOGY TAPROOM AND WINE BAR

4925 W BELL RD



Date: 11/18/2025

N

0 0.17 0.35 0.7 1.05 1.4 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 3

Liquor License - Serra Gaucha Happy Valley - District 1

Request for a liquor license. Arizona State License Application 362976.

Summary

Applicant
Nandino Beronja, Agent

License Type
Series 12 - Restaurant

Location
2460 W. Happy Valley Road, Ste. 1169
Zoning Classification: PUD/PCD
Council District: 1

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This business has plans to open in January 2026.

The 60-day limit for processing this application is December 14, 2025.

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

Other Active Liquor License Interest in Arizona
This information is 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.

Serra Gaucha Brazilian Steakhouse (Series 12)
16160 N. 83rd Avenue, Peoria
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I currently hold a liquor license with our first location, Serra Gaucha Brazilian Steakhouse for the past 9 years. It has given me invaluable insight on how to promote and sell alcohol safely, through employee training, upholding company standards and employee responsibility."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I believe it will the local area a new concept to a steak-house dining experience, it being a more 'dinner and show' with the gauchos slicing meats table side."

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
Attachment A - Serra Gaucha Happy Valley - Data
Attachment B - Serra Gaucha Happy Valley - Map

Responsible Department
This item is submitted by Deputy City Manager Alan Stephenson and the City Clerk Department.

Liquor License Data: SERRA GAUCHA HAPPY VALLEY

Liquor License

Description	Series	1 Mile	1/2 Mile
Wholesaler	4	2	0
Bar	6	4	3
Beer and Wine Bar	7	10	6
Liquor Store	9	8	4
Beer and Wine Store	10	7	6
Hotel	11	3	0
Restaurant	12	41	37

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	58.99	162.63
Violent Crimes	12.31	3.26	7.11

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

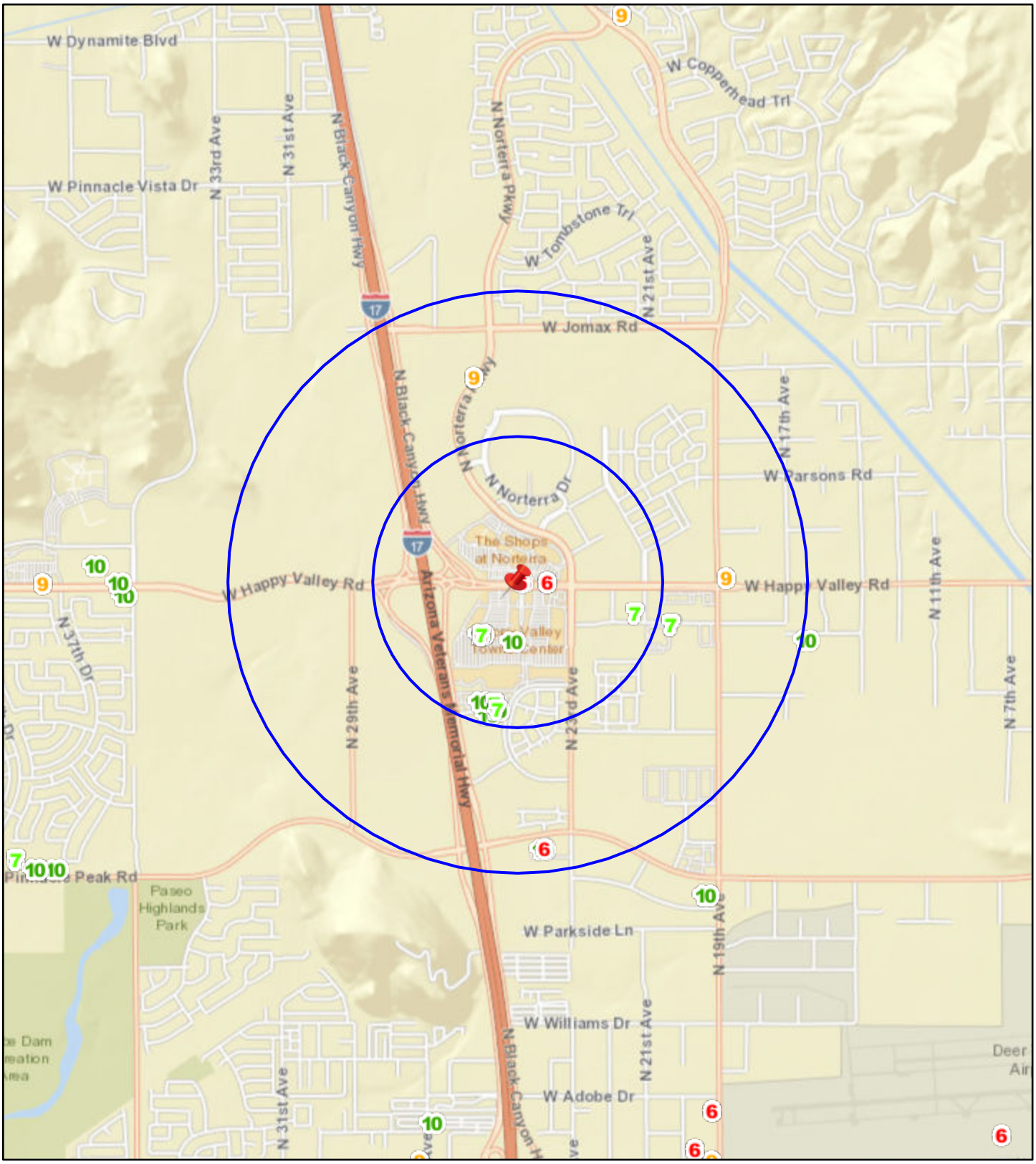
Description	Average	1/2 Mile Average
Parcels w/Violations	41	2
Total Violations	69	3

Census 2020 Data 1/2 Mile Radius

BlockGroup	2020 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
6119001	1987	449	11	33
6123012	3501	661	276	286
Average	1601	393	60	177

Liquor License Map: SERRA GAUCHA HAPPY VALLEY

2460 W HAPPY VALLEY RD



Date: 11/21/2025

N

0 0.17 0.35 0.7 1.05 1.4 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 4

Liquor License - Special Event - St. Francis Xavier Roman Catholic Parish Phoenix - District 4

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

Summary

Applicant
Mark Vinci

Location
4715 N. Central Avenue
Council District: 4

Function
Dinner

Date(s) - Time(s) / Expected Attendance
February 14, 2026 - 6 p.m. to 11 p.m. / 130 attendees

Staff Recommendation
Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 5

Liquor License - 2Cango Restaurant - District 4

Request for a liquor license. Arizona State License Application 360507.

Summary

Applicant
Theresa Morse, Agent

License Type
Series 12 - Restaurant

Location
4904 N. 19th Avenue
Zoning Classification: C-2 TOD-1
Council District: 4

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

The 60-day limit for processing this application is December 6, 2025.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The owner has two years experience in the liquor industry and no violations. The owners will ensure the employees as well as the owners attend Arizona liquor law training to prevent sales to obviously intoxicated patrons and prevent sales to underage."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The owners would like to add their unique restaurant to highlight food from their country and support the community. Although they have not had their grand opening, customers have come to the business and want to eat. They are asking if alcoholic alcoholic beverages will also be served to complement their food. The owners bake their own bread and other types of international cuisine."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment A - 2Cango Restaurant - Data
Attachment B - 2Cango Restaurant - Map

Responsible Department
This item is submitted by Deputy City Manager Alan Stephenson and the City Clerk Department.

Liquor License Data: 2CANGO RESTAURANT

Liquor License

Description	Series	1 Mile	1/2 Mile
Wholesaler	4	1	0
Bar	6	5	3
Liquor Store	9	8	4
Beer and Wine Store	10	10	3
Hotel	11	1	0
Restaurant	12	9	3

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	323.46	315.92
Violent Crimes	12.31	82.74	99.36

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

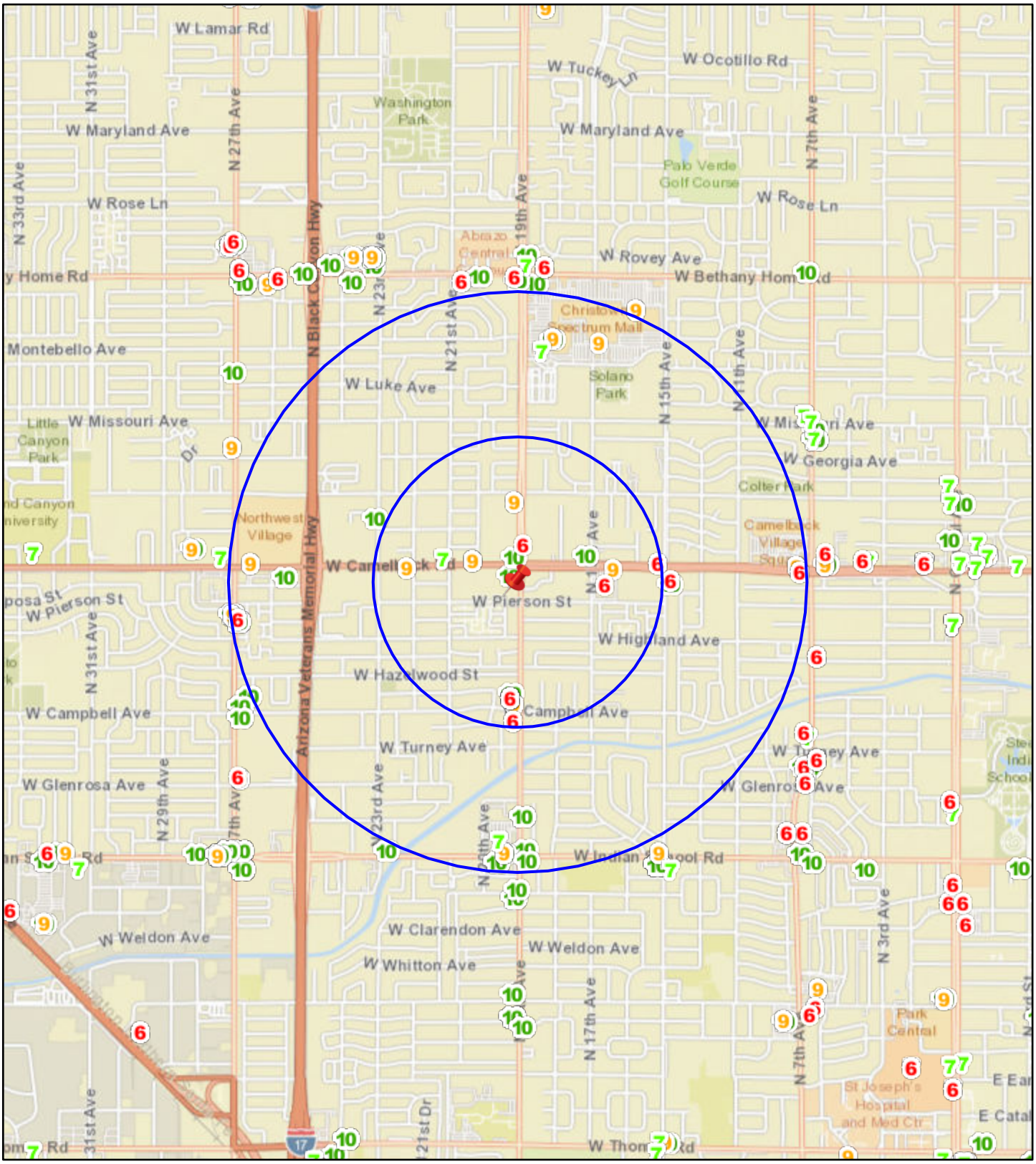
Description	Average	1/2 Mile Average
Parcels w/Violations	41	146
Total Violations	69	313

Census 2020 Data 1/2 Mile Radius

BlockGroup	2020 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1073002	1474	165	71	376
1073003	1581	76	29	244
1074021	1380	95	87	317
1074031	1441	173	36	913
1074032	899	195	110	45
1089021	1389	50	77	422
1089022	2020	344	30	553
1090021	1321	88	119	313
1090022	1779	47	64	421
1090023	806	238	4	241
1090032	2025	61	57	598
Average	1601	393	60	177

Liquor License Map: 2CANGO RESTAURANT

4904 N 19TH AVE



Date: 11/21/2025

N

0 0.17 0.35 0.7 1.05 1.4 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 6

Liquor License - El Tio Meat Market - District 4

Request for a liquor license. Arizona State License Application 362314.

Summary

Applicant
Hamde Shiha, Agent

License Type
Series 10 - Beer and Wine Store

Location
2848 N. 43rd Avenue
Zoning Classification: C-1
Council District: 4

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 60-day limit for processing this application is December 6, 2025.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am assured to uphold the laws and regulations about liquor license. I have never been involved in any criminal activity, no record of getting in trouble with law and authorities."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This store will provide a safe and secure place for the neighborhood to buy alcohol. The location will be convenient for the people in neighborhood who may not have access to transportation. Adding the long time experience of the working in liqour store while upholding all the laws and regulations, the store will be a safe, secure and convenience place for the customers to purchase quality liquor."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment A - El Tio Meat Market - Data
Attachment B - El Tio Meat Market - Map

Responsible Department
This item is submitted by Deputy City Manager Alan Stephenson and the City Clerk Department.

Liquor License Data: EL TIO MEAT MARKET

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	4	1
Beer and Wine Bar	7	1	1
Liquor Store	9	4	2
Beer and Wine Store	10	16	4
Restaurant	12	5	4

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	212.84	231.63
Violent Crimes	12.31	50.05	70.8

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

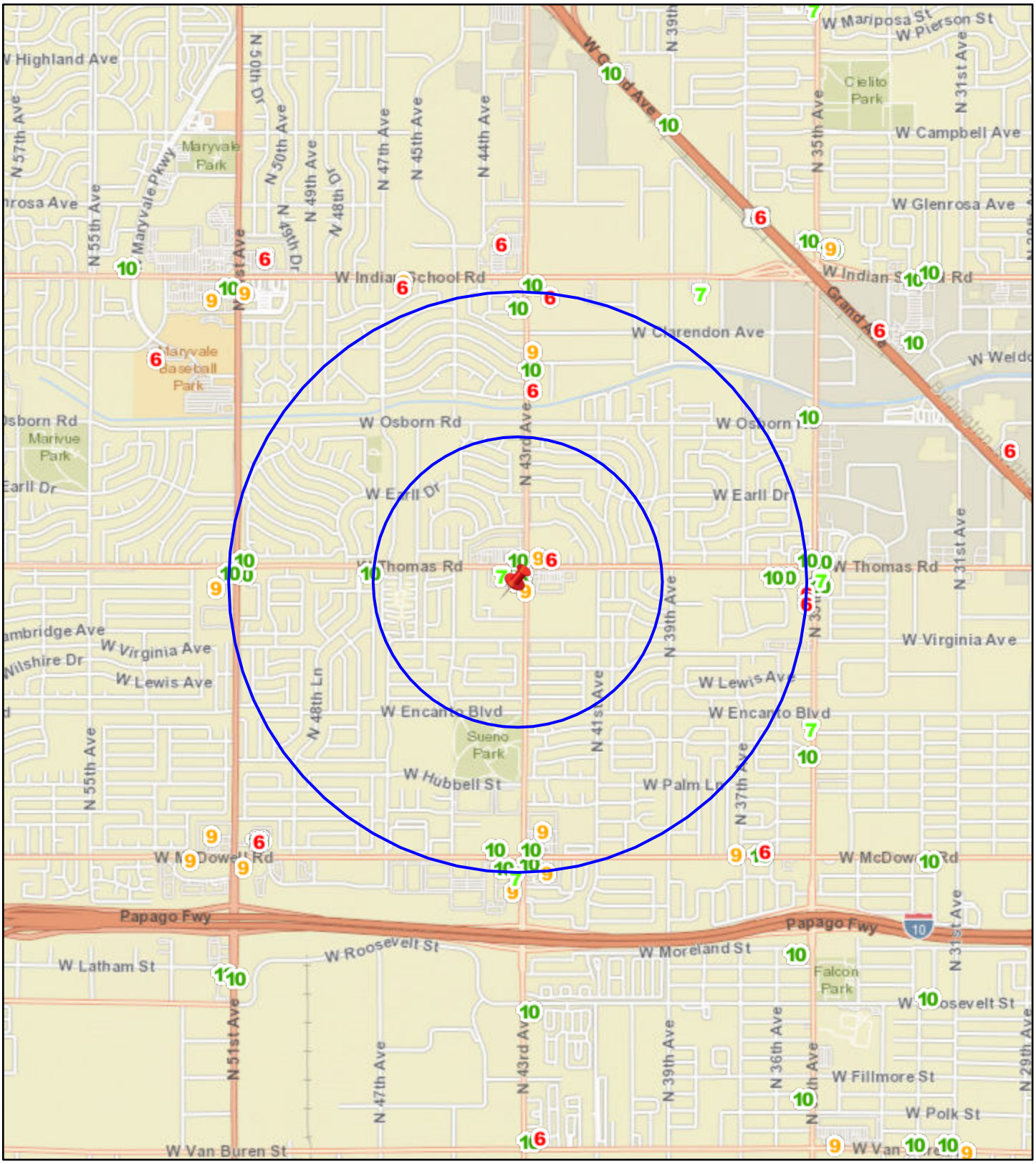
Description	Average	1/2 Mile Average
Parcels w/Violations	41	113
Total Violations	69	184

Census 2020 Data 1/2 Mile Radius

BlockGroup	2020 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1100012	2396	440	9	106
1101003	2856	362	7	499
1122011	1934	461	36	148
1122022	1573	317	10	110
1122023	1811	156	35	491
1123013	1965	399	6	60
1123023	1018	92	34	300
1123024	1449	0	134	473
1123025	1604	414	16	226
Average	1601	393	60	177

Liquor License Map: EL TIO MEAT MARKET

2848 N 43RD AVE



Date: 11/14/2025

N

0 0.17 0.35 0.7 1.05 1.4 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 7

Liquor License - Special Event - CASA Academy - District 5

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

Summary

Applicant
Tacey Cundy

Location
8047 N. 35th Avenue
Council District: 5

Function
Annual School Event

Date(s) - Time(s) / Expected Attendance
February 20, 2026 - 7 p.m. to 10 p.m. / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 8

Liquor License - Mountain Mike's Pizza Phx - District 5

Request for a liquor license. Arizona State License Application 361148.

Summary

Applicant
Nicholas Cabatingan, Agent

License Type
Series 12 - Restaurant

Location
1775 N. 99th Avenue, Ste. 100
Zoning Classification: PUD
Council District: 5

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

The 60-day limit for processing this application is December 15, 2025.

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

Other Active Liquor License Interest in Arizona
The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Mountain Mike's Pizza (Series 12)
13736 W. Bell Road, Ste. 4, Surprise
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have an opportuity to give back by providy jobs an community space. Our current location in Surprise has had no violations and through charity provided over $10,000 in funds to local 501(c)3 orgs."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We will provide entrey level employment and skill building opportunities to Pheonix youth. We also offer a wholsome place for familys to gather and celebrate an occasion."

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
Attachment A - Mountain Mike's Pizza Phx - Data
Attachment B - Mountain Mike's Pizza Phx - Map

Responsible Department
This item is submitted by Deputy City Manager Alan Stephenson and the City Clerk Department.

Liquor License Data: MOUNTAIN MIKE'S PIZZA PHX

Liquor License

Description	Series	1 Mile	1/2 Mile
Beer and Wine Bar	7	1	1
Beer and Wine Store	10	1	1
Hotel	11	1	1
Restaurant	12	1	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	26.53	15.18
Violent Crimes	12.31	4.24	2.54

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

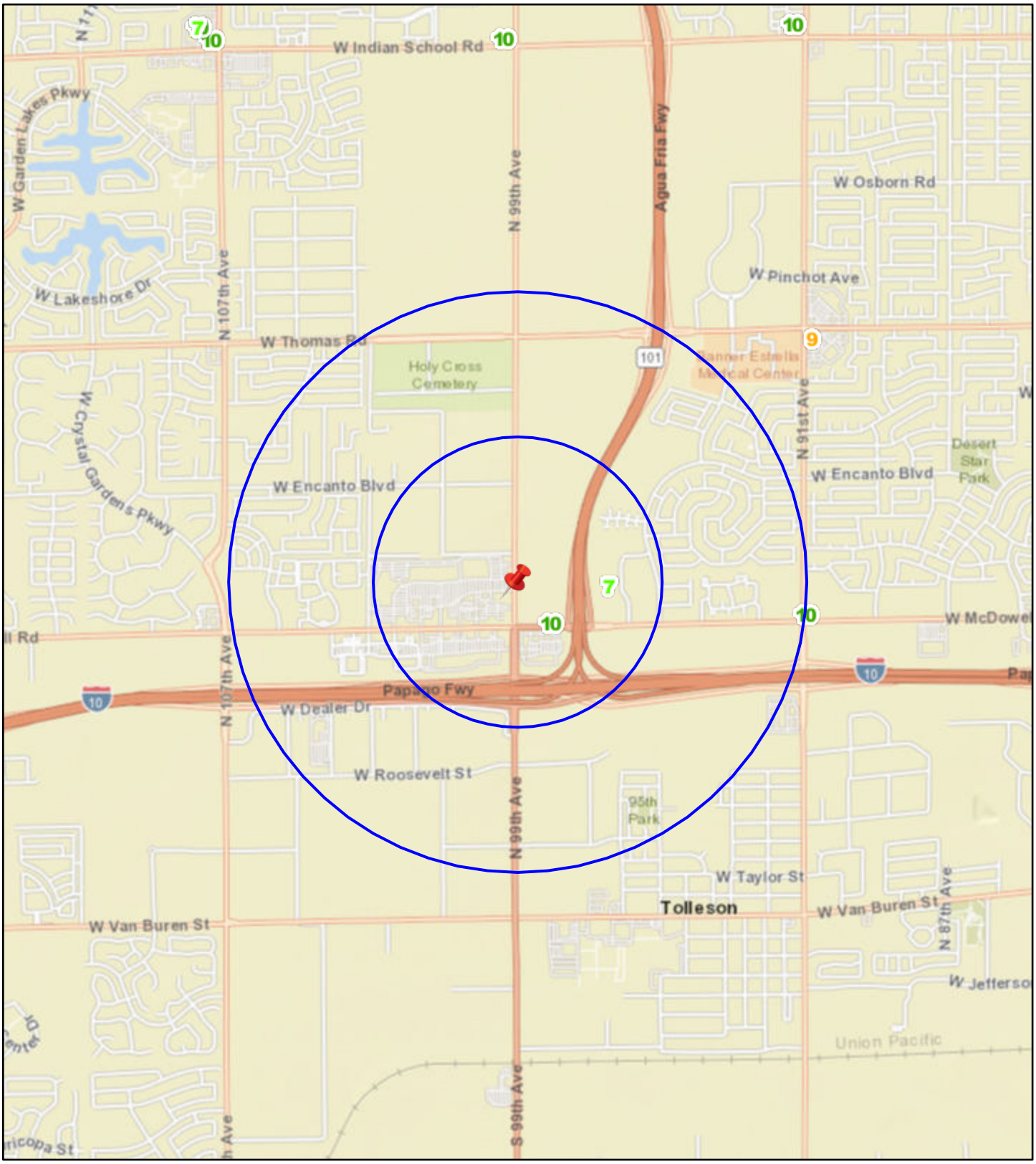
Description	Average	1/2 Mile Average
Parcels w/Violations	40	7
Total Violations	68	11

Census 2020 Data 1/2 Mile Radius

BlockGroup	2020 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
0820171	1887	192	18	229
0820172	0	0	0	0
0820173	3988	321	14	398
0820241	1305	279	32	111
0820242	3240	398	110	469
0820271	2208	260	99	274
0830002	2263	325	59	979
Average	1601	393	60	177

Liquor License Map: MOUNTAIN MIKE'S PIZZA PHX

1775 N 99TH AVE



Date: 10/22/2025

N

0 0.17 0.35 0.7 1.05 1.4 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 9

Liquor License - Fuzz Bot Brewing - District 6

Request for a liquor license. Arizona State License Application 364297.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 7 - Beer and Wine Bar

Location
5030 E. Ray Road, Ste. J-5
Zoning Classification: C-2 PCD
Council District: 6

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

The 60-day limit for processing this application is December 13, 2025.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Fuzz Bot brewery operates with a strong commitment to quality, compliance, and community responsibility. They have established clear operational procedures that ensure all aspects of production, service, and sales meet or exceed local and state alcohol regulations. Their management team hold the necessary experience and certifications related to alcohol service and safety, including staff training in responsible beverage service and age verification practices."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Fuzz Bot Brewing is dedicated to enhancing the local economy, culture, and community experience. They are more than a place to enjoy high-quality craft beer - they are a gathering space that supports local agriculture, artisans, and events."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment A - Fuzz Bot Brewing - Data
Attachment B - Fuzz Bot Brewing - Map

Responsible Department
This item is submitted by Deputy City Manager Alan Stephenson and the City Clerk Department.

Liquor License Data: FUZZ BOT BREWING

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	4	1
Beer and Wine Bar	7	8	4
Liquor Store	9	10	3
Beer and Wine Store	10	8	4
Hotel	11	2	1
Restaurant	12	39	20

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	74.52	187.26
Violent Crimes	12.31	7.69	15.39

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

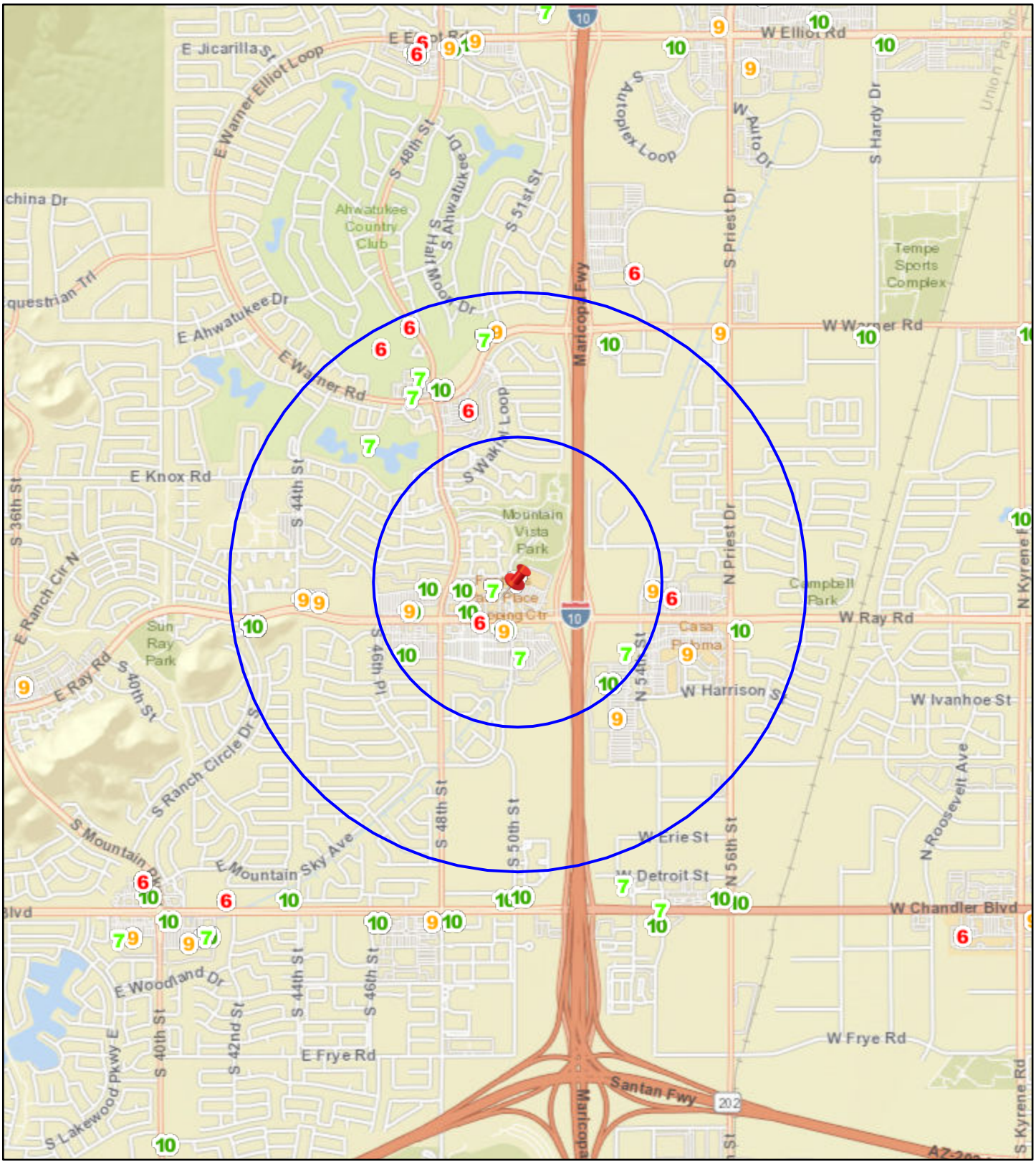
Description	Average	1/2 Mile Average
Parcels w/Violations	41	3
Total Violations	69	6

Census 2020 Data 1/2 Mile Radius

BlockGroup	2020 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1167171	2051	41	73	259
1167172	1387	296	20	76
1167181	1460	206	40	150
1167182	1174	257	50	188
1167192	1416	0	74	89
1167193	2092	331	14	70
8100001	3359	762	65	340
8104002	1072	257	54	286
Average	1601	393	60	177

Liquor License Map: FUZZ BOT BREWING

5030 E RAY RD



Date: 11/21/2025

N

0 0.17 0.35 0.7 1.05 1.4 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 10

Liquor License - Dilla Libre Tres Phoenix - District 7

Request for a liquor license. Arizona State License Application 364108.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
521 W. McDowell Road
Zoning Classification: C-2
Council District: 7

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

The 60-day limit for processing this application is December 9, 2025.

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

Other Active Liquor License Interest in Arizona
The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes information about any

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.

Dilla Libre Uno Phoenix (Series 12)
1339 E. Northern Avenue, Phoenix
Calls for police service: 1
Liquor license violations: None

Dilla Libre Dos Scottsdale (Series 12)
8018 E. Thomas Road, Ste. 1, Phoenix
Calls for police service: None
Liquor license violations: None

Public Opinion
Two valid letters protesting the issuance of this license were received and are on file in the Office of the City Clerk. The letters are from local residents who would like the applicant to comply with stipulations outlined in a good faith agreement submitted with the protest letters.

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 business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Opening it's third location in Arizona, Dilla Libre Tres Phoenix serves award-winning, high-quality, authentic Mexican cuisine. Applicant would like to continue the tradition of offering delicious, innovative dishes and would like to offer guests 21 and over the opportunity to order alcoholic beverages with the meals served."

Staff Recommendation
Staff gave careful consideration to the protest letters received, however after reviewing the application in its entirety, staff recommends approval of this application as submitted pursuant to Title 4 of Arizona Revised Statutes.

Attachments
Attachment A - Dilla Libre Tres Phoenix - Data
Attachment B - Dilla Libre Tres Phoenix - Map

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the City Clerk Department.

Liquor License Data: DILLA LIBRE TRES PHOENIX

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	4	1
Wholesaler	4	2	0
Government	5	5	1
Bar	6	19	1
Beer and Wine Bar	7	6	2
Liquor Store	9	2	0
Beer and Wine Store	10	11	3
Restaurant	12	60	10
Club	14	2	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	189.72	151.8
Violent Crimes	12.31	38.05	20.48

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

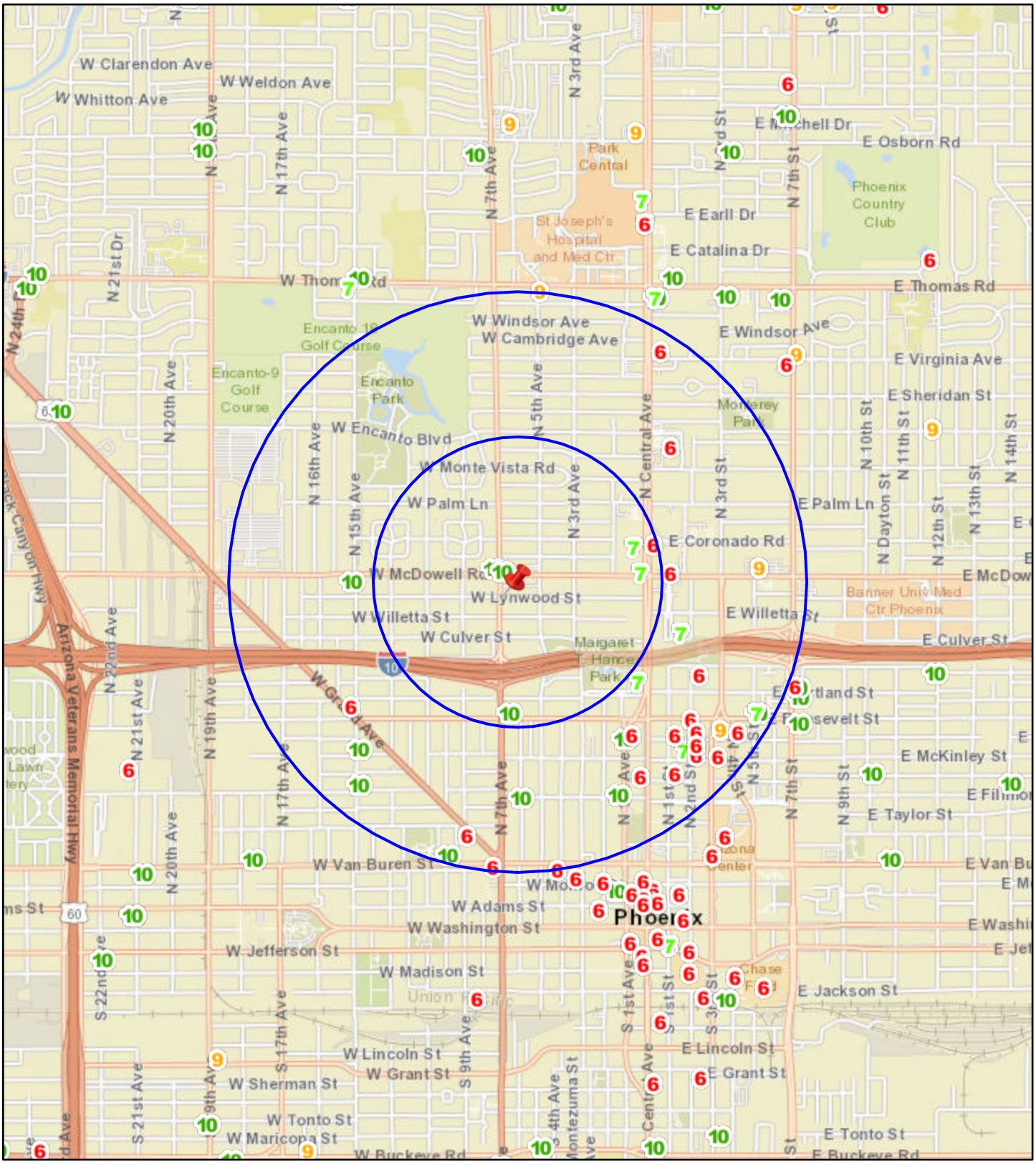
Description	Average	1/2 Mile Average
Parcels w/Violations	40	42
Total Violations	68	54

Census 2020 Data 1/2 Mile Radius

BlockGroup	2020 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1118002	846	361	100	89
1118004	1423	507	117	200
1119002	642	264	45	17
1129001	1399	521	53	62
1129002	671	102	83	94
1130001	2898	331	199	515
1130002	1364	179	221	139
1131001	1929	146	155	743
Average	1601	393	60	177

Liquor License Map: DILLA LIBRE TRES PHOENIX

521 W MCDOWELL RD



Date: 10/17/2025

N

0 0.17 0.35 0.7 1.05 1.4 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 11

Liquor License - Hatcher Beer and Smoke Shop LLC - District 3

Request for a liquor license. Arizona State License Application 361690.

Summary

Applicant
Rebhi Awawdah, Agent

License Type
Series 10 - Beer and Wine Store

Location
9501 N. 7th Street
Zoning Classification: C-2
Council District: 3

This request is for a new liquor license for a tobacco shop. This location was previously licensed for liquor sales with a Series 6 - Bar liquor license and does not have an interim permit.

The 60-day limit for processing this application is December 6, 2025.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion
One letter protesting the issuance of this license has been received and is on file in the Office of the City Clerk. The letter is from the PHX Luv Neighborhood Association. They are concerned about the existing number of beer and wine store and liquor store licenses in the area, and feel that adding this new license does not meet the need and convenience of the neighborhood. They believe that adding a new beer and wine store license with a smoke shop does not align with the neighborhoods current efforts to improve the community. They are also concerned that the issuance of this new license will have a negative effect on their ongoing efforts to reduce crime and blight in their community.

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:
"Growing my store trying to serve the community."

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

Staff Recommendation
Staff recommends disapproval of this application based on the neighborhood protest. Staff also notes that 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
Attachment A - Hatcher Beer and Smoke Shop LLC - Data
Attachment B - Hatcher Beer and Smoke Shop LLC - Map

Responsible Department
This item is submitted by Deputy City Manager Alan Stephenson and the City Clerk Department.

Liquor License Data: HATCHER BEER AND SMOKE SHOP LLC

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	1
Bar	6	3	0
Beer and Wine Bar	7	2	1
Liquor Store	9	4	3
Beer and Wine Store	10	10	4
Restaurant	12	10	4
Club	14	2	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	141.08	225.69
Violent Crimes	12.31	29.9	55.73

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

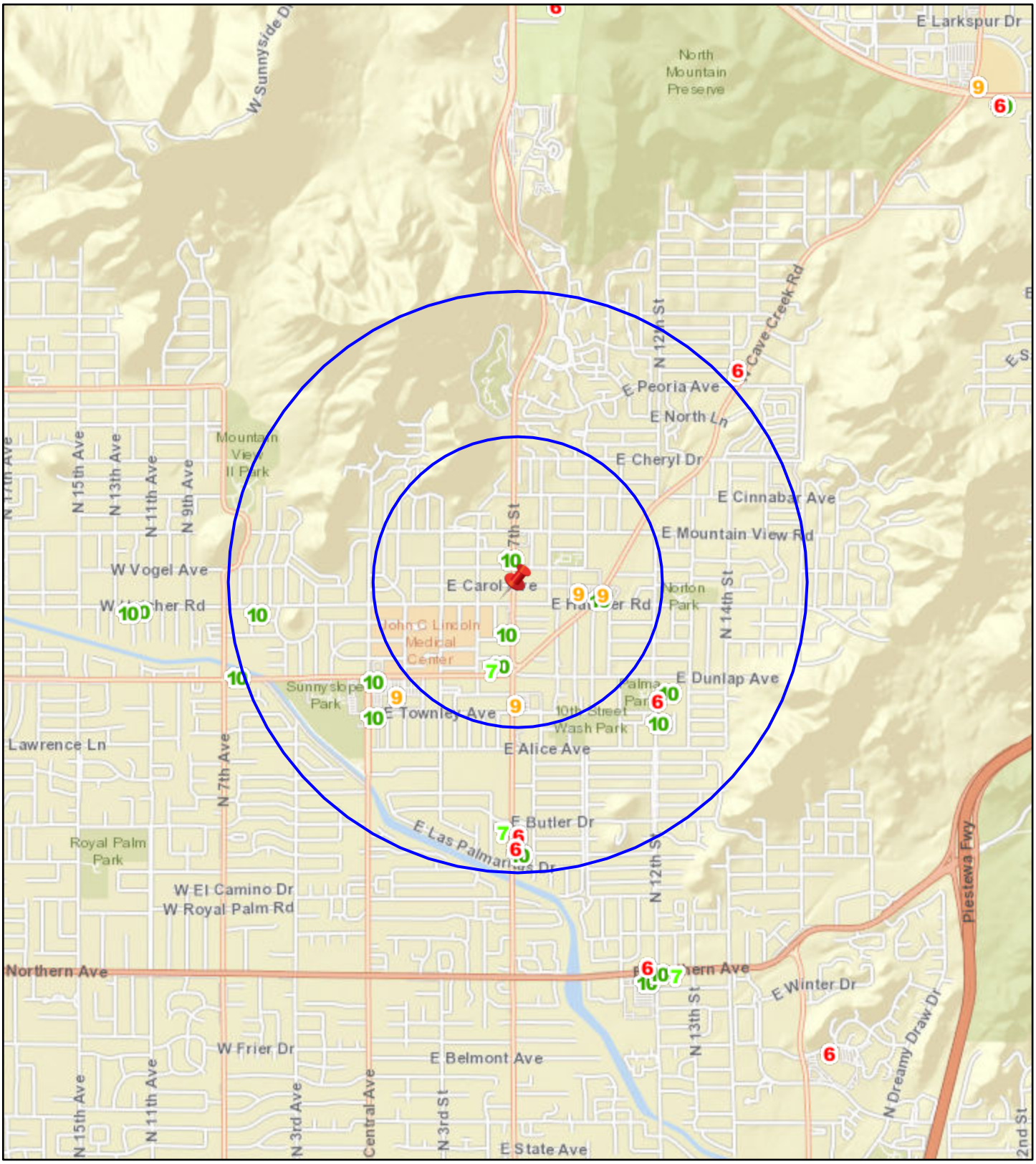
Description	Average	1/2 Mile Average
Parcels w/Violations	40	117
Total Violations	69	184

Census 2020 Data 1/2 Mile Radius

BlockGroup	2020 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1046001	2192	383	93	320
1046002	1075	138	91	338
1047011	1145	53	41	385
1047012	972	374	84	103
1047013	610	316	124	151
1047021	780	85	27	150
1047022	626	136	66	266
1047023	1801	298	77	294
1052003	1287	246	57	20
1053002	2247	273	65	285
Average	1601	393	60	177

Liquor License Map: HATCHER BEER AND SMOKE SHOP LLC

9501 N 7TH ST



Date: 11/3/2025

N

0 0.17 0.35 0.7 1.05 1.4 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 12

City of Glendale

For $33,000 in payment authority for outstanding services owed for base charges during the current Fiscal Year 2025-26 for Intergovernmental Agreement 123273 to provide water and treatment services to the Camelback Ranch area located within the boundaries of the City of Phoenix, but outside the City's water distribution system, for the Water Services Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 13

State of Arizona, Office of the Auditor General

For $75,000 in payment authority to reimburse the State of Arizona Auditor General for the annual Economic and Fiscal Impact Analysis of the Phoenix Convention Center (PCC). The analysis is required under Arizona Revised Statutes 9-626 to measure the effects of direct, indirect, and induced economic activity of the PCC expansion project and to meet obligations to qualify for the State's payment for its debt service. The Auditor General contracts an auditing firm to perform the annual study. The payment is for work to be completed in 2025 and 2026.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 14

Settlement of Claim(s) Gomez v. City of Phoenix

To make payment of up to $50,000 in settlement of claim(s) in *Gomez v. City of Phoenix*, CV2023-052565, 22-0392-002, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Public Works Department on July 5, 2022.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 15

Settlement of Claim(s) Rojas v. City of Phoenix

To make payment of up to $50,000, in settlement of claim(s) in *Rojas v. City of Phoenix*, CV2024-002078, 23-0377-001, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Police Department on May 14, 2023.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 16

Amend City Code Chapter 12, Article VII, Division 2 to Add Section 12-1504 Relating to Campaign Finance Reporting Requirements (Ordinance G-7460) - Citywide

Request to modify Phoenix City Code Chapter 12, Article VII, Division 2 to add new Section 12-1504, that outlines the campaign finance reporting requirements for Political Action Committees and Candidate Committees as required by State law, noting that the new reporting requirements apply to the City's election year, which is defined as the 12-month period beginning on April 1 through the following March 31.

Summary

SB1581, which was passed by the Arizona Legislature and enacted into law on May 2, 2025, changed the campaign finance reporting requirements for political action committees and candidate committees. The changes for candidate committees assume all jurisdictions hold their primary (1st) and general (2nd) elections in the same calendar year. However, the City of Phoenix 1st (primary) election is held in November of even-numbered years and the 2nd (general) election is held in March of odd-numbered years. Therefore, the changes made by SB1581 for candidate committees do not work for City of Phoenix elections. To remedy this issue, and to comply with the legislature’s intent, staff recommends amending the Phoenix City Code **(Attachment A)** to add the changes made by SB1581, but applying them to the City’s election year which begins on April 1 and ends on March 31, instead of a regular calendar year (January-December).

Financial Impact

There is no financial impact to the City.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the City Clerk Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL ADOPTED ORDINANCE

ORDINANCE G-XXXX

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE VII, DIVISION 2 OF THE PHOENIX CITY CODE BY ADDING SECTION 12-1504 RELATING TO CAMPAIGN FINANCE REPORTING REQUIREMENTS FOR POLITICAL ACTION COMMITTEES AND CANDIDATE COMMITTEES.

_____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. That the Arizona State Legislature passed and the Governor signed and enacted into law on May 2, 2025, Senate Bill 1581 amending Section 16-927 of the Arizona Revised Statutes relating to campaign finance contributions and expenses. The changes to the campaign finance reporting requirements mandated by Senate Bill 1581 assume all jurisdictions hold their primary and general election in the same calendar year. The City of Phoenix does not. To address this issue and remain compliant with the legislative intent of Senate Bill 1581, Chapter 12, Article VII, Division 2 of the Phoenix City Code is hereby amended to add Section 12-1504 to read as follows:

DIVISION 2. CAMPAIGN FINANCE

12-1504. CAMPAIGN FINANCE REPORTING PERIOD.

A. FOR THE PURPOSES OF THIS SUBSECTION, AN ELECTION YEAR SHALL BE DEFINED AS THE 12-MONTH PERIOD BEGINNING ON APRIL 1

DRAFT

THROUGH THE FOLLOWING MARCH 31.

B. A POLITICAL ACTION COMMITTEE SHALL FILE A CAMPAIGN FINANCE REPORT IN EACH ELECTION YEAR COVERING EACH REPORTING PERIOD AS FOLLOWS:

1. FOR A CALENDAR QUARTER WITHOUT AN ELECTION, THE POLITICAL ACTION COMMITTEE SHALL FILE A QUARTERLY REPORT. THE QUARTERLY REPORT SHALL BE:

(A) FILED NOT LATER THAN THE FIFTEENTH DAY OF THE MONTH AFTER THE CALENDAR QUARTER.

(B) COMPLETE THROUGH THE LAST DAY OF THE CALENDAR QUARTER.

2. FOR A CALENDAR QUARTER WITH AN ELECTION, THE POLITICAL ACTION COMMITTEE SHALL FILE A PREELECTION AND POSTELECTION REPORT AS FOLLOWS:

(A) A PREELECTION REPORT SHALL BE:

(i) FILED NOT LATER THAN FIFTEEN DAYS BEFORE THE ELECTION.

(ii) COMPLETE FROM THE FIRST DAY OF THE APPLICABLE CALENDAR QUARTER THROUGH THE SEVENTEENTH DAY BEFORE THE ELECTION.

(B) A POSTELECTION REPORT SHALL BE:

(i) FILED NOT LATER THAN THE FIFTEENTH DAY AFTER THE APPLICABLE CALENDAR QUARTER.

(ii) COMPLETE FROM THE SIXTEENTH DAY BEFORE THE ELECTION THROUGH THE LAST DAY OF THE APPLICABLE CALENDAR QUARTER.

C. A CANDIDATE COMMITTEE SHALL FILE CAMPAIGN FINANCE REPORTS COVERING EACH REPORTING PERIOD AS FOLLOWS:

1. AN ANNUAL REPORT THAT IS FILED FOR EACH YEAR OTHER THAN THE ELECTION YEAR OF THE SECOND (GENERAL) ELECTION FOR THE OFFICE THAT THE CANDIDATE IS SEEKING. AN ANNUAL REPORT SHALL BE

DRAFT

COMPLETE THROUGH THE END OF THE ELECTION YEAR AND SHALL BE FILED NO LATER THAN APRIL 15TH.

2. A QUARTERLY REPORT THAT IS FILED FOR EACH CALENDAR QUARTER IN AN ELECTION YEAR WHERE A SECOND (GENERAL) ELECTION MAY TAKE PLACE AND THE CANDIDATE IS SEEKING OFFICE. A QUARTERLY REPORT SHALL BE FILED NOT LATER THAN THE FIFTEENTH DAY OF THE MONTH AFTER THE CALENDAR QUARTER.

3. IN ADDITION TO THE QUARTERLY REPORTS FOR THE ELECTION YEAR OF THE SECOND (GENERAL) ELECTION FOR THE OFFICE THAT THE CANDIDATE IS SEEKING AS PRESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION, A POSTPRIMARY REPORT SHALL BE COMPLETE THROUGH THE PRIMARY ELECTION AND SHALL BE FILED NOT LATER THAN FIFTEEN DAYS AFTER THE PRIMARY ELECTION. FOR CITY ELECTIONS, THE PRIMARY ELECTION IS THE FIRST ELECTION HELD IN NOVEMBER OF THE EVEN-NUMBERED YEAR.

D. THE REPORTING PERIOD FOR A CANDIDATE COMMITTEE'S FIRST CAMPAIGN FINANCE REPORT OF THE ELECTION CYCLE SHALL INCLUDE THE ENTIRE ELECTION CYCLE TO DATE.

E. A COMMITTEE SHALL FILE CAMPAIGN FINANCE REPORTS UNTIL TERMINATED.

PASSED by the Council of the City of Phoenix this ___ day of _____, 2025.

_____
MAYOR

_____
Date

ATTEST:

_____
Denise Archibald, City Clerk

DRAFT

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

_____
Deryck R. Lavelle
Chief Assistant City Attorney

REVIEWED BY:

_____
Ed Zuercher, City Manager

DRAFT

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 17

Acquisition of Easements for the 16th Street and Ardmore Road Hohokam Drainage Basin I Project (Ordinance S-52446) - District 8

Request to authorize the City Manager, or designee, to acquire easements either by donation, purchase within the City's appraised value, purchase at a settlement amount arrived through mediation and determined by the City Manager or designee to be reasonable under the circumstances, or by the power of eminent domain, for the 16th Street and Ardmore Road Hohokam Drainage Basin I Project. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Acquisition of easements are required for construction of a storm drain system which includes a high capacity drop inlet and graded basins to effectively capture floodwater. The collected flow will be conveyed through the storm drain and discharged at the southeast corner of the proposed detention basins.

The parcels affected by this project are 1701 E. Dobbins Road and 1623 E. Pickrell Drive, identified by Maricopa County Assessor's parcel numbers 301-37-009 and 301-35-033.

Financial Impact

Funding for this project is available in the Street Transportation Department's Capital Improvement Program budget.

Location

East Dobbins Road and South 16th Street
Council District: 8

Responsible Department

This item is submitted by City Manager Ed Zuercher, the City Engineer, and the Street Transportation and Finance departments.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 18

Acquisition of Easements for the Basin 5 - Circle K Park Project (Ordinance S-52448) - District 8

Request to authorize the City Manager, or his designee, to acquire easements either by donation, purchase within the City's appraised value, purchase at a settlement amount arrived through mediation and determined by the City Manager or designee to be reasonable under the circumstances, or by the power of eminent domain, for the Basin 5 - Circle K Park Project. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Acquisition of easements are required to alleviate drainage issues in the area. Highline Canal Park will be redeveloped to incorporate a detention basin, which will serve as the outfall for three future storm drain systems.

The parcel affected by this project and included in this request is located at 1307 E. Pedro Drive, identified by Maricopa County Assessor's parcel number 300-37-514.

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program budget.

Location

South of Euclid Avenue, between 7th and 14th streets.
Council District: 8

Responsible Department

This item is submitted by City Manager Ed Zuercher and the Street Transportation and Finance departments.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 19

Acquisition of Easements for the 14th-15th Street Storm Drain Project (Ordinance S-52449) - District 8

Request to authorize the City Manager, or his designee, to acquire easements by donation, purchase within the City's appraised value, or by the power of eminent domain required for the 14th to 15th Street Storm Drain Project. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The acquisition of easements is required to alleviate drainage issues in the area. A storm drain and a high-capacity inlet will be constructed to capture runoff from the mountains prior to 15th Street and Dobbins Road. The storm drain will discharge flow to the southeast corner of the proposed detention Basin 5 at Circle K Park.

The parcels affected by this project are identified in **Attachment A**.

Financial Impact

Funding is available from the Street Transportation Department's Capital Improvement Program budget, using General Obligation Bonds.

Location

South of Euclid Avenue, between 14th Street and 16th Street.
Council District: 8

Responsible Department

This item is submitted by City Manager Ed Zuercher, the City Engineer, and the Street Transportation and Finance departments.

Attachment A
Property Identification

City of Phoenix Storm Drain Project:
Acquisition of Easements for the 14th-15th Street Storm Drain Project

The following improved and/or unimproved parcels affected by acquisition and included in this request are identified by the Maricopa County Assessor's parcel number (APN) and the address or location.

APN	Address / Location
300-39-262	Northeast Corner of South 14th Street and East Dobbins Road
300-39-263	Southeast Corner of South 14th Street and East Euclid Avenue
300-72-026D	9415 S. 15th Street
300-73-027A	1433 E. La Mirada Drive

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 20

Acceptance of an Easement for Drainage Purposes (Ordinance S-52451) - District 1

Request for the City Council to accept an easement for drainage purposes; further ordering the ordinance recorded. Legal descriptions are recorded via separate recording instrument.

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.

Easements
MCR: 20250594085
Applicant and Grantor: 15 Alameda, LLC; its successor and assigns
Date: October 14, 2025
Purpose: Drainage
Location: West of the northwest corner of N. 15th Avenue and W. Alameda Road
APN: 210-07-025C
File: FN 250027
Council District: 1

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development and Finance departments.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 21

Acceptance of an Easement for Public Utility Purposes (Ordinance S-52463) - District 4

Request for the City Council to accept an easement for public utility purposes; further ordering the ordinance recorded. Legal description is recorded via separate recording instrument.

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
MCR: 20250614219
Applicant and Grantor: DAP Management Group, LLC; its successor and assigns
Date: October 23, 2025
Purpose: Public Utility
Location: 4610 N. 7th Avenue
APN: 155-37-001A; 155-37-097B
File: 250023
Council District: 4

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development and Finance departments.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 22

Loop Detector Installation Services Contract - IFB 26-0049 - Request for Award (Ordinance S-52461) - Citywide

Request to authorize the City Manager, or his designee, to enter into a contract with Kimbrell Electric, Inc. to provide Loop Detector Installation Services for the Street Transportation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $12,500,000.

Summary
This contract will provide the labor, materials and equipment required for the installation of new and replacement traffic detection sensor loops throughout the City. The underground magnetic sensors detect vehicles at signalized intersections, improving traffic signal timing to provide for the safe, efficient and convenient movement of people and goods on City streets.

Procurement Information
An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

One vendor submitted a bid deemed to be responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendor:

Selected Bidder
Kimbrell Electric, Inc.

Contract Term
The contract will begin on or about December 3, 2025, for a five-year term with no options to extend.

Financial Impact
The aggregate contract value will not exceed $12,500,000. Funding is available in the Street Transportation Department's operating budget.

Responsible Department

This item is submitted by City Manager Ed Zuercher and the Street Transportation Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** *23

ADDITIONAL INFORMATION (SEE ATTACHMENTS) Union Comments on Proposed Changes to Memoranda of Understanding - Citywide

Under the terms of the Meet and Confer Ordinance, employee organizations are afforded an opportunity to comment after having submitted proposed changes to existing Memoranda of Understanding (MOUs) by December 1, 2025.

This item on the agenda allows the unions to inform the City Council as to their priorities, concerns, and general goals for the Meet and Confer process.

The Meet and Confer Ordinance also requires that the public be given an opportunity to make comments on the union proposals at the December 17, 2025, City Council meeting.

Responsible Department

This item is submitted by Deputy City Manager David Mathews and the Human Resources Department.

City of Phoenix

To: David Mathews
Deputy City Manager

Date: December 1, 2025

From: Jason Perkiser
Human Resources Director

Subject: ADDITIONAL INFORMATION FOR ITEM #23 ON THE DECEMBER 3, 2025, FORMAL MEETING AGENDA

The purpose of this memo is to provide additional information for Item #23 on the December 3, 2025, Formal City Council agenda. Attached is the following documentation the City received regarding the December 1 deadline established for authorized employee organizations (Unions) to submit their proposed memorandum of understanding. As outlined in Article VXII, Chapter 2, section 218, of the City Code, the Unions may present their proposals at the December 3, 2025, City Council Formal Meeting. An item will also be placed on the December 17, 2025, City Council Formal Meeting agenda for the public to comment on the proposals.

- Unit 1 – LIUNA Local 777
- Unit 2 – AFSCME Local 2384
- Unit 3 – AFSCME Local 2960
- Unit 4 – PLEA
- Unit 5 – IAFF

Approval: _____ Date: 12-1-25

David Mathews
Deputy City Manager

C: Ed Zuercher, City Manager
Lori Bays, Assistant City Manager

Laborers' International Union of North America

LiUNA! Local 777 *Feel the Power*

November 19, 2025

Ed Zuercher
City Manager
City of Phoenix
135 North Second Ave.
Phoenix, AZ 85003

Dear Mr. Zuercher,

This is to provide you with a list of the items on which we intend to submit proposed language changes to be included in a successor agreement between the City of Phoenix and LIUNA Local 777.

In addition to proposals related to wages and benefits, LIUNA anticipates submitting proposed language changes to the following sections of the current MOU:

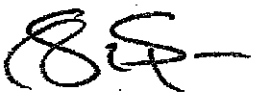
Sect. 1-5, F, V
Sect. 1-5, F (coaching/supervisory counseling)
Sect. 1-7
Sect. 2-1, F
Sect. 3-2
Sect. 3-3
Sect. 3-8
Sect. 3-13, A
Sect. 4-4, C
Sect. 4-5
Sect. 4-6

California Office 4000 10th Street • Riverside, California 92501 • T 951-682-4590 • F 951-682-4592
Arizona Office 1401 E. Washington Street • Phoenix, Arizona 85034 • T 602-253-3310 • F 602-340-1610

Visit us at: www.liuna777.org :: Become a fan at www.facebook.com :: Follow us at www.twitter.com

Please feel free to contact me with any questions, and Mike and I are looking forward to our meeting next month.

Sincerely,



Stephen Switzer

This is an addendum to our letter to the city manager dated 11/19/25

160785--0

MEMORANDUM OF UNDERSTANDING

2024 – 2026

BETWEEN

LABORERS' INTERNATIONAL UNION

OF NORTH AMERICA,

LOCAL 777, AFL-CIO

AND

CITY OF PHOENIX

REPRESENTING FIELD UNIT I EMPLOYEES

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PREAMBLE

Whereas the well-being and morale of employees of the City are benefited by providing employees an opportunity to participate in the formulation of policies and practices affecting the wages, hours and working conditions of their employment; and

Whereas the parties hereby acknowledge that the provisions of this Memorandum of Understanding (hereinafter "Memorandum") are not intended to abrogate the authority and responsibility of City government provided for under the statutes of the State of Arizona or the charter or ordinances of the City except as expressly and lawfully modified herein; and

Whereas the parties agree that the Phoenix Employment Relations Board (PERB) unit certification reflects that there exists a clear and identifiable community of interest among employees covered by this Memorandum; and

Whereas the parties, through their designated representatives, met and conferred in good faith pursuant to the Meet and Confer Ordinance in order to reach agreement concerning wages, hours, and working conditions of employees in Field Unit I; and

Whereas it is understood by the parties that any hours or fractions of hours spent outside the employee's work shift in pursuit of rights and benefits provided by this Memorandum, shall not be counted as hours or time worked for the purpose of calculating and paying overtime;

Now therefore, the City of Phoenix, hereinafter referred to as the "City" and Laborers' International Union of North America, Local 777, AFL-CIO, hereinafter referred to as the "Union", having reached this complete agreement concerning wages, hours and working conditions for the term specified, the parties submit this Memorandum to the City Council of the City of Phoenix with their joint recommendation that the body resolve to adopt its terms.

ARTICLE 1: RIGHTS

Section 1-1. Purpose

It is the purpose of this Memorandum of Understanding (hereinafter "MOU") to continue and maintain harmonious relations, cooperation and understanding between the City and its employees; and to set forth the full and entire understanding of the parties reached as a result of good faith meeting and conferring regarding wages, hours, terms and conditions of employment of the employees covered hereby, which understanding the parties intend jointly to submit and recommend for approval and implementation to the Mayor and City Council.

Section 1-2. Recognition

The City of Phoenix recognizes Laborers' International Union of North America, Local 777, AFL-CIO, (hereinafter "Union") as the sole and exclusive meet and confer agent pursuant to the Meet and Confer Ordinance for all regular employees in positions as certified or hereafter certified by the Phoenix Employment Relations Board (PERB) as constituting Field Unit I. This includes the following positions in Unit I:

All regular full-time and part-time field employees employed by the following City of Phoenix Departments: (1) City Clerk – Mail Room, (2) Human Services – Laborers, (3) Parks & Recreation – Division Operations, Sports and Turf Management, Specialized Maintenance, and Aquatics Division, (4) Public Works – Solid Waste Collections and Disposal Divisions, Landfill Operations and Transfer Stations, and (**5**) Street Transportation – Street Maintenance Division, Sign Manufacturing, Street Marking and Parking Meter Sections.

Whenever any words used herein in the masculine, feminine or neuter, they shall be construed as though they were also used in another gender in all cases where they would so apply.

The City will notify the Union, in writing, 30 calendar days in advance before any new position or classification is placed permanently within Unit 1. The parties agree to consult on the inclusion or exclusion of new classification(s) in Unit I and will thereafter refer any such matter to PERB for appropriate action.

If any conflict exists between the language in the Administrative Regulations or employment/department rule and the language of this MOU, the MOU shall prevail.

Section 1-3. City and Department Rights

A. The Union recognizes that the City has and will continue to retain, whether exercised or not, the sole and exclusive right to operate, administer and manage its municipal services and work force performing those services in all respects except as expressly modified by this MOU.

B. The City Manager and Department Heads have and will continue to retain exclusive decision-making authority on matters not officially and expressly modified by specific provisions of this MOU, and such decision making shall not be in any way, directly or indirectly, subject to the grievance procedure contained herein.

C. The exclusive rights of the City shall include, but not be limited to, the right to determine the organization of City government and the purpose and mission of its constituent agencies, to set standards of service to be offered to the public, and through its management officials to exercise control and discretion over its organization and operations, to establish and effect Administrative Regulations and employment rules and regulations, consistent with law and the specific provisions of this MOU to direct its employees, to take disciplinary action for just cause, to relieve its employees from duty because of lack of work or for other legitimate reasons **(examples include, but are not limited to, At-Home Administrative Work Assignments, pending return-to work drug test, non-paid leave status, etc.)**, to determine the methods, means and personnel by which the City's services are to be provided, including the right to schedule and assign work and overtime, and to otherwise act in the interest of efficient service to the community. Nothing herein shall be construed to diminish the rights of the City under the Meet and Confer Ordinance.

Section 1-4: Union Rights

A. No employee shall suffer reprisal for the exercise of rights granted by this MOU.

B. Union Release

The Phoenix community benefits from harmonious and cooperative relationships between the City and its employees. The City and LIUNA Local 777 have negotiated full-time release positions, and release hours, as an efficient and readily available point of contact for addressing labor-management concerns. Examples of work performed by the release positions in support of the City include ensuring representation for unit employees during administrative investigations and

grievance/disciplinary appeal meetings with management; participating in collaborative labor-management initiatives that benefit the City and the unit employees; serving on City and departmental task forces and committees; facilitating effective communication between City and Department management and unit employees; assisting unit employees in understanding and following work rules; and administering the provisions of the Memorandum of Understanding. The cost to the City for these release positions, including all benefits, has been charged as part of the total compensation contained in this agreement in lieu of wages and benefits.

1. Full-Time Release Positions

Three (3) persons designated as official full-time release Union representative for the unit shall be allowed up to 2,080 work hours for each representative per MOU year to engage in lawful Union activities pursuant to and consistent with this MOU. The full-time release positions agree to be bound by all City rules and regulations. Time used for this purpose in excess of 2,080 hours for each representative shall be at the expense of the Union and the Union shall reimburse the City at the employee's hourly rate of pay. The City will pay the employee's full-time fringe benefits.

The Union shall notify Labor Relations and the appropriate Human Resources Liaison 5 working days in advance when requesting release time for the above official designated Union representatives.

The Union will submit quarterly reports to the Labor Relations Division documenting the regular work schedules of the release positions and any leave used during the quarter.

Upon return from full-time release, the official Union representative shall be reinstated to their original location/yard and schedule. If the previous location **is** no longer available, then the employee will have their choice of location/yard and schedule based on availability and operational need as determined by the department. Once at the location/yard the employee will, if applicable, receive an available assignment of route, truck and partner. They will then have an opportunity to participate in the next future transfer process in accordance with the department's transfer policy. In addition, any approved leave time the employee had scheduled prior to their return to their department shall be honored by the department.

The City will provide 3 parking cards to the Union.

2. Union Stewards

The Union may designate 45 Union members as stewards and shall notify the Labor Relations Administrator of such designations. There shall be no obligation on the City to change or adjust normal departmental scheduling or assignments of personnel as a result of such designations. Such designations shall be made from amongst Union members regularly working at the job sites within the proximate geographic area where they are intended to provide representation. The Union shall endeavor to be equitable in the distribution of its stewards.

a) One such representative from the Grievant's home department may, after the Grievant and the supervisor were unable to resolve the matter informally (Article 2, Section 2-1-A), when the Union is designated by a Grievant as his representative, attend mutually scheduled grievance meetings and hearings with department representatives without loss of pay or benefits. Paid release time used for any other purpose, such as gathering information, interviewing the grievant or witnesses, or preparing a presentation shall be charged against the bank of Union release hours (Section 1-4 D).

b) City employees who are on duty and are, either witnesses, charging parties, appellants or grievants and the shop steward representing any such employee from the employee's home department, may attend grievance, Civil Service, Phoenix Employment Relations Board (P.E.R.B.) and department Accident Review Board meetings on City time provided 1) it is for their particular case which is either scheduled or on the public meeting agenda for that date and time and 2) Once a witness testimony has been concluded, or if a grievant, charging party or appellant once that agenda item has been completed or the grievance meeting concluded, unless they have made other arrangements in advance with their immediate supervisors approval, they will promptly return to work. Management reserves the right to restrict the number of witnesses who can be off of the job at any one time but will cooperate in rotating witnesses from the workplace so as to minimize the impact to operations and service to the public. For group grievances the group will be allowed to select no more than two non-witness grievant representatives to attend the proceeding. These do not have to be the same group grievant representative for each step or meeting of the entire proceeding. As a matter of courtesy, employees will give management as much notice as possible.

c) Union designated representatives shall be admitted to the buildings and grounds of the City for the purpose of assisting in the adjustment of grievances

and other official Union business, so long as such will not, in any manner, interfere with any work operation or the safety and security of any work site. Such representative will check in with the supervisor involved and will be required to conform with the operational and safety regulations and procedures as directed by the supervisor.

3. Bank of Union Release Hours

The Union will be allowed, subject to operational and scheduling factors and 4 working days advance request in each instance, a unit total of 4,287.25 hours paid release time in a bank of release hours per M.O.U. year. Requests for release time shall be submitted to the Labor Relations Administrator and approval of release time hereunder shall not be arbitrarily withheld. The cost to the City for these release hours, including fringe, has been charged as part of the total compensation contained in this agreement in lieu of wages and benefits. Examples of how these hours are used by the Union include:

- For Executive Board members to attend meetings of the Executive Board, meetings of the general membership, and for preparation for negotiations.
- For stewards to provide representation when a steward from the employee's home department or a full-time release employee is unavailable.
- For a second representative to attend a grievance or investigative meeting.
- For authorized representatives to attend Union conferences, meetings, seminars, training classes and workshops so that representatives better understand issues such as City policies and practices, conflict resolution, labor-management partnerships, and methods of effective representation.
- For authorized representatives to research and prepare for grievance meetings and disciplinary hearings.
- For authorized representatives to educate and communicate with unit employees in support of City policies and programs, and participate in City partnerships.

Only one representative may be released from the same work group at the same time. No representative will be permitted to use more than 420 hours of release time from the bank of hours in any one MOU year.

Any hours used in excess of the bank of Union release hours must be approved by the Labor Relations Administrator and the LIUNA Local 777 Lead Business Manager. The number of hours used in excess of the allowable Union release hours at the end of the contract term will be deducted from the Union release hours

available for the following year. A surplus of hours will be carried over into the next year to a maximum total Union release of 7500 hours.

a) The Union shall be allowed up to $20,000 per MOU year to be used towards LIUNA Local 777-City of Phoenix Apprenticeship Programs to purchase training materials, uniforms, promotional outreach materials, instructional activities such as schools and workshops, and any other activity approved by the Human Resources Director or his/her designee for Unit employees approved to participate in the Apprenticeship Programs. These monies are to be paid to the Union in one lump sum in the first pay period of each MOU year. The Union will document the nature of the expenditures made for each Unit employee approved to participate in the Apprenticeship Programs. The City Auditor Department may conduct an audit of the funds designated for the Apprenticeship Programs periodically. Any payments not adequately supported by the documentation of expenses, or payments made for activities outside the scope of this agreement, will be returned to the City by the Union.

   At the end of each fiscal year, any money not expended on the Apprenticeship Programs will be carried over to the next year for continued use in these programs. The funds set aside for the Apprenticeship Programs will not exceed $30,000 and the City and the Union will discuss appropriate measures to ensure the Union receives the appropriate economic value.

b) In recognition of the mutual benefit provided to the City and the Union by the full-time release positions, the City agrees to pay the Lead Business Agent of the Unit **208** overtime hours each MOU year. The two full time Union Representatives will be paid 80 hours overtime each MOU year. **The Union will submit a written request to redeem the hours to the Labor Relations Division no later than July 1 of each MOU year for remittance with the second paycheck in August.**

   The Union agrees to reimburse the City of Phoenix for the equivalent salary costs plus fringe benefits on or before the last day of July each MOU year.

C. Unit employees may be authorized in advance in writing to engage in lawful Union related activities during City work hours on a non-paid basis by the City Manager or his designee in his unrestricted discretion consistent with this MOU.

D. There shall be no use of official time for unit-related activities except as has been expressly authorized under this MOU. The City reserves the right to deny approval of

request for use of official time for activities not expressly authorized under this MOU. The City shall not arbitrarily deny requests for use of official time for union activities.

E. Payroll Deductions

1) The City shall deduct from the first and second pay warrants of Union members, in each month, the regular periodic Union membership dues as certified by an authorized official of the Union and regular periodic Union sponsored insurance benefits pursuant to the City's deduction authorization form duly completed and signed by the employee and transmit such deductions monthly to the Union no later than the 14th day following the end of the pay period in which the deduction occurs, along with an alphabetical list of all employees for whom deductions have been made. Such deductions shall be made only when the Union member's earnings for a pay period are sufficient after other legally required deductions are made. Authorization for membership dues deductions herein shall remain in effect during the term hereof unless revoked by the employee. Revocation of deductions shall be accepted by the City only during the first week of July or January to be effective the following payroll period. The City will notify the Union of any revocations submitted to it, consistent with the PERB Ordinance Section 2-214.

   If it is determined by a final decision by a court of competent jurisdiction that "Fair Share" does not violate Arizona State law or the Arizona State Constitution, the Union and City shall open up this contract to bargain in good faith over the "Fair Share" issue.

2) The City shall not make dues deductions for unit employees on behalf of any other employee organization as defined in the Meet and Confer Ordinance, during the term of this MOU.

3) The City assumes no liability on account of any actions taken pursuant to this section. The City shall, however, as promptly as technically possible, implement changes brought to its attention. The City shall, at the written request of the Union during the term of this agreement, make changes in the amount of deduction hereunder for the general membership, provided cost for implementing such changes shall be reimbursed by the Union. This charge shall not apply to submission of new individual authorization cards or revocations or individual status changes.

F. Facilities and Services

1) **Union Materials**

The Union may distribute material which is not abusive of any person or organization, which does not violate Administrative Regulation (A.R.) 2.16, and which is not disruptive of the City's operation. Materials may be posted or distributed on the City's premises (buildings and grounds) before and after scheduled working hours or in non-work areas during scheduled work hours provided both the employee distributing and the employee receiving such material are on their own time.

2) **Bulletin Boards**

The City shall provide the Union with bulletin board space for its sole and exclusive use in communicating with its members at mutually agreeable locations. All bulletin boards will be kept updated with material that is current and up to date.

3) **New Employee Orientation (NEO)**

The Union shall have the right to meet with new unit employees for the purpose of informing each such employee of the Union and of that employee's right to have Union dues deducted from his/her pay warrant. The Human Resources Department will notify the Union when orientation sessions involving new unit employees are scheduled.

Such opportunity shall be afforded the Union during the new employee orientation (NEO) sessions conducted by the Human Resources Department, Public Works Department Orientation Program (PWOP), and Parks & Recreation Department New Employee Orientation (Parks & Recreation NEO), Streets Transportation Department New Employee Orientation (Streets Transportation NEO), Aviation Department New Employee Orientation (Aviation NEO).

The speaker cannot be defamatory against the City or specific departments or individuals.

G. List of Unit Employees

Upon the Union's filing of a Third-Party Data Sharing agreement with the HR Department, the City shall provide electronically, at no cost, a list of unit employees which includes the following: Emp ID, First Name, Last Name, Initial, Deduct, Service Date, Dept ID, Department, Job Title, Job Locator Code, Mailing Address, City, State, Zip, Home Phone, Work Phone, active Union deduction, and a monthly list of employees added that month to Unit 1.

Any and all information furnished by the City shall be used by the Union solely for the purpose of communicating with unit employees, other legitimate union purposes, and shall not be shared with any other individual or organization.

H. **Information Requests**

Upon written request from the Union, the City will provide specific information from an employee's personnel files pertinent to a written grievance, arbitration case or civil service appeal. The City will also provide all pertinent collective bargaining information requested by the Union. The information will be supplied to the Union at no charge.

I. **Interview Panel**

In accordance with the City's selection and interview process guidelines and at management's request, Union Designated Employees will participate in City Selection processes.

J. **Labor Management**

For a unit employee whose regular shift is other than day shift, there will be flexibility in changing his, her or their normal work hours for the purposes of attending official Labor-Management meetings called by or with the concurrence of the Department Head or designee. There shall be a 48-hour notice to the affected Department to ensure proper coverage.

K. City Email

The City shall send union-requested communication using the City Email System using the following procedures:

Processing Guidelines

- Requests for email distribution must be submitted by the LIUNA Local 777 Business Manager or their designee from the labor group to the Labor Relations email address (labor.relations@phoenix.gov).
- Labor Relations will review the email content to ensure compliance with the guidelines noted below.
- Labor Relations will distribute compliant emails to unit members within 5 business days.
- A limit of one email per month, per labor group will be distributed. Exceptions will be reviewed by Labor Relations.
- Emails will only be distributed to the corresponding unit members.
- Emails will be sent to unit members via blind copy.

- The standard City notice not to reply will be included on all emails.

Email Content Guidelines

The following is a list of acceptable types of communication. This is not an all-inclusive list:

- Labor benefit fairs/ meet-and-greets.
- Union Open House's.
- City program/policy changes.
- Open Enrollment.
- Promoting City/union-sponsored training, committees, safety programs or initiatives.
- City/union/association-sponsored charitable events or community projects.

Other Guidelines/Information

- Communication cannot violate City policies.
- Communication cannot reflect negatively on the City organization, City staff, elected officials, or residents.
- Communication cannot negatively Impact our residents' perception of the City.
- All distributed emails are subject to the City's public records policy (reference AR 1.60, Public Records Request Processing).
- Changes may be made to these procedures at any time.
- Changes will be communicated with labor groups prior to implementation.

Section 1-5. Rights of Unit Employees

A. Non-Discrimination

All unit employees have the right to have the Union serve as their meet and confer representative without discrimination based on membership or non-membership in the Union.

B. Grievance Representation

All unit employees have the right to present their own grievance, in person or by legal counsel in accordance with Article 2, Section 2-1. A copy of all MOU grievances, filed

by anyone other than a designated official Union representative, shall be sent to the Union office. There shall be no cost incurred to the Union.

C. Disciplinary Investigations / NOI Representation

A. Unit employees have the right to be represented by the union and the union reserves the right to provide representation to its members in dealings with the City concerning grievances, and matters pertaining to their individual employment rights and obligations, and during an investigatory interview concerning allegations focused on the employee which may result in disciplinary action.

B. Supervisors are encouraged to discuss concerns and attempt to resolve those concerns with an employee without utilizing a formal investigatory process. Supervisors are encouraged to not utilize an investigatory process unless they have a reasonable belief that discipline (a written reprimand or higher) could result. Should information be made during a conversation to attempt to resolve an issue that could result in discipline, the supervisor will immediately stop the meeting and utilize an investigatory process as outlined below. Any interview becomes investigatory when facts or evidence sought by the City may result in a disciplinary action.

C. The City may, at its sole discretion, either conduct investigatory interviews with employees or issue employees written questions. In either case, a Notice of Inquiry (NOI) form will be used. The intent of the NOI is to clearly put employees on notice that they are under investigation that could result in discipline, inform them of the nature of the allegations against them, and inform them of their right to representation.

Time limit for investigations

D. If the City elects to issue written questions to the employee, the following shall apply:
   I. If an NOI is being issued and there is no active questioning, representation is not required. Employees may bring a representative if they desire, however there will be no discussion during the issuance of the NOI.
   II. The employee will have 72-hours excluding holidays and N-days to respond in writing and provide any other material requested. This deadline may be extended by mutual agreement if there are extenuating circumstances.

E. If the City elects to conduct an investigatory interview, the following shall apply:

I. Prior to the employee being interviewed, the unit employee shall be advised of their right to a representative.

   A. Prior to the employee being interviewed, the employee shall be advised of their right to a representative and given up to 48 hours to secure representation. The 48-hour time period may not apply in emergency situations.
   B. A unit employee identified solely as a witness will not be prevented from contacting the union on their own time to consult with a union representative prior to their interview.

II. The NOI form will be issued at the meeting.

III. The union representative may assist and consult with the employee, attempt to clarify the facts or questions asked, and suggest other employees or witnesses who may have knowledge of the underlying issues. The union representative cannot speak on behalf of the employee or impede the progress of the interview.

IV. The member or representative may ask for a caucus during the meeting. Caucuses will be granted for a reasonable timeframe. At any time either party requests a caucus the party shall inform the other party of an estimate of what time they shall return.

V. The interviewer may not prohibit the union representative from engaging in representation, including consulting with the employee. The member shall be allowed to seek advice from their representative in caucus during the interview. A caucus will not be permitted when a question is pending. The employee will be given the opportunity to clarify their answer after the caucus

VI. Neither party will behave in a violent, verbally abusive, insulting, or demeaning manner toward the interviewer.

VII. Prior to the conclusion of the meeting, the member or representative shall have the opportunity to make a closing statement for no more than 5 minutes.

VIII. If the department requires a written statement at an investigatory meeting, the employee will be given up to one hour of City time to write the statement. Additional time may be granted at the sole discretion of the department and will not be withheld arbitrarily.

IX. The employee will be provided with a copy of the interview notes and given 72 hours to confirm their answers and provide any additional information.

F. Regardless of whether the City elects to interview the employee, or issue written questions, the following shall apply:

I. The employee will be instructed not to speak to anyone regarding an investigation. This restriction does not apply to the union, the union's attorney, the employee's family, the employee's attorney, the employee's clergy, the investigator, or chain-of-command.

II. The employee will be advised if the inquiry is supervisor initiated or the result of a citizen complaint, employee/co-worker complaint, or other.

III. The member shall also be informed of the Garrity protections afforded to public employees who may also be under criminal investigation or whose actions meet the elements of a crime [Garrity v. New Jersey, 385 U.S. 493, 87 S.Ct. 616 (1967)].

IV. A unit member shall receive a copy of any statement that they are asked to sign.

V. Every 60 days, a unit employee under investigation may request a status update. At management's discretion, the status will be provided either verbally or in writing.

G. Misc.

No investigatory documentation, such as the NOI or witness statements shall be kept in the Personnel or Supervisory Files after the investigation is concluded.

H. Unit employees will be permitted to apply and/or compete in a transfer process while in a pending investigation. The transfer process will not be delayed pending the conclusion of the related investigation.

I. An employee who receives a written reprimand or suspension may request a copy of the information upon which the written reprimand or suspension was based, pertaining to what was specifically cited in the discipline at no cost to the employee.

J. It is understood by the parties that the benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Article unless otherwise specified in this MOU. The employer shall count as time worked any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Article.

D. Personnel Files

1) Any unit employee covered hereunder shall, at their request and by appointment, be permitted to examine their personnel files in the presence of an appropriate supervisory official of the Department and/or authorize a Union representative to obtain copies of documents in their personnel files. Said files shall be in a location as specified below, one per location. These include the main Human Resources Department file, the department personnel file, and the official department office personnel file contained at the district or yard office.

2) No unit employee shall have any adverse statements entered in to their personnel file without having a discussion about the action.

3) Unit employee may, at their discretion, attach no more than a 1-page rebuttal statement to any material contained in their personnel file which may be of a derogatory nature within **14** business days.

E. Fair & Impartial Treatment

All unit employees have the right to be treated equally and in a manner, which is fair and impartial in any matter associated with the rights of unit employees under the terms of this MOU.

F. Coaching / Supervisory Counseling

A coaching is a verbal discussion with an employee. A coaching is not to be considered a first offense for purposes of progressive discipline. A written record of a coaching may be placed in the supervisor's files for both positive and negative incidences. A coaching is to be one-on-one. When 2 or more supervisors are present at the coaching, the employee shall be advised of their right to representation. An employee may receive more than 1 coaching for a similar matter.

A supervisory counseling is a warning that the supervisor shall document in memo form. A supervisory counseling is not discipline. They are to be used to determine only notice to the employee. If a supervisory counseling is to be used in any disciplinary or personnel action or any performance rating, the employee will be given the supervisory counseling in memo form, that identifies the behavior requiring improvement, the reason for the improvement, and the consequences of continuing the unacceptable behavior. The memo will contain a line for the employee's signature and an above the line statement of "The employee shall date and sign the supervisory counseling, not as an indication of agreement, but solely as evidence of being advised of its existence." The employee will receive a copy of the memo.

Discipline older than 5 years from the date of issuance will not be considered for progressive discipline or promotion/transfer purposes except for the following types of discipline, which may be considered for the duration of employment (and upon the employee's return to employment, if applicable):

Sustained discipline of 40-hour suspension or greater of the following types:

- The employee has been abusive or threatening in attitude, language, or conduct towards fellow employees, customers of the City, or the public.
- The employee has solicited or taken for personal use a fee, gift or favor in the course of the assigned work or in connection with it, which would lead toward favoritism or the appearance of favoritism or a conflict of interest.
- The employee is in possession of a deadly weapon (as defined in ARS 13-3101), excepting a pocketknife (as provided in ARS 13-3102) at a City worksite[1], unless such employee is a police officer.
  [1](A worksite includes not only City buildings and property, but also City vehicles and private vehicles while being used on City business, and other assigned work locations).
- The employee has intentionally falsified records or documents made, kept, or maintained for or on behalf of the City of Phoenix.
- The employee has stolen or is in unauthorized possession of City property or the property of another employee or citizen.
- The employee is under the influence of alcohol or illegal drugs on the job.
- The employee has violated City of Phoenix anti-harassment or anti-discrimination policies.
- The employee committed a violation of the City's Ethics Policy.
- The employee's actions meet the elements of a felony.
- The employee committed an act of dishonesty.

The official discipline record is maintained in the Personnel File by the Human Resources Department. Copies maintained in either the Supervisory and/or Department files are not the official record. Employees may request to remove/inactivate eligible documents based on the below criteria by contacting the department Human Resources Officer. Official records may only be inactivated and not removed per records retention law, and members/employees will receive confirmation once the requested record is removed/inactivated.

Document	Supervisory File	Department File (if applicable)	Personnel File (OFFICIAL FILE)
Coaching's/Supervisory Counseling's	Maintain original in file. Remove annually provided no further incidents.	Not maintained in file.	Not maintained in file.
Written Reprimands	Maintain copy in file. Remove annually provided no further incidents.	Maintain copy in file. Employee may request to remove after 3 years.	Maintain original in file. Employee may request to inactivate after 3 years.
Suspensions (other than below)	Maintain copy in file. Remove annually provided no further incidents.	Maintain copy in file. Employee may request to remove after 10 years.	Maintain original in file. Employee may request to inactivate after 10 years.
Discipline under 21b2, 21b4, 21b5, 21b12, 21b13, 21b14, 21b15, 21b18, 21b19, 21b20.		Maintain copy in file. Cannot Remove	Maintain original in file. May not be inactivated

G. Performance Evaluation

Although the terms "coaching" or "supervisory counseling" will not be used, the employee's behavior or performance which resulted in the "coaching" or "supervisory counseling" can, along with any other behavior or performance, be discussed in the performance evaluation.

If an employee is not given their performance evaluation by the annual review date **and the performance evaluation is expected to be an overall "met,"** the employee's merit increase shall be processed within 21 calendar days following the above due date and be retroactive to the performance evaluation annual review date.

H. Departmental Policies

The City will notify employees and Unit 1 of new or revised written City or Departmental policies affecting unit employees as soon after release as possible. The City shall post on their bulletin boards any new policies and/or revisions in City or written department policies and procedures affecting Unit I employees. Notice shall remain posted for no less than 21 calendar days. Review of policy and procedure revisions shall be included in employee group meetings when appropriate.

Nothing in this section shall absolve the City of its obligation to Meet and Confer on mandatory subjects of bargaining.

Section 1-6. Prohibition of Strikes and Lockouts

A. The provisions of the Meet and Confer Ordinance are expressly incorporated herein.

B. The City nor its agents for any reason shall authorize, institute, aid or promote any lockout of employees covered by this MOU.

Section 1-7. New Positions / Classifications

A. Classification and Compensation Studies

The City shall give notice to the Union within 10 working days whenever a classification or compensation study is undertaken that includes active positions belonging to the Union. The Human Resources Department shall provide the Union with an opportunity to meet with the person conducting the study prior to preparation of any report or recommendations. The City shall notify the affected Union of the results and recommendations resulting from any study 30 calendar days prior to that study being presented to the Human Resources Committee. It should be noted that there is no guarantee, either expressed or implied that changes to a classification or its grade and salary range will result from a study.

B. New Classifications

The parties agree to consult on the inclusion or exclusion of new classification(s) in the bargaining unit and may thereafter refer any such matter, jointly or individually, to the Phoenix Employment Relations Board (PERB) for appropriate action.

C. Position Management

The City shall give written notice to the Union 30 days in advance of a position being reallocated or reclassified such that the position is removed from the unit.

D. Union Requested Job Classification Studies

The Union may submit written requests for job classification studies to the Human Resources Department. Requests from the Union will be prioritized with other standing requests.

1) All written requests for classification studies submitted by the Union shall include, but not be limited to, the following information:

   a) A full description of the new duties and responsibilities.
   b) A full explanation of why the Union feels the position(s) should be reclassified.
   c) A list of comparative positions/ classifications that led to the Union's request.
   d) Such other information as is normally considered relevant to a classification review.

2) The results of the audit of any classification study shall be subject to review by the City's Personnel Committee in accordance with existing procedures.

3) The Union may submit a prioritized written request of classifications specific to the unit that they wish to have studied. All written requests shall include a full explanation of why the classification should be studied. This explanation shall indicate whether the Union is requesting a full classification study (including job levels and job architecture) or if the request is limited to a compensation review to assess market competitiveness and grade and salary levels. At least one request by the Union shall be completed by the Human Resources Department in order of their ranking if the City Manager has authorized the HR Department to conduct studies.

ARTICLE 2: GRIEVANCE / ARBITRATION / LABOR MANAGEMENT

Section 2-1. Grievance Procedure

It is understood by the parties that the benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provide by this Article. The employer shall count as time worked any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Article.

A. Informal Resolution

1. As a matter of good labor-management relations the parties encourage unit employees who believe that they have a bona fide grievance to discuss and attempt to resolve it with their immediate non-unit supervisor.

2. If the above informal discussion is held and does not resolve the grievance, the unit employee may file a formal grievance in accordance with the following procedure.

B. Definition of Grievance

1. A grievance is a written allegation by a unit employee, submitted as herein specified, claiming violation(s) regarding the interpretation and/or application of the specific express terms of this Memorandum for which there is no other specific and formal method of review; and doesn't have a fact pattern that has been presented to and decided upon by the City Manager in a prior grievance. However, disputes specifically excluded in other Articles of this Agreement from the Grievance and Arbitration procedure shall not be construed as within the definition set forth above and shall not be handled in accordance with this procedure. It is agreed that such excluded disputes are not grievable or arbitrable under the terms of this Article or under this contract.

2. The City continues to retain the format used for grievances, including forms, technology, etc.

3. A grievance which does not meet the requirements set forth in this Article shall be null and void, and will not be processed in accordance with this procedure.

C. Procedure

All grievances covered by this Article shall be handled exclusively in the following manner:

A grievance must be reduced to writing, citing the specific Article and Section of this Memorandum alleged to have been violated.

1. Step 1

   The unit employee shall reduce the grievance to writing by signing and completing the grievance form provided by the City and submit it to the division head, or designee, within 14 calendar days of the initial commencement of the occurrence being grieved.

   The division head, or designee, may investigate, further consider, and discuss the grievance with the grievant and the grievant's representative, if any, as deemed appropriate, and shall, within 14 calendar days of having received the written grievance, submit a response thereto in writing to the grievant. By mutual agreement, the parties can agree to skip Step 1 and proceed to Step 2 of the grievance procedure.

2. Step 2

   If the written response of the Step 1 does not result in a resolution of the grievance, the grievant may appeal the grievance by signing and completing the City form and presenting it to the department head, or designee within 14 calendar days of the grievant's receipt of the Step 1 response.

   The department head, or designee, may further consider and discuss the grievance with the grievant and the grievant's representative, if any, as deemed appropriate, and shall, within 14 calendar days of having received the written grievance, submit a response thereto in writing to the grievant. By mutual agreement, the parties can agree to skip Step 2 and proceed to Step 2.5 or Step 3 of the grievance procedure.

3. Step 2.5

   After the Step 2 response, but prior to review by the Grievance Committee, the parties involved may mutually agree to submit the grievance to Labor Relations. The grievance, as originally written and Step 1 and Step 2 responses, must be submitted to Labor Relations within 14 calendar days of receipt of the Step 2 response. Labor Relations shall, within 14 calendar days of the receipt of the grievance, meet with the department head, or designee, and the grievance and the grievant's representative, if any, in an attempt to resolve the grievance. Labor Relations shall then submit a written response to all parties within 14 calendar days of the meeting.

4. Step 3

a. If the written response of the Step 2 (or 2.5 if applicable) does not result in a resolution of the grievance, the grievant may, within 14 calendar days of the Step 2 response, appeal the grievance by signing and completing the City form and presenting it to Labor Relations. A Grievance Committee hearing will be scheduled at which the grievant shall be afforded the opportunity to fully present their position and to be represented.

The Grievance Committee shall be composed of:

Chairman – A member of the City Manager's Office designated by the City Manager.
Member – A City function head on a rotating schedule.
Member – An individual mutually agreed upon between the City Manager, or his designee, and LIUNA Local 777.

The Grievance Committee shall submit findings and advisory recommendation(s) to the City Manager. The City Manager shall make the final determination of the grievance and submit it in writing to the grievant and their designated representative.

b. If the grievant so elects in writing within the above time limit, in lieu of such hearing the grievance may be reviewed by an arbitrator. The parties, or their designated representatives, shall agree on an arbitrator, and if they are unable to agree on an arbitrator within a reasonable time, either party may request the Federal Mediation and Conciliation Service to submit to them a list of 7 arbitrators who have had experience in the public sector. The parties shall, within 7 calendar days of the receipt of said list, select the arbitrator by alternately striking names from said list until one name remains. Such person shall then become the arbitrator. The arbitrator so selected shall hold a hearing as expeditiously as possible at a time and place convenient to the parties, and shall be bound by the following:

i. The arbitrator shall be bound by the language of this Memorandum and departmental rules and regulations consistent therewith in considering any issue properly before him/her.

ii. The arbitrator shall expressly confine him/herself to the precise issues submitted to him/her and shall have no authority to consider any other issue not so submitted to him/her.

iii. The arbitrator shall be bound by applicable State and City law.

iv. The cost of the arbitrator and any other mutually incurred costs shall be borne equally by the parties.

The arbitrator shall submit findings and advisory recommendations to the City Manager. The City Manager shall make the final determination of the grievance and submit it in writing to the grievant and his designated representative.

D. Time Limits

Failure of City Management representatives to comply with time limits specified in Paragraph C shall entitle the grievant to appeal to the next level of review; and failure of the grievant to comply with said time limits shall constitute abandonment of the grievance; except however, that the parties may extend time limits by mutual written agreement in advance of the deadline.

E. Union Grievance

The Union may, in its own name, file a grievance that alleges violation by the City of the rights accorded to the Union by the specific terms of Article 1-4 of this Memorandum. The Union shall file such grievance at Step 3 of this Procedure.

F. Group Grievance

When more than one unit employee claims the same violation of the same rights allegedly accorded by this Memorandum, and such claims arise at substantially the same time and out of the same circumstances, a single group grievance may be filed in the name of all such members. Such group grievances shall be filed at the Step of this Procedure which provides the lowest level of common supervision having authority over all named grievants. **Relief is restricted to those named in the Group Grievance.**

G. Employer Grievances

Should they occur as a result of official Union activities or actions, including the failure to act as required under the terms of this Memorandum, employer grievances will be presented directly to the Union president or any officer of the Union within 14 days of the occurrence prompting the grievance. The president, or designee, shall in each case provide a written answer within 14 days from receipt of the grievance. Unresolved employer grievances may be submitted to arbitration pursuant to Step 3.

H. Municipal Court

It is understood concerning the administration of this grievance procedure in the Municipal Court, specifically Step 2 that the designated "Department Head" is the Executive Court Administrator, and the "City Manager's Office" or "City Manager" shall mean the Presiding Judge, or his designee as provided in the procedure.

Section 2-2. Labor-Management Committee

The benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Article. The employer shall count as time worked any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Article.

A. There shall be a Labor-Management Committee consisting of the three Union Authorized Representatives, one LIUNA staff member, and four representatives from management that are agreed upon by the LIUNA staff member and the **Assistant Human Resources Director, or designee**. The Labor-Management Committee shall be facilitated by Labor Relations staff. The purpose of the Committee shall be to facilitate improved relations, provide a forum for open and informal discussion, and make recommendations for operational or other rules changes that are of mutual benefit.

B. The Committee shall meet, at least once a month per MOU year, or more often by mutual agreement, at mutually agreed upon times. The Committee will meet to discuss matters to be of a mutual benefit including, but not limited to, methods of improving the level of productivity when needed. The members shall, upon request for a meeting, provide the Chairman with proposed agenda items and the Chairman shall provide the members with the meeting agenda in advance of the meeting.

C. Any signed/dated written Labor/Management agreements with the signatures of the parties and the Chairman will be binding on the parties for the remaining term of the MOU.

D. If the representative of the Union is a unit employee, such representative shall not lose pay or benefits for meetings mutually scheduled during duty time.

Section 2-3. Bargaining Unit Work

A. Contracting Out Work – The City will notify the Union, in writing, of the City's intent to contract with a private agency for planned or emergency work that is currently being performed by unit employees. The Union may, within 5 business days of this notification, request a meeting for the purpose of discussing the contracted work. The meeting will occur prior to any final recommendation to the City Council.

In cases of an emergency when Unit 1 employees are unavailable to perform the work, for example, a staffing shortage or specialty work, the City will notify LIUNA as soon as possible via phone or email. The intent is to provide the Union the opportunity to discuss, but does not prevent the City from contracting the work in an emergency situation.

Failure by the City to meet with the Union under this Article may be subject to the Grievance Procedure (Article 2, Section 2-1) of this MOU.

Nothing in this Article shall relieve the city of its obligation to meet and confer on mandatory subjects of bargaining.

B. The Management recommendation, and final decision thereon by the City, shall not be subject to the Grievance Procedure (Article 2, Section 2-1) of this MOU.

C. The City agrees that it will not assign work currently performed by LIUNA represented employees to non-represented City employees or to employees in any other City of Phoenix bargaining unit, for a period up to 90 days.

The exception will be when individuals are being placed in an effort to comply with federal law, in which case the Union will be notified.

By mutual consent, the City and the Union may agree to a time period longer than 90 days.

Section 2-4. Health and Safety Committee

The benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Article. The employer shall count as time worked any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Article.

A. The City will continue to undertake all reasonable efforts to provide for employee health and safety in accordance with the State's Occupational Safety and Health Law.

B. In order to facilitate this policy, a joint committee entitled "Health and Safety Committee" shall be established. This Committee shall be composed of 2 unit employees appointed by the Union and 2 City representatives as designated by the City Manager. The Chairmanship shall rotate among the members.

C. The Committee shall meet quarterly at mutually scheduled times or more frequently by mutual agreement to consider on-the-job safety matters referred to it by the existing departmental safety committees and safety officers, or otherwise coming to its attention, and shall advise Department Heads and the City Manager concerning on-the-job safety and health matters.

   All written recommendations of the Committee shall be submitted to the Department Head concerned and to the City Manager.

D. The Committee shall be guided by the applicable regulations of the State's OSHA agency, and the City's existing practices and rules relating to safety and health, and formulate suggested changes.

E. Employee members of the Committee shall not lose pay or benefits for meetings mutually scheduled during their duty time.

Incident Review Board

An Incident Review Board is an effective management tool to minimize injuries and protect property. The function of an Incident Review Board is to determine if a vehicular or operational incident is preventable or non-preventable. The City shall establish an Incident Review Board in each Unit One represented department. Each Incident Review Board shall have the same rules, and all rules shall be applied in the same manner in each department.

Section 2-5. Public Outreach & Public/Employee Safety Cross Training

It is understood that bargaining unit employees are frequently required to address social service needs and problems as well as threats to public health and public/employee safety posed in our streets and parks.

To ensure that bargaining unit employees are trained adequately to safely deal directly with members of the public and to properly refer citizens to appropriate City agencies, all bargaining unit employees shall be cross-trained with public outreach and public/employee safety skills in accordance with department needs.

Section 2-6. Laborers' Apprenticeship Projects

A. Gardener Apprenticeship Project

The Union and the City shall continue the Joint Pilot Apprentice Program as needed and when positions are available for the Gardener classification in the City of Phoenix, entitled "Phoenix Gardener Apprenticeship Program".

The Phoenix Gardener Apprenticeship Program shall be organized with a set of standards established by a 5 person Joint Apprenticeship Committee (Committee). The Committee shall be comprised of 2 Union representatives, 2 City of Phoenix Parks and Recreation Department representatives, and 1 City of Phoenix Human Resources Department Safety Section employee.

The Phoenix Gardener Apprenticeship Program is designed to prepare individuals, and produce highly qualified and well trained workers who have solid knowledge as well as specific, technical job skills for occupations in the skilled trades and crafts. The Joint Apprenticeship Committee shall award a Certificate of Completion of Apprenticeship to each apprentice who has successfully completed the Phoenix Gardener Apprenticeship Program.

B. SWEO Apprenticeship Project

The Union and the City shall establish a continue the Joint Pilot Apprentice Program as needed and when positions are available for the Solid Waste Equipment Operator classification in the City of Phoenix, entitled "Phoenix SWEO Apprenticeship Program".

The Phoenix SWEO Apprenticeship Program shall be organized with a set of standards established by a 5 person Joint Apprenticeship Committee (Committee). The Committee shall be comprised of 2 Union representatives, 2 City of Phoenix Public Works Department representatives, and 1 City of Phoenix Human Resources Department Safety Section employee.

The Phoenix SWEO Apprenticeship Program is designed to prepare individuals, and produce highly qualified and well trained workers who have solid knowledge as well as specific, technical job skills for occupations in the skilled trades and crafts. The Joint Apprenticeship Committee shall award a Certificate of Completion of Apprenticeship to each apprentice who has successfully completed the Phoenix SWEO Apprenticeship Program.

C. Street Maintenance Worker I Apprenticeship Project

The Union and the City shall continue the Joint Pilot Apprentice Program as needed and when positions are available for the Street Maintenance Worker classification in the City of Phoenix, entitled "Phoenix Street Maintenance Worker Apprenticeship Program".

The Phoenix Street Maintenance Worker Apprenticeship Program shall be organized with a set of standards established by a 5 person Joint Apprenticeship Committee (Committee). The Committee shall be comprised of 2 Union representatives, 2 City of Phoenix Streets Department representatives, and 1 City of Phoenix Human Resources Department Safety Section employee.

The Phoenix Street Maintenance Worker Apprenticeship Program is designed to prepare individuals, and produce highly qualified and well trained workers who have solid knowledge as well as specific, technical job skills for occupations in the skilled trades and crafts. The Joint Apprenticeship Committee shall award a Certificate of Completion of Apprenticeship to each apprentice who has successfully completed the Phoenix Street Maintenance Worker Apprenticeship Program.

ARTICLE 3: COMPENSATION / WAGES

Various sections of this MOU contain a form of compensation, wages, or benefits that have been negotiated in good faith and may or may not provide a direct payment of wages or other benefit to each member. Those forms of compensation, wages, or benefits that do not provide a direct payment to each unit employee have been negotiated in place of a direct payment and costed as part of the overall economic package. Examples include: life insurance, long term disability insurance, leave payouts, etc.

Section 3-1. Wages

A. The economic value of **a non-continuous payment equal to 2.5% of base wage** will be paid as follows:

1. **A non-continuous payment of $1,421.00 for each full-time employee and $100.00 for each part-time employee to be paid out on the first full pay period in August of 2024.**

B. **Limited Reopener for FY 2025-2026: If the City projects revenues will exceed $1,750,000,000 for Fiscal Year 2025-2026 in the forecast that is presented to City Council in February 2025, the parties may reopen Section 3-1 of this agreement for the sole and limited purpose of Meeting and Conferring, in February 2025, over base wage increases, if any. Unless held invalid by operation of law or by a final judgment of any tribunal of competent jurisdiction, all other terms and conditions of this MOU shall remain in full force and effect during any such reopener and throughout the duration of this MOU.**

C. During the term of this MOU the City will provide an annual budget presentation to the LIUNA Local 777 Chapter Board. This presentation will be scheduled within 30 days of the final budget being presented to Council.

D. It is understood that for implementation purposes, the practice of rounding of fractional cents shall be done in accordance with accepted mathematical and accounting principles.

E. Notwithstanding the rates of pay set forth in any appendix or attachment to the agreement for reference, the term "Pay Schedule" shall mean the schedule computed and published by the Human Resources Department for payroll purposes pursuant to Council Action in the Pay and Compensation Ordinance.

Section 3-2. Productivity Enhancement Pay

In recognition of continuous service and overall performance, the City agrees to the following productivity enhancement pay formula for unit employees.

A. Pay Benefit:

In November **2024**, **June 2025, November 2025,** and June **2026**, unit employees who meet the additional qualifications of this section shall qualify for $50.00 for each full year of continuous full-time service in excess of 5 years, up to an annual maximum of $1,400.00 at 19 years.

In November **2024**, **June 2025, November 2025,** and June **2026**, unit employees who have completed at least 20 years of full-time service and who meet the additional qualifications of this section shall qualify for $65.00 for each full year of continuous full-time service in excess of 5 years, up to an annual maximum of $1,820.00.

B. Qualifications:

1) An employee must have completed at least 1 year of continuous full-time service at the top step in his pay range. Qualifications for Productivity Enhancement pay are made in the base class and will not be affected by movement into or out of assignment positions. As well, Productivity Enhancement pay will not be affected by movements to positions within the same pay range.

2) An employee must have received a performance rating of overall "Met" on his latest scheduled performance evaluation on file at the time of the qualifying date. For employees who are otherwise eligible for Productivity Enhancement pay, an employee who receives an overall "Not Met" evaluation shall receive another evaluation within 90 days to 120 days, and if that evaluation is an overall "Met", he, she, they will be eligible to start receiving Productivity Enhancement pay the first paycheck for the first full pay period after the next qualifying date. A unit employee who receives an overall "Not Met" rating may appeal by memo through his chain of command to the Department Head.

3) An employee must be on full-time active status. Employees on industrial leave shall qualify for this payment for only the first year of the industrial leave. However, the entire period of industrial leave shall qualify as continuous service when the employee returns to active employment.

C. Terms of Payment:

1) The Productivity Enhancement payment will be pro-rated and included each pay period in the qualifying unit employee's regular paycheck.

2) When a position is reclassified to a higher classification, or when classification is assigned to a higher pay range, incumbents who are receiving Productivity Enhancement pay shall be moved to that step of the new range which corresponds the closest to their combined base pay and previous Productivity Enhancement amount (incumbent's annualized payment), and which does not result in a decrease from that total amount. The placement in the new range will be limited to the maximum step in the range. If the reclassification or pay range change only results in a maximum possible one-range increase, and the incumbent is receiving

Productivity Enhancement pay, the employee will be moved to the top step and continue to be eligible for Productivity Enhancement pay.

Section 3-3. Overtime

A. As a regular practice, overtime shall not be used. The parties agree that at times the City may require overtime work outside of an employee's regularly-scheduled shift.

B. Overtime is defined as time assigned and worked beyond the regularly scheduled 40 hours per week.

C. Except for paid sick leave, all duly authorized paid leave time shall be considered as time worked for the purposes of the regularly scheduled workweek. Paid sick leave shall not be considered as time worked for the purpose of calculating overtime for the regularly scheduled workweek.

The employee's appropriate leave bank will be charged only for the difference between the scheduled daily work shift and the hours actually worked that day.

D. Overtime shall be worked and shall be allowed if assigned by the non-unit supervisor or other authorized representative of the City. The City shall endeavor to be equitable in the distribution of voluntary overtime amongst qualified employees or crews of employees within the same classification, function, work location, and shift. Seniority may be used as a factor in determining the assignment of overtime work. Other factors include skill level, assigned equipment, etc. The City will make available to the Union upon request reports of overtime worked by unit employees on a quarterly basis. The City reserves the right to assign overtime in the event insufficient employees volunteer, to avoid inadequate staffing, to insure timely service delivery or to conduct mandatory training.

Employees may be required to work on scheduled holidays and/or non-work days during the holiday week in order to provide City services on weeks containing holidays.

Rotational overtime work lists ranked by seniority shall be posted on city bulletin boards and updated each time it is worked.

E. Compensation for overtime work as defined in Section B. above will be as follows: 1-½ times the regular rate. The regular rate shall include, if applicable, night shift differential, stand-by pay, and out-of-class pay. Overtime will be compensated after

the first 7 minutes assigned and worked beyond a member's regularly scheduled work week or work shift, as outlined in Section B, calculated to the nearest 1/4 hour. There shall be no compounding or pyramiding of overtime pay with regular or premium pay except as required under the Fair Labor Standards Act.

F. There shall be a minimum of 12 hours off between shifts. If this is not possible and the unit employee is not receiving overtime pay for the additional hours worked (the unit employee is not entitled to both overtime and 12-Hour Rule time), the unit employee shall receive 12-Hour Rule compensation (1-1/2 times the regular rate) for each full hour worked within the described 12 hour period. This language only applies to employees who work 2 full shifts.

Example #1:

Monday	Tuesday	Wed – Fri	Total for Week
6a.m. – 5:30 p.m.	3:30 a.m. – 1p.m.	6a.m. – 2:30 p.m.	44 hrs. Worked
11 hrs. Worked	9 hrs. Worked	8 hrs. Worked per Day	40 hrs. Paid at Regular Rate of Pay
	2 hrs. within 12-Hour Rule		4 hrs. Paid at 1-1/2 (OT)

In example #1, the 12-Hour Rule time is not paid for the two hours worked within the 12-Hour Rule because overtime was earned for the additional hours worked.

Example #2:

Monday	Tuesday	Wed – Thurs	Friday	Total for Week
6 a.m. – 5:30 p.m.	3:30 a.m. – 1 p.m.	6 a.m. – 2:30 p.m.	6 a.m. – 10 a.m.	40 hrs. Worked
11 hrs. Worked	9 hrs. Worked	8 hrs. Worked per Day	4 hrs. Worked	38 hrs. Paid at Regular Rate of Pay
	2 hrs. within 12-Hour Rule			2 hrs. Paid at 1-1/2 (12-Hour Rule)

In example #2, the 12-Hour Rule time is paid for the two hours worked within the 12-Hour Rule because overtime was not earned for the additional hours worked.

G. In lieu of cash payment, a unit employee may request compensatory time credits up to a maximum accumulation of **215** hours. The request for compensatory credit must be made at the time the overtime is worked. Use of compensatory time off within the work period shall be subject to departmental approval and scheduling.

Accumulated compensatory time in excess of **215** hours must be paid in cash.

Section 3-4. Call-Out Pay

A. A unit employee called out for work after going home from a shift or called out for overtime work while on stand-by pay shall be entitled to a minimum of 3 hours pay at 1 ½ times the employee's regular rate of pay.

B. Travel time shall be included in the minimum call-out guarantee and shall be paid only if the total work and allowed travel time exceed the 3 hour minimum. The total travel time compensated for round trip travel to and from the job site shall be 45 minutes.

C. Travel time shall not apply when the employee is working on overtime which was planned in advance. An employee requested to report early, before the normal starting time of the shift, shall not be eligible for travel time, but would qualify for overtime for the extra time worked at the job site.

D. Once called out, Standby Pay will stop.

Section 3-5. Out-Of-Class Pay

A unit employee temporarily required to serve in a regular authorized position in a higher classification shall be compensated at a higher rate of pay in accordance with the following:

A. To be eligible for the additional compensation, the unit employee must first accumulate 10 regular working shifts of assignment in the higher class within any 24 month period; satisfactory performance during a previous appointment to the higher class will be credited to the qualifying period. The days of out-of-class assignment need not necessarily be consecutive.

   The days of out-of-class will be credited to the qualifying period. Once this qualification is satisfied, no additional re-qualification will be required.

B. Temporary assignments out-of-class shall be recorded only in full-shift units. A unit employee working out-of-class for 4 hours in an 8 hour shift or 5 hours in a 10 hour shift or more in a given shift shall be credited with working out-of-class for the entire shift. No out-of-class credit shall be given for out-of-class work of less than 4 or 5 hours in any given shift.

C. To qualify for out-of-class pay, a unit employee must be assuming substantially the full range of duties and responsibilities of the higher level position. Out-of-class pay is not authorized, for example, if the organization of a work unit is such that each unit employee carries on his normal duties during the temporary absence of a supervisor, without a need for the direction which the supervisor would provide on a longer term basis. However, eligibility for out-of-class compensation shall take place when an employee becomes responsible on a regular basis, for the full range of duties normally assigned to the higher class.

D. Time worked in a higher class shall not earn credits toward the completion of probationary requirements in the higher class.

E. A unit employee who has qualified under these provisions shall be compensated at the minimum rate established for the higher class for each completed work shift served in the higher class. In the event of overlapping unit salary ranges, a minimum one-step differential shall be paid for out-of-class assignments into unit classifications. The higher rate of pay shall be used in computing overtime when authorized overtime is served in out-of-class work assignments; the overtime rate shall be the rate established by the overtime regulations that apply to the higher rank.

F. The City shall endeavor to be equitable in the distribution of out-of-class assignments amongst qualified unit employees.

G. The City shall not make out-of-class assignments pursuant to this Article in an arbitrary and capricious manner.

Section 3-6. Pesticide Applicator Differential

Licensed Pesticide Applicators shall receive $1.00 in addition to their base hourly rate for each hour engaged in assigned and authorized activities when applying, mixing, or managing herbicide or pesticides. This compensation includes any preparation and maintenance of application equipment.

Section 3-7. Shift Differential Pay

Unit employees shall receive $1.00 per hour in addition to their hourly rate of pay when working a night shift which ends at or after 9:00 p.m. and before midnight, and $1.50 per

hour in addition to their hourly rate of pay when working a night shift which includes work during the period after midnight to 3:30 a.m.

Employees shall receive night shift pay differential only for hours scheduled and worked, and not while on paid leave time.

Employees participating in a 4/10 work schedule shall receive $1.00 per hour in addition to their hourly rate of pay when working a regular night shift which ends between 10:00 p.m. and 3:30 a.m., inclusive, and $1.50 per hour in addition to their hourly rate of pay when working a regular night shift which ends after 3:30 a.m. Night shift differential shall continue to be paid at the rate of the regular shift for any additional hours worked following the regular shift.

Section 3-8. Weekend Shift Differential Pay

A unit employee shall receive $0.45 per hour added to his base hourly rate of pay and any other shift differential or any other premium pay he, she, they may be receiving for working a weekend shift. A designated weekend shift is defined as any shift that starts on or after 2:00 p.m., on Friday, and continuing through any shift that starts on or before, but not after 11:59 p.m. on Sunday.

A unit employee shall receive weekend shift pay differential only for hours scheduled and worked, and not while on paid leave.

A unit employee, who is called out and works between 2:00 p.m. on Friday and 11:59 p.m. on Sunday, will be paid weekend shift differential for all hours worked at the rate specified in this article. If a unit employee was called out while on stand-by status, he, she, they will not receive weekend shift differential.

Section 3-9. Stand-By Pay

When a unit employee is required and assigned to be available for emergency call back, outside of his regular daily or weekly work schedule, the employee shall be compensated for such stand-by hours that he, she, they remained available at $3.25 per hour. Unit employees serving in stand-by assignments shall be subject to contact requirements as provided for by the Department Head.

Section 3-10. Show-Up Time

Except in emergencies, an employee who is scheduled to report for work, has not been notified to the contrary, and presents himself/herself for work as scheduled, shall be paid for at least 4 hours at the hourly rate of pay. If work on the employee's regular job is not available for reasons beyond his control, the City may assign the employee substitute work. Where there is substitute work readily available, the opportunity for such work will not be arbitrarily denied.

In the event scheduled work is interrupted due to conditions beyond the City's control, and substitute work is not available to be assigned, affected employees shall be paid for 4 hours at the hourly rate of pay, beginning at release, or to the end of the scheduled work shift, whichever occurs first. An employee shall have the option of using either vacation or comp time. If there is no other leave available, unit employee shall be able to use unpaid leave for the balance of the regular shift in compliance with the personnel rules.

Employees released hereunder prior to the end of their scheduled shift may be required to stand-by and keep themselves available for immediate call-back during the balance of their scheduled shift (for which time they shall be entitled to stand-by pay under Article 3, Section 3-9 hereof). Employees called back to work shall be entitled to their hourly rate of pay only and not any guaranteed minimums for work performed during the balance of their regularly scheduled shift.

Section 3-11. Jury Duty Pay

A unit employee called for jury duty or subpoenaed by a court as a witness shall be granted a leave of absence for the period of jury or witness service and will be compensated his/her regular pay and jury or witness pay for work absences necessarily caused by such jury or witness duty. To be eligible for such pay, an employee must present verification of the call to jury or witness duty.

A unit employee required by the Court to call in for jury duty the morning of his/her scheduled daily work shift may elect to take the day off on vacation or compensatory time. Such leave request shall not be denied. Should the unit employee be required by the Court to report for jury duty, the vacation or compensatory time will be restored from the actual time of reporting required by the Court through the end of the scheduled work shift. To be eligible for such leave restoration, the unit employee must present verification of the jury service.

Unit employees subpoenaed to appear as a witness in court as a result of their official duties on their status as a City employee shall return all fees tendered for such service to the City.

Paid Jury Duty leave shall not be allowed when the unit employee is the defendant, plaintiff, or voluntary character witness in a court action.

Section 3-12. Deferred Compensation Program

The current percentage of base pay for deferred compensation is .45 %.

Section 3-13. Sick Leave Conversion at Retirement

A. Sick Leave Cash Out Formula

A unit employee who has accumulated a minimum of 750 qualifying hours or more of accrued and unused sick leave at the time of retirement shall be paid an amount of compensation equal to 25% of his base hourly rate for all hours in excess of 250 hours.

B. Final Average Salary

The number of sick leave hours eligible to be cashed out and included in an employee's Final Average Salary upon retirement will be limited to the number of sick leave hours in the employee's leave bank on July 1, 2012, provided all criteria are met as described in Subsection A.

Employees with less than 250 hours of accrued and unused sick leave on July 1, 2012, will not meet the minimum balance requirements for a sick leave cash out that can be included in their Final Average Salary.

The portion of accrued and unused sick leave that is not included in the Final Average Salary upon retirement can be cashed out as a lump sum upon retirement, provided all criteria are met as described in Subsection A.

The number of vacation leave hours eligible to be cashed out and included in an employee's Final Average Salary upon retirement will be limited to the number of vacation leave hours in the employee's bank on June 30, 2014, not to exceed 450 hours.

ARTICLE 4: HOURS OF WORK / WORKING CONDITIONS

Section 4-1. Hours of Work

The City, in collaboration with the Union, may approve flextime schedules when all the following conditions are met:

1. Approval of Department Head
2. Approval of LIUNA Local 777 Business Manager or their Designee
3. Mutually agreed schedule between Unit Employee and Supervisor
4. The City, the Union and the affected employee(s) shall sign a written agreement.

A. This Article is intended to define the normal hours of work and to provide the basis for calculation and payment of overtime pursuant to Article 3, Section 3-3.

B. Work Week Defined

The regular work week for regular full-time unit employees shall consist of 5 consecutive work days in a 7 day pre-established work period, except as provided in Article 4, Section 4-1-F and except in those departments performing normal services regularly on Saturday and/or Sunday and except in those operations utilizing a different work week, such as a 4 day work week.

C. Work Day Defined

The work day for regular full-time unit employees shall consist of 8 hours of work within any 24 hours in a pre-established work schedule, exclusive of unpaid time allotted for meals except in those operations utilizing a different workday schedule such as a 10 hour work day.

D. Work Schedule Changes

Except for emergency situations, permanent regular work schedules shall not be changed without notice by the Department of at least 14 days to the affected employee(s) and to the Union. Exceptions for more or less than the 14 days notice mentioned above may be mutually agreed to by labor and management on a case by case non-precedent basis.

When temporary work schedule changes are necessary, the Department will try to give affected employees at least 2 calendar days notice or, if less notice, it will be considered an emergency.

When changes are to be made by the City on a permanent basis for other than emergency reasons, or where new permanent schedules are to be adopted, the City will notify the Union of such changes or new schedules, prior to implementation. Overtime work or stand-by, before or after the normal work day or work week, does not constitute a change in the work schedule. A department will not reassign employees to another work location temporarily for arbitrary or capricious reason(s).

E. Summer Work Schedules

Summer hours may begin no later than the first Monday in April, and may terminate no earlier than the second Monday in October whenever such scheduling impacts operations, all of which are within the discretion and control of the City, and where such summer scheduling has been customarily used in the past. Summer scheduling may, at the discretion of the City, be implemented earlier or terminated later in the year than specified in this section. Summer work schedules in the Streets Department and Parks Department may begin at 5:00 a.m.

It shall be within the Department Head's discretion to determine starting times for summer hours based on such operational considerations as dividing and/or rotating crew starting times to facilitate safety to the public, employees and equipment, to guarantee a high level of convenient service to the public, to preclude negative impact on traffic flow, and similar factors.

F. SWEO Schedule

The City may implement a 10 hour workday, 4 workdays per week schedule in all functions of the Solid Waste Management Division.

Except for Solid Waste Collections and Disposal, the regular work-week for regular full-time unit employees working a "four/ten" work schedule shall consist of 4 consecutive work days in a 7 day pre-established work period.

Section 4-2. Rest and Lunch Periods

A. Existing workday schedules spanning 9 elapsed hours shall continue to include a 60 minute unpaid meal period. Existing workday schedules of 8-1/2 hours and 10-1/2 hours shall continue to include a 30 minute unpaid meal period. Workday schedules of 8 and 10 consecutive hours shall include a paid straight time meal period of up to ½ hour on the job. Two (2) non-work periods of up to 15 minutes during a regular daily shift shall be permitted by supervision to promote the health, safety, and efficiency of employees on the job. Emergency situations may make this impossible in rare situations. Activities of employees during those non-work periods shall not be subject to any unreasonable restrictions.

B. **After a Unit employee has worked 2 hours, or more, in addition to the employee's regular daily work shift, the employee shall be entitled to an additional 15-minute non-work period (break).**

C. When a unit employee does not receive a paid meal period, his/her meal period shall be uninterrupted and duty-free.

Section 4-3. Clean-Up Time

Employees will be given time, in keeping with past practice, at the end of a normal daily shift for personal clean-up.

Such time is in addition to and exclusive of any time the City requires be spent for maintaining equipment.

The intent of the above provision has always been to allow field employees who need personal clean-up prior to rest or lunch periods a reasonable amount of time to do so. Clean-up material should be supplied on an as needed basis to field employees. If the field supervisors and employees act reasonably in addressing the issue, everyone will have a healthier and safer work environment.

Section 4-4. Seniority

A. The City shall provide the Union with a list of unit employees showing each unit employee's employment date and class date.

B. Seniority shall be by length of service within a class. If seniority within a class is not determinative, then length of service with the City shall prevail.

C. Seniority shall be used as a factor consistent with established Civil Service procedures in choice of work assignments, vacation schedules, and in the determination of layoffs.

Department policies for work assignment selection and vacation scheduling will be discussed with the Union at least 30 days prior to implementation.

Section 4-5. Transfer Program

The City and the Union acknowledge mutual interest in the success of the present program of minimizing layoffs of employees by seeking to place such employees in other positions, consistent with Civil Service Rules on seniority. The Union agrees to provide positive counseling to unit employees so affected to ease the transition to other positions. The City agrees to make available, on request, job counseling in order to provide training assistance to the employee during the first 30 days of the new work assignment.

Although not required to honor a request for a voluntary transfer for an employee having documented extraordinary personal hardship beyond his/her control, the City will try to honor the request. In such a case, factors such as, but not limited to, the employee's shift, seniority, and work record may be considered.

To every extent practicable, a transferred unit employee will be allowed to maintain his previous vacation schedule.

Section 4-6. CDL Renewal

Employees will be allowed City time to renew their CDL license and or related endorsements and will be reimbursed for such renewal fees which will include the HAZMAT background screening fee.

ARTICLE 5: BENEFITS

Section 5-1: Employee Assistance

The City Employee Assistance Program, will provide confidential, individual and family counseling to all employees and their household members. These services will be furnished by an independent contract agency to be chosen by the City.

Section 5-2: Health and Dental Insurance

A. The City shall maintain the current 80/20 split for health insurance for both single and family coverage. If there is a rate increase or decrease the City shall pay 80% of the new monthly contribution and the employee will pay 20%.

B. The City agrees to the continuation of a Healthcare Taskforce for the purpose of studying existing plans and to explore alternative plans. The Taskforce shall include representatives of the City and Union.

C. The City shall retain the dental insurance plan for unit employees and their qualified dependents. **At a minimum, the** plan shall **include a PPO option that consists** of **100%** payment of reasonable and customary **covered** charges for preventive and **preventive-related** diagnostic services, **and 80% payment of reasonable and customary covered charges for** basic services, and major services. **The City shall retain a plan option that includes** an orthodontia benefit **with** a maximum lifetime benefit of **up to** $4,000 per person. **Dental plans may be** subject to deductibles and limitations contained in the contract between the dental insurance carrier and the City of Phoenix. The City shall pay the premium costs for single unit employees enrolled in the base dental HMO or PPO plan (employee only coverage), and 75% of the premium costs for unit employees and their qualified dependents (family coverage).

   The City shall maintain the current dental premium split. **For the base PPO and HMO dental plans, if** there is a rate increase or decrease, the City will pay 100% of the new monthly contribution for single coverage for employees enrolled in the base dental HMO or PPO plan. If there is a rate increase or decrease, the City will pay 75% of the new monthly contribution, and the employee will pay 25% for family dental coverage.

D. The City agrees to continue the formalized complaint procedure with respect to the service under all plans.

E. Unit employees retiring on or after July 1, 2006, who meet all other MERP eligibility requirements and enroll in either single or family City of Phoenix health insurance, shall receive an additional $100.00 per month to help defray the cost of health insurance.

Unit employees retiring after August 1, 2022, who meet eligibility requirements, shall receive the $150 month allowance for Post Employment Health Plan accounts (PEHP).

Section 5-3: Life Insurance

The City will provide regular full-time unit employees the existing off-the-job and on-the-job life and dismemberment insurance coverage. The face value of the policy being $15,000; in addition the City will pay $75,000 for death in-the-line-of-duty insurance.

The designated beneficiary of a unit employee will be paid for all accumulated sick leave hours that remain on the City's official file at the time of a line-of-duty death of the unit employee and payment will be based upon the unit employee's current base hourly rate. The beneficiary shall be designated in the eCHRIS Benefits portal for the City of Phoenix Group Life Insurance Program on file in the City Human Resources Department.

Additionally, the City will provide to each unit employees a $200,000 death benefit covering the unit employee's commutation to and from their City work location. The current City Life Insurance carrier will cover the unit employee's commute for up to two hours before their shift begins, and two hours after their shift concludes. The Union will only pay the cost of their benefit the first year of the MOU.

In the event of the death of a unit employee while commuting to or from their work location, for a period of two hours each way, the City will continue to pay the full monthly health insurance premium for the spouse and all eligible dependents. The current City Life Insurance carrier for the payment of a supplementary commutation life insurance policy for each unit employee. The Union will pay the cost of this benefit, if any, the first year of each new MOU period.

Section 5-4. Long Term Disability Insurance

Employees who have been continuously employed and working on a full-time basis for twelve consecutive months are eligible for long term disability coverage. After an established 90 calendar day qualifying period, the plan will provide up to 66-2/3% of the employee's basic monthly salary at the time disability occurs and continue up to age 75 for employees who have been employed full-time for 36 months and one day. This coverage will be coordinated with leave payments, industrial insurance payments, unemployment compensation, social security benefits and disability provisions of the retirement plan.

Employees who have been employed full-time with the City of Phoenix for 36 months or less, will be eligible to apply for long term disability coverage for no more than 30 months.

Section 5-5. Holidays, Vacation Pay, Family Leave, and Leave Donations

A. Holidays / Personal Days

The City agrees to incorporate into the MOU the benefits provided under A.R. 2.11 modified to indicate the following holidays.

Employees, except those on hourly paid status, shall, when possible without disrupting the various municipal services, be allowed the paid holidays listed below:

New Year's Day	January 1
Martin Luther King's Birthday	January, Third Monday
President's Day	February, Third Monday
Cesar Chavez Birthday	March 31
Memorial Day	May, Last Monday
Juneteenth	**June 19**
Independence Day	July 4
Labor Day	September, First Monday
Indigenous Peoples' Day	**October, Second Monday**
Veteran's Day	November 11
Thanksgiving Day	November, Fourth Thursday
Friday after Thanksgiving Day	Friday after Thanksgiving
Christmas Eve	Half an employee's paid regular shift on December 24
Christmas Day	December 25
Two Personal Leave Days	After completion of six months of full-time employment.

When a holiday named in this regulation falls on Sunday, it shall be observed on the following Monday. When a holiday named in this regulation falls on Saturday, it shall be observed on the preceding Friday except that in the case of 6 day operations such holidays may be observed on Saturday. This paragraph shall not apply to Christmas Eve, which shall only be granted when it falls on the employees' regular scheduled workday. In the case of continuous 24 hour, 7 day operations and 7 day non-continuous

operations, holidays shall be observed only on the calendar days on which they actually fall.

The Personal Leave Days are added to an employee's vacation leave bank and may be taken on any day of the employee's choosing after completion of six months of full-time employment, subject to operational and scheduling factors and the limitations of A.R. 2.11. This time does not alter the maximum carryover of vacation hours outlined in A.R. 2.18.

If a full-time unit employee's regularly scheduled day off falls on a holiday to which he, she, they are entitled under this Article, 1st consideration shall be given to allowing 3 consecutive days off, but if this is not feasible, a substitute day off of 8 hours with pay shall be given at straight time on a day designated by the Department Head. Unit employees who work a 4/10 schedule, whose regularly scheduled day off falls on one of the holidays listed in paragraph C of this Article, shall receive 10 hours of compensatory time. An employee shall not be paid in cash in lieu of a substitute holiday except that in extraordinary circumstances the City Manager's office may approve payment in cash at a straight-time rate. The substitute holiday shall not be granted when an employee is on paid industrial leave.

A unit employee whose regular scheduled day-off falls on a holiday specified in this Article, and who is called in to work a regular shift on such holiday and scheduled day off, shall be compensated at 1-1/2 the regular rate for each hour assigned and worked in addition to the substitute holiday provided above.

B. Vacation Accumulation

Vacation accrual and carryover shall be governed according to the following table:

SERVICE	MONTHLY ACCRUAL	MAXIMUM CARRYOVER	MAXIMUM PAYOUT
0-5 years	8 hours	192 hours	290 hours
6-10 years	10 hours	240 hours	350 hours
11-15 years	11 hours	264 hours	380 hours
16-20 years	13 hours	312 hours	440 hours
21+ years	15 hours	360 hours	500 hours

C. The parties agree that on all **City** holidays, unit employees whose regularly assigned work week consists of 4 10 shifts, shall not be required to submit documentation for 2 hours of paid leave.

Unit employees shall be allowed a vacation buyout twice per calendar year, by notifying the Department payroll staff in writing of such intent during the month of either October or April, to be paid on the last paycheck of November and May. The total annual buyout is up to a maximum of 80 hours taken in no more than 40 hour increments, after the employee has accumulated a minimum of 175 hours and has used 40 hours of vacation/comp-time during the calendar year.

D. Parental/Family Leave

The City will, as a matter of general policy, and subject to operational needs, authorize up to 3 months of unpaid leave for an employee who is the parent of a newly born or legally adopted child or any Unit employee who needs to care for an ill family member. Family members include spouse, children (natural, adopted, foster, or stepchildren), brother, sister, parents, grandparents, as well as others living in the same household with the employee. Approval and use of this leave shall be subject to existing Personnel Rules.

E. An employee may use up to 10 hours of accumulated sick leave in at least one-hour increments each calendar year for the home care or medical treatment for an immediate family member residing in the employee's household. This will be marked as "BO" on leave slips. When there is an extreme illness or injury situation where a life or death question exists involving an immediate family member, an employee may use up to 5 days of accumulated sick leave. (This should not be construed as bereavement leave under Personnel Rule 15g). This will be marked as "BN" on leave slips.

In addition, employees may have dependent care situations where the above leave is insufficient to cover their absence. Therefore, employees will be allowed to use unscheduled accumulated vacation or compensatory time for the care of an immediate family member up to a maximum of 5 incidents not to exceed a total of 40 hours each calendar year.

For all the above mentioned leaves, (sick leave, vacation, and compensatory leave) the employee will not have these leaves be considered a negative factor, when evaluating the job performance of an employee involved in a leave management program, up to a maximum total of 7 incidents per calendar year. An incident is defined as an absence from work, regardless of the length of time.

An immediate family member is defined as the employee's spouse, qualified domestic partner, mother, father or child. A child is defined as a biological, adopted, foster or stepchild, legal ward, or a child of a person standing in place of a parent. A brother, sister, grandparent, or in-law who is living with the employee under his/her care is also defined as an immediate family member.

In FY 2024, the City and the Union will meet and discuss changing sick leave codes (e.g., BN, BO, BI, BE).

F. Leave Donations

Unit employees may contribute accrued vacation or compensatory time to other employees in accordance with City policy governing contribution of leave for serious illness or injury of an employee or their immediate family member. An immediate family member is defined as the employee's spouse, qualified domestic partner, mother, father, or child. A child is defined as a biological, adopted, foster or stepchild, legal ward, or a child of a person standing in place of a parent. A brother, sister, grandparent, or in-law who is living with the employee under his/her care is also defined as an immediate family member. Requests to receive such leave contributions will require a completed doctor's certification.

Section 5-6. Tuition Reimbursement

A. Unit Employees who participate in the Tuition Reimbursement Program shall be eligible for tuition reimbursement pursuant to the following provisions:

1. The maximum sum reimbursable to unit employees each MOU year shall be $6,500.

2. To be eligible for any reimbursement, unit employees must have successfully completed academic or training courses approved by the department and the Human Resources Director as provided in existing Administrative Regulations.

B. Tuition Reimbursement, in accordance with this Article, shall be made in the event an employee's approved course of instruction is terminated by the educational institution. Tuition reimbursement shall not occur in the event of any voluntary termination of employment by the employee.

C. The City will reimburse unit employees for expenses incurred as a result of requiring and maintaining certification required by the City. The City will not reimburse unit employees for classes the City provides at no cost, or for classes the City identifies for unit employees to be taken at no cost.

D. Unit employees shall be allowed to utilize up to $150 to attend one-day, in-state, City-related seminars/training.

ARTICLE 6: MISCELLANEOUS

Section 6-1. Saving Clause

A. If any article or section of this MOU should be held invalid by operations of law or by a final judgment of any tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section should be restrained by such tribunal, the remainder of this MOU shall not be affected thereby.

Section 6-2. Copies of MOU

A. Within 60 days after this MOU is adopted by the City Council, the Union will arrange for printing of jointly approved copies of it for furnishing one to every unit employee, unit supervisor and to management personnel. The costs of such duplication and distribution will be borne equally by the Union and the City.

B. Printing vendors secured by the Union shall comply with Chapter 18, Articles IV (City Construction Contractors' Affirmative Action Requirements) and V (Supplier's and Lessee's Affirmative Action Requirements), Phoenix City Code.

Section 6-3. Aid to Construction of Provisions of MOU

A. The provisions of this MOU shall be in harmony with the rights, duties, obligations and responsibilities which by law devolve upon the City Council, City Manager, and other City boards and officials, and these provisions shall be interpreted and applied in such manner.

B. The lawful provisions of this MOU are binding upon the parties for the term thereof, it being understood that the Union is precluded from initiating any further meeting and conferring for the term thereof relative to matters under the control of the City Council or the City Manager.

Section 6-4. Part-Time Employees

Hourly paid unit employees, excluding seasonal and temporary employees, who have worked a minimum of 50 hours in each pay period for 26 consecutive weeks shall be entitled to the same benefits for authorized work on holidays as received by regular full-time unit employees. In addition, such employees shall receive vacation credits prorated for the number of hours worked after the qualifying period is satisfied. Vacation credits shall be calculated and paid in cash in December and June. These hourly-paid employees shall be considered for advancement from Pay Step 1 to Pay Step 2 after completing 1,040 hours of work in Step 1 and for advancement from Pay Step 2 to Pay Step 3 after working 2,080 hours in Pay Step 2.

Hourly paid unit employees who have worked a minimum of 50 hours in each pay period for 26 consecutive weeks shall be entitled to the same benefits as received by regular full-time unit employees. Members that meet these requirements shall be eligible for participation in the City's Health, Life, and Dental insurance programs. The City's premium participation will be the same as that provided for full-time employees. Continuation of participation under these plans will be determined by reviewing the average hours worked in the prior 12-month period every calendar year on October 1. This qualifying period will be determined for the following benefit year effective January 1. If the employee separates from City employment, the participation will cease.

Part-time employees are allowed an hours reduction of up to 2 weeks in one pay period in the (26 week qualifying period and each period thereafter, without impacting their eligibility to participate in the part-time employees' benefit programs.

Section 6-5. Term and Effect of MOU

A. This Memorandum shall remain in full force and effect commencing with the beginning of the first regular pay period in July **2024**, up to the beginning of the first regular pay period commencing in July **2026**. In compliance with the Meet and Confer Ordinance (Phoenix City Code Chapter 2, Article XVII, Division 1) as may be amended, on or

before December 1, **2025**, LIUNA 777 shall submit its proposed memorandum of understanding for the next contract period.

B. Except as expressly provided in this MOU, the City shall not be required to meet and confer concerning any matter, whether covered or not covered herein, during the term or extensions thereof.

C. The provisions of this MOU shall be subject to Federal, State and local law that vests jurisdiction and authority in other public boards and officials, including the City Council, Phoenix Employment Relations Board, Phoenix Civil Service Board, City Manager and Department Managers, or determines issues contrary to the provisions hereof.

D. This Memorandum constitutes the total and entire agreements between the parties and no past written or verbal statement/agreements shall supersede any of its provisions. All side agreements executed during this MOU contract period will expire on or before the contract end date unless incorporated into the MOU or extended by mutual agreement. Any supplement, amendments, or modifications to this MOU which are mutually agreed upon must be reduced to writing and signed by both parties.

IN WITNESS WHEREOF, the parties have set their hands this

22 of May, 2024

Stephen Switzer, LIUNA Local 777 Representative

Jason Perkiser, Assistant Human Resources Director, City of Phoenix

Jeffrey Barton, City Manager, City of Phoenix

ATTEST:

Denise Archibald, City Clerk, City of Phoenix 05.29.2024

APPROVED AS TO FORM: AHB

City Attorney, City of Phoenix

LIUNA 777 Team:
Stephen Switzer
Michael Ruelas
Daniel Salinas
Kimberly Gallego
Ronald March
Jose Mascareno
Dan Ward
John Sandoval

City of Phoenix Team:
Jason Perkiser, Human Resources
Scott Coughlin, Parks and Recreation
Jesse Duarte, Street Transportation
Justeen Cook, Public Works
Corina Ramsey, Human Resources
Lorraine Rodriguez, Human Resources (Coordinator)
Kia Chambers, Human Resources (Scribe)

CITY CLERK DEPT.
2024 MAY 28 PM 3:47

Brittany Whittle

From: Jess Mayer <jmayer@afscme2384.com>
Sent: Monday, December 1, 2025 1:49 PM
To: Cathleen A Simpson
Cc: Brittany Whittle; Mailbox City Clerk Department CLK
Subject: AFSCME Local 2384 MOU
Attachments: Outlook-serensaf; 2026 2028 MOU Proposed changes.docx

CAUTION: This email originated outside of the City of Phoenix.
Do not click links or open attachments unless you know the sender and were expecting this email.

Report Suspicious

Dear Cathleen,

In accordance with the Phoenix City Code §2-218(B), AFSCME Local 2384 is enclosing the proposed memorandum of understanding in the format the parties discussed on 11/10/2025.

Please let us know if you have any questions or need additional information.

We look forward to meeting and conferring.

Regards,

Jess Mayer
President

AFSCME Local 2384
Phone: 602-230-2301
Mobile: 480-901-2627
Email:
jmayer@afscme2384.com
3636 North 15th Avenue
Phoenix, AZ 85015
www.afscme2384.com
[afscme2384.com]

Section 3-1: Wages

A. All Unit 2 employees shall receive annual base-wage increases that equal or exceed the greater of:

1. Three percent (3%) of base rate; or
2. The average percentage wage increase granted to any other City bargaining unit or unclassified group within the same fiscal year.
   These adjustments shall be automatic and not subject to budgetary deferral.

B. Unit 2 employees shall receive a cost-of-living adjustment (COLA) each July 1 based on the U.S. CPI-U (West Region), with a guaranteed floor of 2.5% and no cap. The City shall not offset this COLA against other negotiated raises.

C. When the City achieves an operating-revenue surplus exceeding three percent (3%) of forecast, one-half of that surplus shall be distributed as a lump-sum economic-share bonus to all Unit 2 employees.

D. Licensed Pesticide Applicators shall receive $1.50 per hour above their base hourly rate for all hours engaged in related duties.

E. Employees required to hold or maintain a Commercial Driver License (CDL) for any portion of duties shall receive $0.75 per hour added to base pay.

F. Pay-schedule calculations shall follow rate tables jointly prepared by Human Resources and AFSCME Local 2384. Any rounding shall round upward to the employee’s benefit.

Section 3-1A: Productivity Enhancement Pay

A. Eligible employees shall receive semi-annual Productivity Enhancement payments as follows:

1. After five (5) years of service: $150 per year of service, up to $5,000 annually at twenty-two (22) years.
2. After twenty-three (23) years: $200 per year of service, up to $8,000 annually at twenty-seven (27) years.

B. Eligibility requires:

1. Six (6) years continuous service;
2. A performance rating of “Met” or higher;
3. Active full-time status.

C. Payments shall be pro-rated each pay period. Any delays shall be issued retroactively.

D. Compensation shall not be reduced due to reclassification or movement; Productivity Enhancement Pay is retained by the employee.

Section 3-2: Overtime

A. Overtime is defined as time assigned and worked beyond the regular shift or 40 hours per week (or 10 hours per day for compressed schedules).

B. All paid leave counts as time worked for overtime eligibility.

C. Overtime shall be paid at 1.5 times the regular rate. Work exceeding twelve (12) consecutive hours shall be paid at double time.

D. Overtime shall be voluntary whenever possible. Mandatory overtime shall rotate equitably.

E. Accurate overtime lists shall be posted monthly.

F. Employees may accrue up to 240 hours of compensatory time.

G. Employees may cash out up to 80 hours of compensatory time twice per fiscal year.

Section 3-2A: Call-Out Pay

A. An eight-hour protected rest period shall apply before each shift. Call-outs during this period provide flexible reporting time or equivalent rest.

B. Call-outs guarantee three (3) hours minimum at double time.

C. Multiple call-outs within one rest period each trigger the minimum.

Section 3-3: Out-of-Class Pay

A. Employees performing higher-classification duties for two (2) hours or more shall receive the higher rate for the entire shift.

B. Out-of-class assignments shall not exceed ninety (90) days without reclassification or posting the position.

C. Out-of-class assignments shall rotate equitably by seniority.

Section 3-4: Sick Leave Conversion and Payout

A. At retirement, employees may convert unused sick leave: 100% up to 1,200 hours and 50% thereafter.

B. Employees separating with ten (10) or more years of service (and not terminated for cause) shall receive a 75% payout.

Section 3-5: Shift Differential Pay

A. Employees working between 6 p.m. and 6 a.m. shall receive a 10% differential.

B. Weekend shifts earn an additional 5% differential.

Section 3-6: Stand-By Pay

A. Stand-by status earns two (2) hours of pay per day plus overtime for callouts.

B. Stand-by assignments shall rotate equitably.

Section 3-7: Show-Up Time

A. Employees reporting as scheduled who are not put to work shall receive four (4) hours minimum pay.

Section 3-8: Jury Duty

A. Employees summoned to jury duty receive full pay with no loss of leave, benefits, or seniority.

B. Employees released after 4 p.m. are not required to return to work.

Section 3-9: Deferred Compensation

A. The City shall match deferred-compensation contributions up to 3% of base pay.

B. Financial planning sessions shall be provided on paid time.

ARTICLE 4: Hours of Work / Working Conditions

Section 4-1: Hours of Work

A. The standard work week shall consist of forty (40) hours, arranged in either five (5) eight-hour days or four (4) ten-hour days, unless otherwise agreed by the Union.

B. Employees shall receive a regular, predictable schedule. Changes require ten (14) calendar-days' notice and prior Union consultation.

C. No employee shall suffer loss of pay or seniority due to City-initiated operational schedule changes.

D. Temporary schedule changes shall be filled first by volunteers, then equitably by seniority.

E. Employees required to work on holidays or City-declared emergency days shall receive double time plus holiday pay, with a four-hour minimum.

Section 4-2: Rest and Lunch Periods

A. Employees shall receive two (2) paid fifteen-minute breaks and one (1) uninterrupted thirty-minute meal period each shift.

B. Interrupted breaks shall be rescheduled or paid.

C. Employees shall not be required to stay at workstations during unpaid breaks.

D. Supervisors shall provide climate-appropriate break areas with shade, seating, and potable water.

Section 4-3: Clean-Up Time

A. Employees shall receive thirty (30) minutes before shift end for personal and equipment cleanup.

B. Cleanup time involving hazardous materials shall be extended as needed and fully paid.

C. Departments shall provide adequate washing stations, lockers, and secure storage.

Section 4-4: Seniority

A. Seniority shall be the controlling factor for promotions, transfers, layoffs, recalls, overtime, and shift bidding when qualifications are met.

B. Seniority shall be based on continuous City service or classification seniority, whichever benefits the employee.

C. Seniority lists shall be verified jointly with the Union twice annually.

D. Temporary promotions or out-of-class assignments do not interrupt seniority accrual.

Section 4-5: Bump / Bid Procedure – Fleet Services

A. All reassignments and shift changes shall follow an open bidding process based on seniority, qualifications, and employee preference.

B. Vacancies shall be posted for ten (10) days at all work sites.

C. Employees may review postings during work hours.

D. The Union shall receive all posting and award documentation.

E. Disputes are subject to expedited grievance review.

F. No employee shall be involuntarily reassigned without just cause and prior Union discussion.

Section 4-6: Technology

A. The City shall introduce new technology only after advance consultation with the Union.

B. No employee shall be laid off or demoted due to new technology without six (6) months' notice and training or reassignment at equal pay.

C. All technology training shall occur on City time.

D. GPS or monitoring technology shall not be used for discipline inconsistent with employee rights.

E. All technology issues are grievable.

ARTICLE 5: Benefits

Section 5-1: Health and Life Insurance

A. The City shall provide comprehensive medical, dental, and vision coverage at no cost to the employee.

B. Multiple plan options shall be provided.

C. The Union shall approve all vendor or network changes.

D. The City shall provide life insurance equal to twice annual salary.

E. The City shall fund an Employee Assistance Program (EAP).

Section 5-2: Vacation Leave

A. Vacation accrues as follows:
- 0–4 years: 4.6 hrs/pay period
- 5–9 years: 6.2 hrs/pay period
- 10–14 years: 7.7 hrs/pay period
- 15+ years: 9.3 hrs/pay period

B. Employees may accumulate up to 600 hours.

C. Vacation scheduling shall be based on seniority.

D. Requests must be approved or denied within seven (7) days; otherwise approval is automatic.

Section 5-3: Holidays

A. Employees receive fourteen (14) paid holidays.

B. Holidays falling on days off shall be replaced with alternate paid days.

C. Holiday work is paid at double time plus holiday pay.

D. Floating holidays may be used with 48-hour notice.

Section 5-4: Sick Leave

A. Sick leave accrues at five (5) hours per pay period.

B. Sick leave may be used for illness, appointments, or family care.

C. No doctor’s note is required for three (3) days or fewer unless abuse is shown.

D. Sick leave may be donated to a Leave Bank.

E. The City shall provide twelve (12) weeks paid parental leave.

Section 5-5: Retirement Benefits

A. The City shall contribute at least one-half of ASRS obligations.

B. Retirement benefits may not be reduced without Union consent.

C. Phased-retirement options shall be offered.

Section 5-6: Other Benefits

A. Additional City-funded benefits include:
- Tuition reimbursement up to $6,000 per year
- Tool/uniform allowances
- Wellness screenings

● Short- and long-term disability insurance
● Employee recognition programs

B. All benefits are grievable and enforceable.

ARTICLE 6: Safety, Grievance Procedures, and General Provisions

Section 6-1: Safety and Working Environment

A. The City shall maintain safe, healthy, and sanitary workplaces exceeding minimum standards.

B. Employees may refuse unsafe work without retaliation.

C. The City shall provide and replace PPE at no cost.

D. A Joint Labor-Management Safety Committee shall meet monthly.

E. Work areas shall include adequate lighting, ventilation, water, restrooms, and break areas.

F. Injured employees shall receive paid medical evaluation time.

G. All required training shall be provided on paid time.

Section 6-2: Reporting of Injuries and Hazards

A. Employees shall report hazards or injuries; the Union shall be notified within 24 hours.

B. No retaliation shall occur against reporting employees.

C. All investigations shall include Union participation.

Section 6-3: Grievance Procedure

A. Employees have the right to representation at all steps.

B. A grievance includes disputes over this MOU, safety, conditions, or discipline.

C. Step 1: Informal discussion within 14 days; response in 5 days.
D. Step 2: Written grievance to Director; meeting in 7 days; response in 10 days.
E. Step 3: Appeal to Labor Relations; response in 10 days.
F. Step 4: Arbitration; arbitrator selected from joint panel.

G. Arbitration decisions are final and binding, with full make-whole remedies.

H. Safety-related grievances shall be fast-tracked.

Section 6-4: Disciplinary Procedures

A. Discipline requires just cause.

B. Employees shall have representation rights.

C. Employees shall receive all evidence before discipline.

D. Discipline shall not be imposed until investigation is complete.

E. All discipline is grievable.

Section 6-5: Non-Discrimination and Anti-Retaliation

A. The City shall maintain a workplace free of discrimination and retaliation.

B. Retaliation for complaints or safety reporting is prohibited and grievable.

Section 6-6: Labor-Management Committees

A. A Joint Committee shall meet monthly to address working conditions, policies, and staffing.

B. No policy affecting Unit 2 employees shall be implemented without Union consultation.

Section 6-7: Savings Clause

A. Invalid provisions do not affect the remainder of the MOU.

B. The parties shall negotiate replacement language within 30 days.

Section 6-8: Entire Agreement

This MOU constitutes the complete agreement between the parties.

Section 6-9: Duration and Negotiations

A. This Agreement remains in effect for the adopted term.

B. Negotiations for a successor agreement shall begin six months before expiration.

C. Terms remain in effect until a successor is ratified.

Local 2960 AFSCME®
We Make America Happen

November 25, 2025

Ed Zuercher, City Manager
City of Phoenix
200 W Washington Street
Phoenix, AZ 85003

Dear Ed,

In accordance with Article 6, Section 6-3 of the MOU between the City of Phoenix and AFSCME Local 2960, this letter serves as notification of the Union's request to modify the 2024-2026 MOU and negotiate a new MOU to take effect on July 1, 2026.

Attached are the Articles and Sections of the MOU we are proposing to revise.

We look forward to productive discussions with the City team.

Sincerely,

Frank A. Piccioli

Frank A. Piccioli, President
AFSCME Local 2960

C: City of Phoenix City Clerk's Office
Cathleen Simpson, City of Phoenix Labor Relations
Jason Perkiser, City of Phoenix Human Resources Director

AFSCME Local 2960 Proposed Changes to MOU Beginning July 1, 2026

Article 1, Section 1-3A

- Discuss and amend release time language to ensure compliance with the Arizona Supreme Court decision.
- Add language from NLRB on representation.
- Number of representatives in a meeting under certain circumstances.
- Add language for Detention Officers due to coverage under Officer Bill of Rights.
- Clarify language on eligibility for release time.

Article 1, Section 1-3F

- Language on communications with unit members in workplace.
- Updating of bulletin boards in workplace.

Article 1, Section 1-4C

- Information provided to member during investigation.

Article 1, Section 1-4E

- Add language from NLRB on representation.
- Clarify time period for employees to review interview notes.
- Time period of investigatory interviews.

Article 1, Section 1-4F

- Notification to employee of interview conclusion.
- Revise time period to notify employee on ongoing investigation status.

Article 1, Section 1-4N

- Retention table.
- Notification to employee prior to "not met" PMG.
- Overpayment to employee and repayment.

Article 1, Section 1-4Q

- Revise eligible employees who can work out on Code 7.

Article 1, Section 1-6A

- Number of class and compensation studies union may request each year.

Article 2, Section 2-1C

- Revise language on grievance in Step 1 on time period.
- Revert to previous language at Step 3 for Grievance Committee.

Article 2, Section 2-2

- Amend language on FMCS.
- Clarify participants in meetings.

Article 3, Section 3-1A

- Wage increase.

Article 3, Section 3-1E

- Discuss PEP payment.
- Discuss snapshot dates used for PEP after class and comp study.
- Discuss PEP maximum amounts.

Article 3, Section 3-2A

- Records of overtime worked.

Article 3, Section 3-2D

- Clarify eligibility for travel time.

Article 3, Section 3-4

- Increase of sick leave payout at retirement.

Article 3, Section 3-10

- Expand to allow pay for special skills.

Article 4, Section 4-1C

- Revise notification to union when there is a change.

Article 4, Section 4-2A

- Revise current language on lunch and break periods.
- Add clean up language.

Article 4, Section 4-4

- Unit employees' seniority by job classification.

- List of unit employees' City employment date and job classification date.
- Expand seniority language.

Article 5, Section 5-1H

- Discuss supplemental MERP language in MOU for pre-Medicare retirees.

Article 5, Section 5-3

- Clarify covered employees under supplemental life insurance policy.
- Add agreement reached with City on checklist for beneficiaries.

Article 5, Section 5-5A

- 4/10 schedules and Holidays.
- Industrial leave and Holidays.

Article 5, Section 5-5B

- Revise payouts for employees with 6-10 years or more of service.

Article 5, Section 5-6A

- Add classification for uniform allowance.
- Add reimbursement for cooling vests.
- Clarify payment schedule for temporary part-time employees.
- Revise allowance for Court Security Officers.
- Add language on Class A uniforms.

Article 5, Section 5-6A3

- Revise uniform payback language.

Article 5, Section 5-6A7

- Revise Honor Guard language.
- Revise language on management of fund.

Article 5, Section 5-7D

- Seminar funds.

Article 6, Section 6-3

- Adjust dates of MOU.

NEW

- **Language on Artificial Intelligence and technology affecting unit members.**

MEMORANDUM OF UNDERSTANDING

2026-2028

City of Phoenix
And
Unit 4 Employees

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Preamble

WHEREAS the parties, through their designated representatives, met and conferred in good faith pursuant to Chapter 2, Article XVII (Employer-Employee Relations), Phoenix City Code in order to reach agreement concerning wages, hours, and working conditions of employees in the Police Officers Unit, and

WHEREAS the parties hereby acknowledge that the provisions of this Memorandum are not intended to abrogate the authority and responsibility of City government provided for under the statutes of the State of Arizona or the Charter or ordinances of the City of Phoenix except as expressly and lawfully limited herein,

NOW THEREFORE, it is agreed that this Memorandum of Understanding (hereinafter "Memorandum") shall be submitted to the City Council of the City of Phoenix for its consideration.

ARTICLE 1: Rights

Section 1-1: Purpose/Gender

Wherever any words used herein in the masculine, feminine or neutral, they shall be construed as though they were also used in another gender in all cases where they would so apply.

Section 1-2: City and Department Rights

A. The Association recognizes that the City and the Police Chief retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority pursuant to law with respect to determining the level of and the manner in which the City's law enforcement activities are conducted, managed, and administered, and the Association recognizes the exclusive right of Police Chief to establish and maintain departmental rules and procedures for the administration of the Police Department during the term of this Memorandum provided that such rules and procedures do not violate any of the specific express provisions of this Memorandum.

B. The City and Police Chief have the exclusive right and authority to schedule work and/or overtime work as required in the manner most advantageous to the City

C. The City shall maintain patrol staffing at levels reasonably necessary to ensure officer safety. When staffing falls below the level determined by the line-level supervisor to be reasonably necessary for safe operations, the Department shall take reasonable steps to increase staffing, including utilization of overtime.

D It is understood by the parties that every incidental duty connected with operations enumerated in job descriptions is not always specifically described; nevertheless, it is intended that all such duties shall be performed by the employee.

E. The Police Chief and City Manager reserve the right to discipline or discharge employees for just cause, defined as follows, pursuant to the Civil Service laws. The City reserves the right to lay off personnel of the Department.

1. The employer informed the law enforcement officer of the possible disciplinary action resulting from the officer's conduct through agency manuals, employee handbooks, the employer's rules and regulations, or other communications to the officer or the conduct was such that the officer should have reasonably known disciplinary action could occur.

2. The disciplinary action is reasonably related to the standards of conduct for a professional law enforcement officer, the mission of the agency, the orderly, efficient or safe operation of the agency, or the officer's fitness for duty.

3. The discipline is supported by a preponderance of evidence that the conduct occurred.

4. The discipline is not excessive and is reasonably related to the seriousness of the offense and the officer's service record.

F. The City and the Police Chief shall determine assignments and establish methods and processes by which assignments are performed. This is not grievable under the MOU.

G. The City and Police Chief shall have the right to transfer employees within the Police Department in a manner most advantageous to the City. This is not grievable under the MOU.

H. Except as otherwise specifically provided in this Memorandum, the City and the Police Chief retain unqualifiedly all rights and authority to which by law they are entitled.

I. The City shall have the authority without prior meeting and conferring to effect reorganizations of the Police Department.

J. The Association recognizes that the City has statutory and Charter rights and obligations in contracting for matters relating to municipal operations.

K. The Association pledges cooperation to the increasing of departmental efficiency and effectiveness. Any and all rights concerning the management, organization, and direction of the Police Department and the police force, including those set forth in this Memorandum, shall be exclusively the right of the City and the Police Chief unless otherwise provided by the express terms of this Memorandum as permitted by law.

L. The inherent and express rights of the City and the Police Chief, including those herein specifically referred to, which are not expressly modified or restricted by a

specific provision of this Memorandum, are not in any way, directly or indirectly, subject to the Grievance Procedure herein.

Section 1-3: Rights of Association

A. The Association, as the authorized representative, has the exclusive right to serve as the meet and confer representative of all employees in the Police Officers Unit as described in the City Code. Under no circumstances will the City or Department allow any member or representative of any other labor group, or their designee, to verbalize, memorialize in writing or insinuate that they represent, or have the ability to represent, Unit 4 members.

Under no circumstance shall the department create or request unit members to sign or agree to individual employment contracts without mutual agreement with the Association. Unit members will still be required to sign for receipt of materials.

B. Union Release:
The Phoenix community benefits from harmonious and cooperative relationships between the City and its employees. The City and the Association have negotiated six full-time release positions, and release hours, as an efficient and readily available point of contact for addressing labor-management concerns. Examples of work performed by the release positions in support of the City include ensuring representation for unit employees during administrative investigations and grievance/disciplinary appeal meetings with management; participating in collaborative labor-management initiatives that benefit the City and the unit members; serving on Police Department task forces and committees; facilitating effective communication between City and Department management and unit employees; assisting unit members in understanding and following work rules; and administering the provisions of the Memorandum of Understanding. The cost to the City for these release positions, including all benefits, has been charged as part of the total compensation contained in this agreement in lieu of wages and benefits. The parties recognize that recent legal precedent may require additional agreements between the City and the Association regarding the implementation of release time positions. The parties will develop any required agreements consistent with applicable law while maintaining the release time framework and compensation provisions set forth in this MOU.

1. Full-Time Release Positions:

    a. The 6 full time release positions shall be sworn, full time, paid police officers of the Phoenix Police Department, who will at all times remain qualified to perform such duties as are normally expected and required of a municipal police officer in the City of Phoenix, Arizona. These 6 full time release positions will receive their regular salary including fringe benefits, and the employer shall make all employer contributions to the Public Safety Personnel Retirement System required by law so as to maintain their full eligibility under the Public Safety Personnel Retirement System.

b. The 6 full time release positions shall participate in all appropriate training requirements necessary to maintain membership in the department, including all training mandated by the Arizona Peace Officers Standards and Training Board (AZ POST).

c. The 6 full time release positions agree to be bound by the City's and the Police Department's rules, regulations, and operations orders, including but not limited to proper notification when utilizing sick or vacation leave. The full time release employees may be subject to disciplinary action for violations of any such rules, regulations, general or operations orders.

d. The 6 full time release positions may work supplemental overtime shifts consistent with the processes and policies set in place by the Phoenix Police Department for all sworn police officers. Employees will submit all overtime slips to their current supervisor to ensure that overtime is being used appropriately.

e. The 6 officers assigned to the Association and on full-time release shall be considered as case carrying detectives with standby responsibilities.

2. Association Representatives:

The Association may designate up to 42 representatives and shall notify the Police Chief and Labor Relations in writing of such designations as they occur. There shall be no obligation on the City to change or adjust normal departmental scheduling or assignments of personnel as a result of such designations or as changes occur.

Every quarter, PLEA will provide a list of stewards that will be posted.

a. Up to two PLEA representatives may, when the Association is designated by the unit member as his representative, attend mutually scheduled grievance meetings, Use of Force Boards, Disciplinary Review Boards, IRP Meetings, and hearings with department representatives and hearings scheduled and conducted by the Civil Service Board without loss of pay or benefits. Up to two PLEA representatives may attend hearings with the department representative if more than one department representative is in attendance. Paid release time used for any other purposes, such as gathering information, interviewing the grievant/appellant or witnesses, or preparing a presentation shall be charged against the bank of release hours as described in Section 1-3 D. PLEA representatives are required to obtain the permission of their non-unit supervisor to absent themselves from their duties to attend scheduled meetings and provide representation.

b. When new work units, precinct(s)/bureau(s) are created, the Association may designate up to 1 additional representative per bureau and up to 3 additional representatives per precinct. The increased number will be consistent with current practice and will be based solely on the addition of new work unit(s). Any deviation from the above will be discussed at a Labor-Management meeting.

3. Bank of Release Hours:

   A bank of 1,859 hours of paid Association release time shall be created per M.O.U. year for use by the Association to engage in legitimate Association business. PLEA will utilize best efforts to provide advanced notice of the use of

these hours to Labor Relations so the affected chain of commands can be notified. In all instances, PLEA will provide Labor Relations with notice of hours used. The cost to the City for these release hours, including fringe, has been charged as part of the total compensation contained in this agreement in lieu of wages and benefits. Examples of how these hours are used by the Association include:

a. For Executive Board members to attend meetings of the Executive Board, meetings of the general membership, and for preparation for negotiations pursuant to Chapter 2, Article XVII (Employer-Employee Relations), Phoenix City Code.

b. For unit members to attend seminars, meetings, training classes and conferences so that representatives better understand issues such as City policies and practices, conflict resolution, labor-management partnerships, and methods of effective representation.

c. For Association representatives to communicate with members, investigate grievances or prepare for hearings. A PLEA representative wishing to enter a work area for the purpose of investigating a formal grievance must first gain the permission of the work area supervisor. This permission will not be unreasonably withheld, giving proper consideration to essential work of the department and the occupational safety of the PLEA representative. When requesting a meeting with the work unit/site supervisor, the PLEA representative will inform the supervisor of the purpose of the meeting. PLEA representatives will attempt to schedule an appointment in advance whenever possible. One additional PLEA representative may be allowed to attend such meetings for training purposes.

   Approval for use of paid release time hereunder shall be subject to Departmental operational and scheduling factors. When using such paid time, Association representatives and members of the Executive Board shall give at least 24 hours written notice in advance.

   In recognition of the mutual benefit to both the City and the Association, a unit member using Association release time as defined by Articles in this MOU to conduct Association business shall be accorded all insurance-related benefits. Approval of claims made for benefits will be determined on a case by case basis.

   Any hours used in excess of the bank must be approved by the Police Chief, the Labor Relations Administrator, and the PLEA president. The number of hours used in excess of the bank at the end of the contract term will be deducted from the bank at the start of the first year of the following contract. Unused hours will be carried over into the first year of the next contract.

C. The president may appoint a legislative representative for the Association if the legislative representative is registered with the Secretary of State as a lobbyist and

if the legislative representative has agreed to work with and assist the city's legislative lobbyist. The legislative representative shall receive 500 hours of release time per MOU year.

D. A member of the Executive Board of the Association, or a designated PLEA representative, will, with the approval of the Police Chief or his designee, subject to 24 hours written notice in advance, be authorized to engage in Association related activities during City work hours on a non-paid basis. Approval for such authorization for more than 2 Executive Officers or Board members of the Association or designated shift representatives is subject to 48 hours written notice in advance. Approval for use of unpaid time hereunder shall be subject to Department operational and scheduling factors and administration control as to usage of such time, but shall not be arbitrarily withheld. There shall be no use of official paid time for Association related activities under this paragraph.

E. Upon the Association's filing of a Third Party Data Sharing Agreement with the Labor Relations Division, during the term of this Memorandum, upon request, the City shall furnish to the Association bimonthly at no cost a listing of all unit members, indicating name, mailing address, phone number**, employee ID,** and assignment. The City will also provide a monthly list of employees added that month to Unit 4.

F. The City shall deduct monthly from the pay warrants of Association members the regular periodic Association membership dues and/or special assessments in accordance with Chapter 2, Article XVII (Employer-Employee Relations), Phoenix City Code and pursuant to the City's existing dues deduction authorization form duly completed and signed by the Association member, and transmit such deductions to the Association on a monthly basis; except, however, that such deduction shall be made only when an Association member's earnings for a pay period are sufficient after other legally required deductions are made. The City shall, at the request of the Association, make changes in the amount of the deduction hereunder during the term of this Memorandum at cost for implementing such change. The City shall not make dues deductions for unit members on behalf of any other employee organization as defined in Chapter 2, Article XVII (Employer-Employee Relations), Phoenix City Code during the term of this Memorandum. The City assumes no liability on account of any action taken pursuant to this paragraph.

G. The Association is authorized to use mutually agreed upon non-work areas in City facilities for pick-up by or distribution to unit members of official Association literature that is not political in nature, abusive of any person or organization, or disruptive of the department's operations, it being understood and agreed, however, that such activity shall not be done during the on-duty time of any unit member. The Association may, using its own resources, use the mailboxes at work locations to communicate with unit members. The association may use Inter-departmental mail to communicate with unit members on two occasions a year.

H. The Association and the Department will jointly present a 4-hour Employee Wellness course to recruits who are expected to become sworn police officers. Immediately following, the Association will be allowed 1 hour to talk to and possibly sign newly sworn police officers into the Association and to explain the rights and benefits under the MOU. This time will be allotted prior to reporting for the first patrol training shift at the offices of the Association. The content of such information shall not be political in nature, abusive of any person or the Department or disruptive of the Department's operation. Curriculum will be jointly approved with the Training Bureau Division Chief.

I. It is understood by the parties that the benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the unit member's work shift in pursuit of benefits provided by this Article. The employer shall count as time worked any hours or fractions of hours spent within the unit member's regular work shift in pursuit of benefits provided by this Article.

J. Any unit representative attending any IRP, DRB, UFB, DAC, or any other review board will be allowed to adjust their work schedule by an equal amount of time spent in the meeting. The adjustment will require the approval of the representative's supervisor with operational consideration. Approval will not be unreasonably withheld.

K. In the interest of encouraging continuing education for unit members, the department will mail to the Association president the AZ POST calendar and all other job related seminar notices it receives.

L. The Association will have 2 PLEA positions, designated in writing, on continuous paid stand-by for the mutual benefit of both the City and the Association to respond to critical incidents as needed. No member will be placed on stand-by if the member is not available for call-out. If call-out occurs, overtime will be paid in accordance with Article 3, Section 3.2.

M. Upon written request from the Association, the City will provide specific information pertinent to a written grievance, arbitration case, or Civil Service appeal. The City will also provide pertinent collective bargaining information. This material will be supplied to the Association at no cost.

N. To improve communication and relationships between labor and management, the Association will be allowed an opportunity to attend one mutually agreed upon briefing quarterly with each squad to discuss Association business and issues of mutual concern to labor and management. PLEA will utilize best efforts to provide advance notice of meeting.

O. The City values and benefits from the participation of Union leaders on citywide task forces and committees, Police Department task forces and committees, Labor – Management work groups, and a variety of Health and Safety committees. These activities take time away from expected tasks such as representation and

communicating with the membership and may occur outside the regular work day of the Union officials. The full-time release positions agree to participate in these important committees and task forces. In recognition of this commitment, the City agrees to provide a 960 hour bank of compensation for use by the full-time release positions each MOU year.

P. Unit members who are not Association members at the beginning of the last pay period in June of each year will receive 3.5 hours of vacation time, in addition to their normal annual accruals, credited to their vacation leave bank on the second paycheck in August of that same year. Unit members who are not Association members at the beginning of the last pay period in December of each year will receive 3.5 hours of vacation time in addition to their normal annual accruals, credited to their vacation leave bank on the second paycheck in February of the following year.

The number of hours distributed to Unit members who are not Association members will be deducted from the leave banks described in Section 1-3, beginning with the Section 1-3(C) leave bank, then the Section 1-3(B)(3) leave bank, and then the Section 1-3(O) leave bank. If there are not enough hours in the leave banks to refund the hours to Unit members who are not Association members, the Association will reduce the number of full-time release positions for the remainder of the six-month period. The value of each reduced full-time release position will be converted to hours and credited to the Section 1-3(B)(3) leave bank.

The City will provide Unit members who are not members of the Association “opt in” forms, to be approved by the Association, allowing them to donate vacation leave to be deposited into the Section 1-3(B)(3) leave bank. At any time during the term of this MOU, any Unit member may request this “opt in” form in order to donate vacation time in the manner above-described.

Q. As the certified unit 4 bargaining unit, the Association will be notified electronically of Use of Force Boards and Disciplinary Review Boards at the time of scheduling.

Section 1-4: Rights of Unit Members

A. A unit member has the right to have the Association serve as their meet and confer representative as set forth in Chapter 2, Article XVII (Employer-Employee Relations), Phoenix City Code.

B. A unit member has the right to be represented by the Association in dealings with the City concerning grievances and matters pertaining to their individual employment rights and obligations.

1. If a unit member requests, representation will be allowed when the member is the subject of an administrative investigation by Professional Standards Bureau, any Police Department supervisor, or other City employee who is

conducting an investigatory interview. The City will notify the Association who will obtain the most readily available unit Association representative, who must be a bargaining unit member. The unit representative will make every reasonable attempt to arrive within one hour from the time a phone is made available to the unit member. Management will make a concerted attempt to release the association representative giving the consideration of the departments' and the associations' scheduling concerns. The unit Association representative may make a request for a caucus prior to, during, or after the interview to bring to the investigator's attention issues which may be violations of the MOU as set forth in this Memorandum or questions outside the scope of the N.O.I. Prior to the conclusion of the meeting, the member, or representative on behalf of the employee, will have the opportunity to make a closing statement.

The Union representative may assist and consult with the employee, attempt to clarify the facts or questions asked, and suggest other employees or witnesses who may have knowledge of the underlying issues. The Union representative may not turn the meeting into an adversarial proceeding, unduly disrupt the interview, interfere with the objective of the examination, or compromise the integrity of the interview. The Union representative may not interrupt the employee's response to a question, speak on behalf of the employee, or prevent the employee from responding to a question. The Union representative also may not behave in a violent, verbally abusive, insulting, or demeaning manner toward the interviewer.

During the interview, the interviewer may insist that they are only interested in hearing the employee's own account of the matter under investigation at that time. The interviewer may not prohibit the Union representative from engaging in meaningful representation, including assisting and consulting with the employee.

2. The interview session shall be a reasonable period of time, taking into consideration the gravity and complexity of the misconduct being investigated.

3. Prior to conducting an administrative interview, the City/Department will consider the necessity of interviewing a Unit Member who is impaired by alcohol or drugs. If the City/Department deems an immediate administrative interview is not necessary, it will/may be scheduled at a later time.

4. At the time of the scheduled interview, or request for a departmental memorandum, by Professional Standards Bureau, a Police Department Supervisor, or other City Employee, the investigator will provide the unit member and / or their representative written notices of investigation informing the officer of the alleged facts that are the basis of the investigation, the potential for disciplinary action, and all relevant and readily available materials, including complaints (except for complaints that are filed with the employer and that include allegations of unlawful discrimination, harassment or retaliation or complaints that involve matters under the jurisdiction of the United States equal employment opportunity commission). Material format may include video,

audio, reports, photographs, documents, and other materials in accordance with A.R.S § 38-1104(A)(2) in effect during the term of this agreement. Upon the request of either party, the parties shall meet and confer the impact of any changes to the provisions of A.R.S § 38-1104(A)(2) during the term of this agreement. All materials will be made available to the unit member and/or their representative in the draft investigation prior to the investigative review process (IRP).

For investigations related to critical incidents such as officer involved shootings, in-custody deaths, and/or police contract that result in serious physical injury or death, Body Worn Camera (BWC) video will be made available to a unit member prior to their administrative (PSB) interview if the unit member first completes the criminal interview process with criminal investigators. The parties understand that there are inherent limitations to BWCs and memory. They also recognize that the inability to review BWC video can impact reporting accuracy.

During the course of the administrative investigation, the investigator will not knowingly misrepresent any fact or material issue to the unit member.

Prior to interviewing an involved employee, an Internal Investigation Material List form documenting what materials, the investigating supervisor or PSB investigator provided to the involved employee will be completed.

5. A unit member under investigation, and the association, will be notified in writing every 3 months as to the current status of the investigation. This will include a brief description of the number of known witnesses still to be interviewed and other investigative processes remaining to be completed, as well as an estimated date of completion.

6. When a draft investigation is provided to a Unit member, it will contain an explanation of the member's right to review the investigation within the time period provided in Ops Order 3.19 before signing the investigative review control form.

7. If changes are made to an investigation after an IRP, the unit member and representative will be provided with a revised draft of the investigation. The unit member will have up to 5 business days to review the revised draft, and may attach a rebuttal, before signing an IRC form.

8. If new information is added, outside what was discussed during the IRP, to the draft investigation, the member reserves the right to have an additional IRP to discuss the new information. The additional IRP will only be afforded to specifically discuss the added information, not to revisit items already discussed in the initial IRP. The additional IRP will be scheduled and completed within 7 calendar days, unless mutually agreed upon in writing prior to the deadline.

9. As the certified bargaining unit for all unit 4 members, all finalized investigations will be provided to the Association monthly.

10. Analyses completed by artificial intelligence systems or programs ("AI") will not be used as the sole basis for decisions related to Unit employee discipline or officer assignments.

    The City must notify officers, in writing, of the artificial intelligence systems or programs ("AI") utilized by the City to review or analyze officer data, the specific data collected and analyzed by these systems, and how any analyses may be used.

    If an "AI" system that is implemented by the department produces or presents faulty data or misinformation related to officer reassignment or discipline; the department in consultation with the association ~~may~~ will pause the utilization of the "AI" system. At that time the City and the association will reconvene to assess the issue and determine the appropriate action moving forward.

    Artificial intelligence is the simulation of human intelligence processes by machines, especially computer systems, to perform tasks requiring cognition, including, but not limited to, learning, reasoning, self correction, and creativity.

C. A unit member has the right to present their own grievance, in person or by legal counsel.

D. Unit members are entitled to representation if an overall "Not Met" performance evaluation is appealed and is at the Executive Level (Assistant Chief or Chief) or when management has more than one representative at the meeting to discuss the appeal of the performance evaluation.

E.

1. A unit member covered hereunder shall, on their request and by appointment, be permitted to examine their departmental or divisional personnel file, in the presence of an appropriate supervisory official of the Department. The unit member may be accompanied by another person of their choosing. When a city directed work fitness/job performance medical evaluation process is completed, the city agrees to give the city doctor a release to give the information to the requesting employee.

2. No unit member shall have any adverse comments entered into their departmental or divisional personnel file without the member being informed by a supervisor. If the unit member requests, they may receive a copy of the adverse comment.

3. A unit member may, at their discretion, attach rebuttal statements to any material contained in their departmental or divisional personnel file which may be adverse in nature.

4. Discipline older than 5 years from the date of issuance will not be considered for progressive discipline or promotion/transfer purposes except for the following types of discipline, which may be considered for the duration of employment (and upon the employee's return to employment, if applicable):

   Final sustained discipline of suspension or higher of the following;

   - The employee has been abusive or threatening in attitude, language, or conduct towards fellow employees;
   - The employee has solicited or taken for personal use a fee, gift or favor in the course of the assigned work or in connection with it, which would lead toward favoritism or the appearance of favoritism or a conflict of interest;
   - The employee has intentionally falsified records or documents made, kept, or maintained for or on behalf of the City of Phoenix;
   - The employee has stolen or is in unauthorized possession of City property or the property of another employee or citizen;
   - The employee is under the influence of alcohol or illegal drugs on the job;
   - The employee has violated City of Phoenix anti-harassment or anti-discrimination policies;
   - The employee committed a violation of the City's Ethics Policy;
   - The employee committed an act of dishonesty;
   - The employee committed an act meeting the elements of a felony; or
   - The employee has committed a Class 3 violation of use of force.

5. A Supervisory Counseling is a documented warning presented to the employee for signature. The effective date for any applicable appeal will start from the date that the employee signs the Counseling.

6. Once a unit member has been disciplined, no further disciplinary action may be imposed for the same specific allegation during the same incident of misconduct. If a unit member has received a coaching for the same incident, it may be considered as a mitigating factor in the final determination of discipline. A unit member may be subjected to additional discipline if further investigation reveals additional allegations arising from the same incident.

7. If the findings of a Departmental investigation result in a Class II or below level of discipline, the Department will meet with the affected unit member, an Association representative and the investigative command staff to determine if the needs of the City and Department would be better served by the affected member undergoing training in lieu of discipline, when appropriate. The discipline would still be considered for purposes of transfers and progressive discipline.

F. A unit member and Association Representative shall have the right to appear before the departmental Disciplinary Review Board when disciplinary matters are brought before the Board involving the unit member.

1. The purpose of such appearance is to give the unit member an opportunity to respond to the assertions made against them.
2. The Department shall notify the unit member 10 calendar days prior to such opportunity to respond to the Board. The notification shall contain the date,

time, violation(s) and basis of each violation that has been sustained. In addition, the unit member, if they choose, may meet with their immediate supervisor along with the second level supervisor or the unit member's Bureau/Precinct Commander for the purpose of discussing the basis of each violation to be reviewed by the DRB. If the immediate supervisor conducted the investigation, the unit member, if they choose, may meet with the next supervisor in their chain of command. Such request shall be made in writing to the unit member's immediate supervisor. Also, the unit member, if they choose, may be accompanied by an Association representative at either meeting.

a. At the IRP meeting, the unit member shall be afforded a reasonable opportunity to review the written investigation. Realizing that in some cases there may be information that would be detrimental to the department's ability to conduct misconduct investigations, that information may be deleted. However, all other information will be available for review.

3. The unit member under investigation may request a copy of the DRB information at no cost. The DRB information will be made available to the unit member or their representative at the same time the unit member is served with the DRB notice. Any written or electronic material to be presented by the employee or their representative to the DRB shall also be given to the department in a reasonable time. The information will be supplied electronically if possible; if not, it will be supplied in written form. In addition, the department will supply any audio/video tapes and computer graphics which have been produced.

4. The unit member may, at their discretion, appear before the Board with an Association representative of their choosing and may state the reasons why the proposed action is unjustified. The unit member and their representative may passively observe all presentations made to the board and all responses made to questions by board members. The unit member and non-board members will be excluded from the room during board deliberations.

5. The unit member may submit relevant written matter in support of their position.

6. If the unit member requests, representation will be allowed, consistent with Article 1, Section 1-4(B)(1) of this Memorandum, during Use Of Force Board (UFB) hearings. A unit Association representative will be allowed to observe all presentations made to the Board and all responses to questions by Board members.

a. At least 10 days prior to the convening of the UFB the unit member will be provided at no cost with a copy of all documentation concerning their involvement in the matter under investigation that is made available to the UFB Board members.

b. At the conclusion of the UFB, the Board Chair will verbally advise the unit member and representative of policies violated that support the

recommendation. The unit member and representative will also be provided a copy of the UFB recommendation submitted to the Chief within 3 business days.

c. The Association has the right to meet with the Police Chief, or designee, within 7 business days of the board's decision, as scheduled by the Police Chief's office, to discuss an "out of policy" recommendation by the UFB before a final decision is rendered.

7. A unit member will be provided written notice of a Loudermill hearing at least 5 working days before the scheduled hearing along with copies of all supporting documentation. This is to ensure the member will have a meaningful opportunity to prepare for the hearing. The unit member may submit written information for the Chief's consideration in advance of the hearing. At the hearing, the unit member may present any information the member deems relevant, including one character witness to provide a statement. The witness will not read written statements submitted by others.

   a. The timeline for written notice of a Loudermill hearing resulting from an arrest for a felony crime under color of authority will be at the discretion of the Police Chief.

8. In recognition of the mutual benefit to both the city and the unit member, suspensions MAY BE served under the following time limits, at the unit member's option. Unit members may serve suspensions of more than 40 hours on an alternating weekly schedule. The city retains the option to deviate from this provision for suspensions involving sexual harassment, violence in the work place, felonies, and drugs/alcohol.

G. A unit member under investigation by Professional Standards Bureau or a Police Department supervisor for a disciplinary matter that may lead to a written reprimand, suspension, demotion, or discharge, and who is interviewed or interrogated, or requested to produce any documentation, shall be given a written Notice Of Investigation (Form 80-58DB) informing them of the specific nature of the investigation, their status in the investigation, and all known allegations of misconduct involved in the interview of the unit member. In addition, the unit member and/or the Police Department supervisor/Professional Standard Bureau representative may mechanically record such interview/interrogation. Should any mechanical recordings take place, the department reserves the right to transcribe any such interview/interrogation for the purpose of verifying the accuracy of the interview/interrogation and, if requested, the unit member shall sign the transcription if it is accurate. In the event that the investigator intends to segment the interview or the interrogation, the NOI will inform the member of the specific nature and all known allegations pertaining to the portion or portions of the investigation being covered by the segmented Notice of Investigation.

1. A copy of the signed and dated Notice of Investigation will be given to the unit member prior to the beginning of the interview. The unit member shall have the right to retain the NOI for their use throughout the entire course of the interview.

2. The unit member will be provided a copy of all the interview/interrogation in digital media format.

3. If any unit member is told not to speak to anyone regarding an investigation, this admonition does not apply to speaking with an attorney functioning within the attorney-client relationship. In addition, if an accused unit member is told not to speak to anyone regarding an investigation, this admonition does not apply to speaking with an Association representative, who may discuss the matter only with the grievance chairman/Association president or their designated representative. Once the investigation is completed, any unit member may speak with an Association representative regarding the incident. When the investigation is completed, the accused unit member will be notified in writing of the findings. A unit member under internal or administrative investigation may be reassigned (may include reassignment to their home), until the completion of the investigation.

4. If during the course of the above mentioned investigation, information is learned concerning additional misconduct on the part of the unit member being interviewed, an NOI will be issued to the unit member prior to the unit member being questioned about the additional misconduct information.

5. Investigations alleging serious misconduct and/or issues of veracity will be investigated by Professional Standards Bureau (PSB) or other appropriate City entity.

6. Notification regarding the general nature of a Professional Standards Bureau (PSB) interview at the time of scheduling will be left at the discretion of the PSB Commander.

7. If any additional NOI's are served during the course of a misconduct interview where a PLEA representative is not present (has not been requested), a break in the interview of up to 1 hour will be granted (if requested) for the employee to obtain a PLEA representative.

8. The unit member or the unit member's representative may make a request to the Chief, or their designee, in unusual circumstances such as a unit member's extended duty or hospitalization, to delay the PSB interview for up to 24 hours after a critical incident.

9. A unit member will not be terminated for the sole reason of having been served with an order of protection or injunction against harassment unless that court order precludes the officer from performing their essential functions, including but not limited to carrying a firearm; until appeal processes have been exhausted.

H. It is understood by the parties that the benefits granted by this Article, shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the unit member's work shift in pursuit of benefits provided by this Article. The employer shall count as time worked any hours or fractions of hours spent within the unit member's regular work shift in pursuit of benefits provided by this Article.

I. The affected employee attending any IRP, DRB, UFB, DAC, Grievance meeting, Civil Service Appeal, or any other review board while off duty shall be allowed to adjust their work schedule by an equal amount of time spent in the meeting. The adjustment will require the approval of the unit member's supervisor, with operational considerations. Approval will not be unreasonably withheld.

J. After a separation notice has been signed by the appropriate authorities, and if the unit member is given the opportunity to resign, the unit member will have 3 hours to consult with an Association representative.

K. A unit member who receives a written reprimand will be provided a copy of the official documentation, if any, supporting the written reprimand at the time the unit member receives the reprimand.

L. If the Driving Analysis Committee sends a case to the DRB for review, the unit member will receive a copy of the facts supporting the DAC position upon request. Prior to the DAC review, unless the unit member declines, an IRP will be completed with the unit member's commander.

M. In accordance with the terms outlined in Section 1-4.E.4, a unit member seeking an "at request" transfer will only have discipline of a relevant nature considered in the determination of the transfer using the following prescribed time frames. The class will be determined by the finalized PSB investigation.

Written Reprimands:	12 months from date of NOI
Class I Discipline:	12 months from date of NOI
Class II Discipline:	18 months from date of NOI
Class III Discipline:	24 months from date of NOI

N. If an employee is not given their performance evaluation by the annual review date, the employee may request the merit increase in writing by sending a memorandum directly to the Human Resources Officer in the Fiscal Management Bureau. If the performance evaluation is an overall "met," the request will be processed within 21 calendar days of submittal and will be retroactive to the performance evaluation annual review date.

O. Unit members will not be excluded from applying and/or competing in a transfer process based solely on a pending investigation. The investigation is no longer considered "pending" once the NOF has been served to the member. However, the transfer process will not be delayed pending the conclusion of the related

investigation. If a unit member is passed over for transfer based on the pending investigation, he/she may be eligible for the next available opening depending upon the outcome of the investigation.

P. An association member, or the association at the request of the member, may request the opportunity to discuss a good-of-the-department transfer decision with the member's Division Commander. The Division Commander will make him/herself available, but the transfer action will not be delayed based on this provision. This provision does not apply to transfers made to adjust staffing levels, reduce staff in a specific area or other similar operational need.

Q. A unit member or their representative may request the opportunity to discuss and review a transfer that is the subject of a grievance with the Chief or their designee. The Chief or their designee shall make themselves available to discuss, but the transfer action will not be delayed based on this provision. The transfer action could be delayed or reversed at the discretion of the Chief or their designee. (This paragraph does not apply to at-request transfers or transfers based on a selection process).

R. If the City overpays a unit member for any reason, the money will be recovered at the same rate at which it was paid unless total amount is less than $250.00, at which the entire amount may be recovered in one lump sum.

S. Progressive Discipline time periods will be based on date of the NOI. Only discipline resulting from a sustained finding of a like or similar allegation will be considered for progressive discipline purposes.

Section 1-5: Prohibition of Strike and Lockouts

A. The Association and the unit members covered by this Memorandum recognize and agree that rendering of police services to the community cannot under any circumstances or conditions be withheld, interrupted, or discontinued, and to do so would endanger the health, safety and welfare of the citizens of the City of Phoenix.

B. The Association pledges to maintain unimpaired municipal services as directed by the City. Neither the Association, nor any unit member, for any reason, will authorize, institute, aid, condone or engage in a slowdown, work stoppage, strike, or any other interference with the work and statutory functions and obligations of the City or the Department. During the term of this Memorandum neither the City nor its agents for any reason shall authorize, institute, aid or promote any lockout of unit members covered by this Memorandum.

C. Should any unit member during the term of this Memorandum, and until such time that it is expressly and legally rescinded, breach the obligations of Section 1-5B, the City Manager or his designee shall immediately notify the Association that a prohibited action is in progress.

D. The Association shall forthwith, through its executive officers and other authorized representatives, disavow said strike or other prohibited action, and shall notify in

writing all Association members and representatives of their obligation and responsibility for maintaining compliance with this Article, including their responsibility to remain at work during any interruption which may be caused or initiated by others. Copies of such notification shall be delivered to the office of the City Manager. In addition, the Association shall order all unit members violating this Article to immediately return to work and cease the strike or other prohibited activity. Such order shall be delivered both orally and in writing to all unit members violating this Article with copies of the written order to be delivered to the office of the City Manager.

E. Penalties or sanctions the City may assess against a unit member who violates this Section shall include, but not be limited to:

1. Discipline up to and including discharge.

2. Loss of all compensation and benefits, including seniority, during the period of such prohibited activity.

F. Should the Association during the term of this Memorandum and until such time that it is expressly and legally rescinded, breach its obligations under this Section, it is agreed that all penalties set forth in Chapter 2, Article XVII (Employer-Employee Relations), Phoenix City Code, shall be imposed on the Association, in addition to any other legal and administrative remedies available to the City that in its discretion it may elect to pursue.

G. Nothing contained herein shall preclude the City from obtaining judicial restraint or from seeking damages from the Association, in the event of a violation of this Section.

ARTICLE 2: Grievance/Arbitration/Labor Management

Section 2-1: Grievance Procedure

It is understood by the parties that the benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Article. The employer shall count as time worked any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Article.

A. Informal Resolution

1. As a matter of good labor-management relations**,** unit members who believe that they have a bona fide grievance will discuss and attempt to resolve it with the appropriate lowest level of supervision.

2. If the above informal discussion is held and does not resolve the grievance, the unit member may file a formal grievance in accordance with the following procedure.

B. Definition of Grievance

1. A grievance is a written allegation by a unit member, submitted as herein specified, claiming violation(s) regarding the specific express terms of this Memorandum for which there is no other specific and formal method of review. However, disputes specifically excluded in other Articles of this Agreement from the Grievance and Arbitration procedure shall not be construed as within the definition set forth above and shall not be handled in accordance with this procedure. It is agreed that such excluded disputes are not grievable or arbitrable under the terms of this Article or under this contract.

2. The City continues to retain the format used for grievances, including forms, technology, etc.

3. A grievance which does not meet the requirements set forth in this Article shall be null and void, and will not be processed in accordance with this procedure.

4. The City is not under any obligation to accept grievances where the City Manager has previously decided on the same fact pattern.

C. Procedure

All grievances covered by this Article shall be handled exclusively in the following manner:

A grievance must be reduced to writing, citing the specific Article and Section of this Memorandum alleged to have been violated.

1. Step 1

The unit member shall reduce the grievance to writing by signing and completing the grievance form provided by the City and submit it to the Commander/Administrator, or designee, within 14 calendar days of the initial commencement of the occurrence being grieved.

The Commander/Administrator, or designee, may investigate, further consider, and discuss the grievance with the grievant and the grievant's representative, if any, as deemed appropriate, and shall, within 14 calendar days of having received the written grievance, submit a response thereto in writing to the grievant. The parties by written mutual agreement may move the grievance to Step 2 of the grievance procedure.

2. Step 2

   If the written response of the Step 1 does not result in a resolution of the grievance, the grievant may appeal the grievance by signing and completing the City form and presenting it to the division head, or designee within 14 calendar days of the grievant's receipt of the Step 1 response.

   The division head, or designee, may further consider and discuss the grievance with the grievant and the grievant's representative, if any, as deemed appropriate, and shall, within 14 calendar days of having received the written grievance, submit a response thereto in writing to the grievant. The parties by written agreement may move the grievance to Step 3 of the grievance procedure.

3. Step 2.5

   After the Step 2 response, but prior to review by the Grievance Committee, the parties involved may mutually agree to submit the grievance to Labor Relations. The grievance, as originally written and Step 1 and Step 2 responses, must be submitted to Labor Relations within 14 calendar days of receipt of the Step 2 response. Labor Relations shall, within 14 calendar days of the receipt of the grievance, meet with the department head, or designee, and the grievant and the grievant's representative, if any, in an attempt to resolve the grievance. Labor Relations shall then submit a written response to all parties within 14 calendar days of the meeting.

4. Step 3

   a. If the written response of the Step 2 (or 2.5 if applicable) does not result in a resolution of the grievance, the grievant may, within 14 calendar days of the Step 2 response, appeal the grievance by signing and completing the City form and presenting it to Labor Relations. A Grievance Committee hearing will be scheduled at which the grievant shall be afforded the opportunity to fully present his position and to be represented.

      The Grievance Committee shall be composed of:

      Chairman – A member of the City Manager's Office designated by the City Manager.
      Member – A City department head on a rotating schedule.
      Member – The President of another union, other than the Grievant's, representing employees with the City of Phoenix.

      The Grievance Committee shall submit findings and advisory recommendation(s) to the City Manager. The City Manager shall make the final determination of the grievance and submit it in writing to the grievant and his designated representative.

b. If the grievant so elects in writing within the above time limit, in lieu of such hearing the grievance may be reviewed by an arbitrator. The parties, or their designated representatives, shall agree on an arbitrator, and if they are unable to agree on an arbitrator within a reasonable time, either party may request the Federal Mediation and Conciliation Service to submit to them a list of 7 arbitrators who have had experience in the public sector. The parties shall, within 7 calendar days of the receipt of said list, select the arbitrator by alternately striking names from said list until one name remains. Such person shall then become the arbitrator. The arbitrator so selected shall hold a hearing as expeditiously as possible at a time and place convenient to the parties, and shall be bound by the following:

   i. The arbitrator shall be bound by the language of this Memorandum and departmental rules and regulations consistent therewith in considering any issue properly before him/her.

   ii. The arbitrator shall expressly confine him/herself to the precise issues submitted to him/her and shall have no authority to consider any other issue not so submitted to him/her.

   iii. The arbitrator shall be bound by applicable State and City law.

   iv. The cost of the arbitrator and any other mutually incurred costs shall be borne equally by the parties.

   The arbitrator shall submit findings and advisory recommendations to the City Manager. The City Manager shall make the final determination of the grievance and submit it in writing to the grievant and his designated representative.

D. Time Limits

Failure of City Management representatives to comply with time limits specified in Paragraph C shall entitle the grievant to appeal to the next level of review; and failure of the grievant to comply with said time limits shall constitute abandonment of the grievance; except however, that the parties may extend time limits by mutual written agreement in advance of the deadline.

E. Union Grievance

The Union may, in its own name, file a grievance that alleges violation by the City of the rights accorded to the Union by the specific terms of Article 1-3 of this Memorandum. The Union shall file such grievance at Step 3 of this Procedure.

F. Group Grievance

When more than one unit member claims the same violation of the same rights allegedly accorded by this Memorandum, and such claims arise at substantially the same time and out of the same circumstances, a single group grievance may be filed in the name of all such members. Such group grievances shall be filed at the Step of this Procedure which provides the lowest level of common supervision having authority over all named Grievants. Each unit member that is a party Grievant must be named in such group grievance.

G. Employer Grievances

Should they occur as a result of official Union activities or actions, including the failure to act as required under the terms of this Memorandum, employer grievances will be presented directly to the Union president or any officer of the Union within 14 days of the occurrence prompting the grievance. The president, or designee, shall in each case provide a written answer within 14 days from receipt of the grievance. Unresolved employer grievances may be submitted to arbitration pursuant to Step 3 so long as the City pays the cost of the arbitrator.

Section 2-2: Labor-Management Committee

A. There shall be a Labor-Management Committee consisting of up to 6 representatives of the Association and up to 6 representatives of the Department and City. The purpose of the Committee is to facilitate improved Labor-Management relationships by providing an informal forum for the free exchange of views and discussions of mutual concerns and problems as distinguished from meeting and conferring.

B. The Committee shall meet as needed by union request, quarterly at mutually scheduled times. Parties may mutually agree to meet more frequently.

C. Representatives of the Association on the Committee who are unit members shall not lose pay or benefits for meetings mutually scheduled during their duty time up to a maximum of 3 hours per unit member per meeting.

D. It is understood by the parties that the benefits granted by this Section shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the unit member's work shift in pursuit of benefits provided by this Section. The employer shall count as time worked any hours or fractions of hours spent within the unit member's regular work shift in pursuit of benefits provided by this Article.

E. For a unit member whose regular shift is other than Shift 1, there will be flexibility in changing his normal work hours for the purposes of attending official Labor-Management meetings called by or with the concurrence of City management or the Police Chief or designee.

Section 2-3: Resolving General Complaints

In the spirit of continually developing good labor-management relations all parties are encouraged to address general complaints at the lowest level of management in attempt to seek resolution before escalating issues up the chain of command.

ARTICLE 3: Compensation/Wages

Section 3-1: Wages

~~A. **Unit 4 employees will receive a non-continuous payment equal to the economic value of 2.5% of their base wage to be paid out on the first full pay period in August of 2024.**~~

A. The Association and its members reserve the right to discuss base wage issues upon the disclosure of City revenues and forecasts for the terms of this Memorandum of Understanding during the designated negotiation period.

~~B. **Limited Reopener for FY 2025-2026: If the city projects and revenues will exceed $1,750,000,000 for the Fiscal Year 2025-2026 in the forecast that is presented to the City Council in February 2025, the parties may reopen Section 3-1 of this agreement for the sole and limited purpose of Meeting and Conferring, In February 2025, over base wage increases, if any. Unless held invalid by operations of law and or by final judgment of any tribunal of competent jurisdiction, all other terms and conditions of this MOU shall remain in full force and effect during any such reopener and throughout the duration of this MOU.**~~

B: Steps 1-4 of the current pay scale are eliminated, making the current step 5 the new step 1 and proceeding. The new pay structure will be a 5-step process to top step, with pay increments advancing for all Unit 4 employees effective the first day of the 2026 fiscal year following the implementation of section A (above).

C. Unit members assigned to the Air Support Unit, and who have achieved and maintained the qualification level of Pilot in Command, shall be placed at step one of Police Officer*Pilot, Job Code 62211, in the pay schedule outlined in Attachment C.

D. Unit members assigned to the Air Support Unit, and who have achieved and maintained the qualification level of Rescue Qualified Pilot or PC12 Qualified Pilot, shall be placed at step one for Police Officer*Rescue Pilot, Job Code 62212, in the pay schedule outlined in Attachment C.

E. Unit members assigned to the Air Support Unit, and who have achieved and maintained the qualification level of Unit Certified Flight Instructor, shall be

placed at step one of Police Officer*Flight Instr, Job Code 62213, in the pay schedule outlined in Attachment C.

F. A unit member assigned to the Air Support Unit, and who has achieved and maintained the qualification level of Chief Pilot, shall be placed at step one of Police Officer*Chief Pilot, Job Code 62214, in the pay schedule outlined in Attachment **C**.

G. Unit members assigned to one of the four described Air Support assignments may only qualify for and receive pay for one pay step at a time. Example: A unit member qualified as a Unit Certified Flight Instructor and receiving pay at pay step one of Job Code 62213 shall not receive the premium pay for any other pay step the unit member may also qualify for.

H. Unit members designated as Team Leaders on SAU squads will receive an additional 5% base hourly rate of pay while assigned to this position.

I. It is understood that for implementation purposes, the practice of rounding of fractional cents shall be done in accordance with accepted mathematical and accounting principles.

J. When a conflict arises between the Pay Schedule attached hereto as Appendices and the Pay Ordinance due to mathematical, typographical, or printing error, the Pay Ordinance shall be the controlling authority.

K. It is the intent of the parties to permanently move the effective date of any wage increase to the start of the first pay period in July.

L. Lateral Pay:

A Lateral Police Officer will be placed into the pay step one below where a City of Phoenix Officer would be placed with the same time in service when their previous agency has 250 or more allocated sworn positions. (I.E. 5 year lateral officer would be placed in step 4.)

A Lateral Police Officer will be placed into the pay step two below where a City of Phoenix Officer would be placed with the same time in service when their previous agency has less than 250 allocated sworn positions. (I.E. 5 year lateral officer would be placed in step 3.)

M . At least once during the MOU term, the city will conduct a market analysis of law enforcement agencies located in Maricopa County, including the Department of Public Safety and the Maricopa County Sheriff's Office, which will itemize and compare total compensation, salary, and other benefits. This study will be provided to the Association at no cost.

Section 3-2: Productivity Enhancement Pay

In recognition of dedicated public service and overall performance, the City agrees to implement the following Productivity Enhancement Pay formula for unit members:

A. Pay Benefit:

1. In December ~~**2024**~~2025, **June ~~2025~~2026, December ~~2025~~2026,** and June ~~**2026**~~2027, a unit employee who has completed at least 7 years of continuous full-time service and who meets the additional qualifications specified in this Article shall receive $80, pro-rated and included each pay period in the qualifying unit member's regular pay check, for each full year of continuous full-time service in excess of 6 years, up to a semi-annual maximum of $1,040, annual maximum of $2,080 at 20 years.

2. In December ~~2024~~2025, **June ~~2025~~2026, December ~~2025~~2026,** and June ~~2026~~2027, a unit employee at 20 years and one day of continuous full-time service shall receive $125, pro-rated and included each pay period in the qualifying unit member's regular pay check, for each full year of continuous service in excess of 6 years, up to a semi-annual maximum of $2,000, annual maximum of $4,000 at 22 years or more.

B. Qualifications:

1. A unit member must have completed at least 1 year of continuous full-time service at the top step in his classification. Employees in step 8 as of July 8, 2002 will receive Productivity Enhancement Pay when they reach one year at step 8 and maintain their Productivity Enhancement Pay eligibility when they move to step 9. Employees in step 7 or below as of July 8, 2002 will be required to complete one year at step 9 to be eligible for Productivity Enhancement Pay.

2. **A** unit member must have completed 7 years of continuous full-time service. A unit member who has continuous, full time City service in another classification(s) may apply that time to the 7 year requirement.

3. A unit member must have achieved the overall performance rating of meets standards or better on his latest scheduled performance evaluation on file in the Human Resources Department.

4. A unit member who receives a less than meets standards rating may appeal that rating by memo through his chain of command to the Police Chief. A unit member's eligibility shall be reinstated once the unit member receives a scheduled or unscheduled performance rating that meets standards.

5. A unit member must be on full-time active status. A unit member on industrial leave shall qualify for this payment for only the first year of the industrial leave. However, the entire period of industrial leave shall qualify as continuous service when the unit member returns to active employment.

C. Terms of Payment:

1. The City will make adjustments to an employee's Productivity Enhancement payment within 30 days of the qualifying date.

Section 3-3: Training Pay

A. Field Training Officers (FTOs) whom the department selects to conduct department-approved officer field training; will receive an additional 5% of their base hourly rate of pay for every day they are assigned to an officially authorized field training position.

B. Field Training Officers who train in place or unit member assigned to train an O.I.T. in traffic/DUI enforcement will receive 5% base hourly rate of pay for every day the unit member actually trains.

C. Unit members assigned to the Canine Unit, who have achieved and maintain the qualifications for the position of Canine Unit Trainer, will receive an additional 5% of their base hourly rate of pay for every day they are assigned to an officially authorized Canine Unit Trainer Position. The following is a list of requirements to receive payment as a Canine Unit Trainer:

1. The unit member must be, or be designated by the Department to become, certified by an outside association to train police service dogs. The certifications include patrol, narcotics detection and/or explosive detection.

2. Training being provided must include basic level training for canines and handlers assigned to the unit. This section is not meant to include a canine handler training only his or her assigned canine; it is meant for those who provide basic and in service training to other canine teams in the unit.

3. An officially authorized Canine Unit Trainer Position must include responsibility for proper written evaluation of each canine and handler being trained.

D. Detectives selected by the department ~~selects~~ to conduct department-approved new Detective or civilian investigator training will receive an additional 5% of their base rate of pay for every day they perform such training.

E. Officers selected by the department to mentor and evaluate newly assigned special assignments bureau members will receive an additional 5% of their base rate of pay for every day the new member is under their mentorship.

Section 3-4: Compensation for Interpreting and Translation by Sworn Police Officers

A. Purpose

1. This regulation is written to provide guidelines for adjusting the compensation of sworn police officers who are authorized and required by a sworn police supervisor to utilize a language other than English, including sign language, to conduct an official Police Department function or activity.

2. This compensation shall be for police-related functions or activities in which the unit member is called upon to interpret in addition to their normal assigned duties.

B. Payment Authorization

Compensation provided for by this regulation shall be given only when approved by a sworn police supervisor prior to the actual interpretation or translation.

C. Performance Activities Approved for Special Compensation

1. Verbal interpretation, in excess of 7 consecutive minutes per occurrence, while conducting any assigned formal police function or activity.

2. Written translation, in excess of 7 consecutive minutes per occurrence, while conducting any assigned formal police function or activity.

3. Signing interpretation and translation, in excess of 7 consecutive minutes per occurrence, while conducting any assigned formal police function or activity.

D. Compensation

A unit member who meets linguistic skills qualifications, as determined by a management review panel, or in the case of sign language determined by presenting certification recognized by the Arizona Commission for the Deaf and Hard of Hearing (ACDHH), shall be paid a premium of $~~10~~ 15.00 per hour calculated to the nearest 1/4 hour, in addition to his base hourly rate, for each hour he is engaged in assigned and authorized interpretation, translation, or signing activities.

Consistent with Section 5-10, 3 of this Memorandum and A.R. 2.51, employees are eligible to use the seminar and professional membership portion of their reimbursement benefit for the ACDHH certification.

E. Supervisory Authorization

Authorization must be provided by a sworn police supervisor in each case. Written notification which includes a listing of the specific time periods for which the premium payment is sought along with signatures of the unit member and the appropriate supervisor should be forwarded to the Police Department's Fiscal Management Bureau before the end of the pay period in which the additional duty occurred.

Section 3-5: Overtime

A. Overtime is defined as time assigned and worked beyond the regularly scheduled 40 hour work week or 8 hour work shift, or 10 hour work shift if a 4 day work week is implemented. Duly authorized paid leave shall be considered as time worked for purposes of the regularly scheduled work week. This provision shall not apply to unpaid leave.

B. Overtime shall be worked and shall be allowed if assigned by the Police Chief or his designees.

C. Overtime work will be compensated in either cash or compensation time at 1-1/2 times the regular rate of pay after the first 7 minutes assigned and worked beyond the end of the unit member's regularly scheduled shift, calculated to the nearest 1/4 hour.

D. A unit member may, subject to approval of his non-unit supervisor based on considerations of departmental scheduling and operations factors, request to use overtime as compensatory time subject to the limitation of 300 hours on the accumulation of compensatory time. Use of compensatory time shall be subject to advance approval of the non-unit supervisor. If a unit member submits overtime requests that are in excess of 300 hours, he will be paid the difference.

E. Unit members may contribute accrued compensatory time to other employees in accordance with City policy governing contributions of leave for serious illness of an employee or their immediate family member.

F. A unit member may be paid for accumulated compensatory time by submitting a memorandum to the Fiscal Bureau requesting payment for any portion of the compensatory time. This may be done at any time upon the unit member's request, and such payment will be made in the pay period following receipt of the memorandum by the Fiscal Bureau.

G. At the direction of the immediate supervisor in each case, a unit member shall be entitled to overtime in accordance with Article 3, Section 3-6 hereof, while he is being evaluated by the authorized and designated City physician for return to work at times he is not scheduled to be on duty nor is on paid leave or disability benefit status, based on actual check-in and check-out time recorded by Health Center staff. This time shall not qualify for the guaranteed minimum overtime provision contained in Section 3-8, but shall be compensated at a minimum of 1 hour at 1-1/2. No unit member shall be compensated for other than the supervisor directed evaluation(s) by the City physician for return to work.

H. After 4 consecutive hours of overtime, a unit member shall be entitled to a paid meal break of 1/2 hour, but in no event shall a unit member be entitled to more than one such meal break for every 8 consecutive hours of overtime.

For a unit member participating in the 4/10 schedule, this provision shall mean that before a unit member is entitled to a second 1/2 hour paid meal break, he shall have worked on an overtime basis for a minimum of 4 hours beyond the end of his regularly scheduled 10 hour work shift.

I. If work demands preclude a unit member from taking a meal period, the unit member will be paid an additional 30 minutes at the straight time rate. This benefit shall apply only if the interruption occurs during the first 30 minutes of the meal period.

J. When a unit member is off duty and is contacted by telephone by his supervisor because of the unit member's official duties, for purposes other than call-out, or a supervisor approves of the making or receiving of the call, the unit member will be paid a minimum of 15 minutes at time and one-half his regular rate of pay when any combination of calls equals 7 minutes or more. If the call extends past this

minimum, the overtime will be calculated to the nearest 1/4 hour. He will not receive overtime for additional duty-related calls received during this compensation period.

K. A unit member on industrial leave and assigned to his home will be considered to have the same duty hours and N-days, up to a 7 calendar day period, as the squad he was on when the injury/illness occurred. After the 7 days, he may be reassigned to new duty hours and/or N-days.

L. A unit member who scheduled a leave day 30 calendar days in advance through his immediate non-unit supervisor in accordance with departmental policy and who subsequently is placed on court stand-by, or is required to appear in court will, by his choice, receive overtime pay in accordance with this Section and Section 3-7 and/or Section 3-8, in addition to the leave day.

M. A unit member who scheduled a leave day but failed to do so within 30 calendar days in advance, and who is placed on stand-by or called to court, will receive overtime pay in accordance with this Article and Section 3-7. However, the number of leave hours taken will be reduced by the number of overtime hours paid. Court stand-by hours do not apply to this provision.

Section 3-6: Court Time Overtime

A. When court time constitutes overtime, a unit member shall be entitled to overtime compensation/minimum call-out pay consistent with Section 3-8 of this Memorandum.

1. Court time overtime shall be continuous time compensated consistent with Section 3-6, subsection C.

2. No cost parking will be provided for unit members who are called to testify or appear at any City of Phoenix Municipal Court facility for any official police department business, whether on or off-duty.

3. If performed virtual, the unit employee must report to a Phoenix Police facility to be eligible for Court Time Overtime. If performed at a location of the unit employee's discretion, other than a work location, the unit member will be paid a minimum of 15 minutes at time and one-half his regular rate of pay when any combination of calls equals 7 minutes or more. If the call extends past this minimum, the overtime will be calculated to the nearest 1/4 hour. The unit employee will not receive overtime for additional duty-related calls received during this compensation period.

B. For purposes of this Article the term Court shall be defined as including Federal District Court; Superior Court, State of Arizona; City Court, City of Phoenix, State of Arizona; Municipal Courts in Maricopa County; Justice Court; Federal, State, County Grand Juries; Motor Vehicle Department hearings, and Prosecutorial and Defense interviews. It is understood that this Article shall not apply to

administrative hearings including but not limited to arbitration hearings pursuant to the MOU, Civil Service Board hearings, PERB hearings, and hearings pursuant to the A.R. 2.61 grievance procedure.

C. After a unit member verifies his need to appear in court to testify concerning the performance of his official duties at a time other than his regularly scheduled tour of duty, and he is notified less than 12 hours in advance of the scheduled appearance time that he need not appear, the unit member will receive 2 hours of pay at 1-1/2 times his base hourly rate of pay.

Section 3-7: Call-Out Pay

A. A unit member called back because of his own negligence, whether in the proper care and use of City equipment, or for his failure to complete official reports prior to securing for the day, shall be paid for such call- back consistent with Section 3-6, subsection C, provided, however, the unit member shall not be eligible for the 3 hour guaranteed minimum pursuant to this Article. If a claim of negligence is disputed, it may become subject to the grievance procedure herein.

B. Anytime that a unit member is called back after leaving City facilities at a time other than his regularly assigned shift, the unit member will receive a minimum of 3 hours pay at time and one-half the unit member's base pay calculated to the nearest 1/4 hour, except that a unit member shall not be eligible for additional compensation during that three hour period.

Compensation to a unit member who is called out at times other than his regularly scheduled shift will begin at the time the unit member is notified. The compensation will continue up to 30 minutes beyond the completion of the duties for which the unit member was called out, or until the member returns to his residence, whichever is first. Where applicable, the travel time shall be paid only if the total work and allowed travel time exceed the minimum call out guarantee. Travel time shall not apply when a unit member is working overtime planned in advance.

C. A unit member beginning an overtime period within 3 hours or less prior to the regularly scheduled duty reporting time, will be compensated from the time the overtime period begins to the time he is scheduled to report for duty except that a unit member shall not be eligible for additional compensation during that period.

D. Holdover time, i.e., being held over on shift (no break in duty exceeding 15 minutes) will be compensated for actual time spent in accordance with Section 3-6, subsection C.

Section 3-8: Out-of-Rank Pay

A. A unit member who is temporarily required to serve in a regular authorized position in a supervisory classification, (e.g., sergeant), shall be compensated at the higher rate of pay in accordance with the following:

B. To be eligible for the additional compensation, the unit member must first accumulate 10 regular working shifts of assignment in the higher rank within any 12 month period; satisfactory performance during a previous appointment to the higher rank will be credited to the qualifying period. The days of out-of-rank assignment need not necessarily be consecutive. Once this qualification is satisfied, no additional re-qualification will be required. All shifts worked beyond the 10th shift in the supervisory classification will be subject to the higher rate of pay.

C. Temporary assignments out-of-rank shall be recorded only in full shift units. A unit member working out-of-rank for less than 1 full shift will not be credited with working out-of-rank service time.

D. To qualify for out-of-rank pay, a unit member must be assuming substantially the full range of duties and responsibilities of the higher level position. Out-of-rank pay is not authorized, for example, if the organization of a work unit is such that each unit member carries on his normal duties during the temporary absence of a supervisor, without a need for the direction which the supervisor would provide on a longer term basis.

E. Time worked in a higher rank shall not earn credits toward the completion of probationary requirements in the higher rank.

F. A unit member who has qualified under these provisions shall be compensated at the minimum rate established for the higher rank for all shifts worked beyond the 10th shift served in the higher rank. In the event of overlapping salary ranges, a one-step differential shall be paid for out-of-rank assignments. The higher rate of pay shall be used in computing overtime when authorized overtime is served in out-of-rank work assignments; the overtime rate shall be the rate established by the overtime regulations that apply to the higher rank.

Section 3-9: Sick Leave Conversion at Retirement

Effective at the beginning of the first pay period in July, 1992, the following benefits shall apply:

A. Definitions:

1. Qualifying hours - the minimum number of accrued and unused sick leave credits existing on the last day of service prior to retirement, which are necessary before a unit member can participate in the benefit program.

2. Base number of hours or base hours - the number of hours of accrued and unused sick leave credits which are uncompensated under this Article and above which the City will compensate the unit member.

3. Base hourly wage - the base hourly rate of pay being paid at the time of retirement to the retiring unit member who qualifies for participation in this benefit program.

B. Benefit and Eligibility:

1. A member that has between 1 – 899 hours of sick leave remaining in their sick leave bank at the time of retirement, shall be eligible for payment of 100% their base wage for 50% of their hours accrued.

2. A member who has accumulated a minimum of 900 – 1,285 hours of unused sick leave at the time of retirement, shall be eligible for payment of 100% their base hourly rate for 65% of their remaining sick hours.

3. A member who has accumulated a minimum of 1,286 – 1,713 hours of unused sick leave at the time of retirement, shall be eligible for payment of 100% their base wage for 80% of their remaining sick hours.

4. A member who has accumulated a minimum of 1,714 hours of unused sick leave at the time of retirement, shall be eligible for payment of 100% their base wage for 100% of their remaining sick hours.

5. A unit member who has accrued 1,286 hours or more of unused sick leave may elect to have 150 hours of sick leave paid out at the member's hourly rate in one lump sum. A unit member may only elect to exercise this benefit 3 times in their career, and not more than 1 time in a fiscal year. Eligible employees may elect to buy back their hours between July 1 and the last pay period in January each fiscal year.

6. The payments described in numbers 1 through 5 above are not considered Final Average Salary for purposes of pension calculations.

C. Administration:

1. At the time of retirement, the City's Employee Benefits Division, or such other individual or agency as the City may designate, shall determine the unit member's eligibility and the amount of unused sick leave to be compensated.

2. The unit member shall verify in writing the computations of the Employee Benefits Division.

3. In the event a unit member's eligibility for participation or the amount of compensation is disputed, then the dispute shall be submitted to the City Auditor for binding resolution.

Section 3-10: Sick Leave Payout

All accumulated sick leave hours on the city's official file at the time of the member's death will be paid. Payment will be based upon the member's base hourly rate at the time of death.

Section 3-11: Night Shift Differential/Weekend Shift Differential

A. A unit member shall receive $2.00 per hour in addition to his base hourly rate of pay when working a night shift or any portions of a night shift which ends at or after 10:00 PM.

B. A unit member shall receive night shift pay differential only for hours scheduled and worked, and not while on paid leave time.

C. A unit member who is called out and works between the hours of 10:00 PM and 6:00 AM will be paid night shift differential for all hours worked at the rate specified in this Article. If a unit member was called out while on a stand-by status, he will not receive night shift differential.

D. A unit member shall receive $1.00 per hour in addition to his base hourly rate of pay and any other shift differential or any other premium pay he may be receiving for working a weekend shift. A designated weekend shift is defined as any shift that starts on or after 2:00 PM on Friday, and continuing through any shift that starts on or before, but not after 11:59 PM on Sunday.

   1. A unit member shall receive weekend shift pay differential only for hours scheduled and worked, and not while on paid leave.

   2. A unit member who is called out and works between 2:00 PM on Friday and 11:59 PM on Sunday will be paid weekend shift differential for all hours worked at the rate specified in this Article. If a unit member was called out while on stand-by status, he will not receive weekend shift differential.

Section 3-12: Stand-By Pay

A. When a unit member is required and assigned to be available for immediate emergency call-out at times that they are not otherwise on duty and the unit member complies with departmental regulations incident thereto, the unit member shall be compensated as follows: $100.00 on the unit member’s non-work day and $80.00 on a workday.

B. When management determines it is necessary to provide call-out service, stand-by assignments will be maintained by any detail in the department.

Section 3-13: Court Time Standby Pay

A. When a unit member receives a subpoena or other notice requiring him to stand-by to appear in court to testify concerning the performance of his official duties at a time other than his regularly scheduled tour of duty, and he was not notified 12 hours or more in advance of the court appearance that he need not stand-by, he shall be entitled to a minimum of 2 hours of pay at 1-1/2 times his base hourly rate of pay for court dockets scheduled before 1200 hours, and an additional minimum of 2 hours of pay at 1-1/2 times his base hourly rate of pay for court dockets scheduled after 1200 hours, for each day the subject court proceeding is in session and the Unit member is subject to call, providing the provisions of subsection B hereof are satisfied. If a unit member is required to remain on stand-by after 1200 hours, the unit member shall receive an additional 1 hour of pay at 1-1/2 times his base hourly rate of pay.

   If call-out occurs before the expiration of stand-by pay, then stand-by status shall continue until the occurrence of either (a) the expiration of stand-by pay; or (b) arrival at the duty location or participation in virtual appearance begin. Call-out pay and stand-by pay shall not be permitted to overlap resulting in the compounding of compensation.

B. If a unit member fails to exercise his responsibility to contact the appropriate representative of the court or a party 16 hours or less before the time indicated on the subpoena to determine the continued need for him to stand-by, he is not eligible for any stand-by pay.

C. For the purpose of this Memorandum, subpoena refers to a subpoena duly issued by a court or the Arizona Motor Vehicle Department.

D. For purposes of this Article the term Court shall be defined as including Federal District Court; Superior Court, State of Arizona; City Court, City of Phoenix, State of Arizona; Municipal Courts in Maricopa County; Justice Court; Federal, State, County Grand Juries; Motor Vehicle Department hearings; Mental Health Court; and Prosecutorial and Defense interviews. It is understood that this Article shall not apply to administrative hearings including but not limited to arbitration hearings pursuant to the MOU, Civil Service Board hearings, PERB hearings, and hearings pursuant to the A.R. 2.61 grievance procedure.

Section 3-14: Off-Duty Employment

A. The Department agrees to maintain a list of unit members who are interested in off-duty work for use in making job referrals, provided the unit member has received prior approval to engage in off-duty employment from the immediate supervisor.

B. Off-duty employment shall be governed by the rules and regulations of the Phoenix Police Department. Should the Department contemplate any changes in these rules and regulations during the term of this Memorandum, it shall meet

and consult with the Association on such changes in the Labor-Management Committee prior to implementation.

C. The Police Chief agrees to eliminate the limitation of the number of off-duty work hours permitted. However, the Department reserves the right to take appropriate action in the event that a unit member's wellness, welfare, or performance is adversely affected.

D. A unit member who works off duty in a police function for a City-sponsored event or project, and is paid through City payroll, will be compensated at time and one-half his regular rate of pay for all time worked.

E. The Department agrees to maintain a list of all current off duty jobs, with officers separated by rank, as well as the hourly salary and all billable hours for all off duty employment that specifically calls for an officer to perform the duties it entails.

Section 3-15: Jury Duty

When a unit member is called upon to serve as a juror in any court action, he will be allowed leave from his duties without loss of pay for the time required for his service.

Section 3-16: Deferred Compensation and Defined Contribution Plans

A. The City's contribution to DCP will continue at ~~2.56~~ 4.42%.

B. At the employee's separation, for either retirement or exiting the Deferred Retirement Options Program, the employee's sick leave payout amounts will be automatically contributed into the City's 401(a) plan. Any excess amount over the Internal Revenue Code 401(a) plan contribution maximum limits will be automatically contributed into the City's 457(b) plan. Any portion of the excess amount that cannot be contributed to the 457(b) plan because of Internal Revenue Code 457(b) plan contribution maximum limits will be paid as taxable income. The 401(a) Plan document as approved by the Deferred Compensation Board will be the governing document.

Section 3-17: Non-Direct Payment of Compensation or Benefits

Various sections of this Memorandum contain a form of compensation, wages, or benefits that have been negotiated in good faith and may or may not provide a direct payment of wages or other benefit to each member. Those forms of compensation, wages, or benefits that do not provide a direct payment to each unit member have been negotiated in place of a direct payment and costed as part of the overall economic package. Examples include: life insurance, long term disability insurance, leave payouts, etc.

Section 3-18: Drug Recognition Expert Premium Pay

Department qualified/certified Drug Recognition Experts (DRE) who are current in all training and requirements set forth in police, and have completed all necessary training, shall be paid a premium of $15.00 per hour, calculated to the nearest ¼ hour, in addition to their base hourly rate, for each hour they are engaged in DRE activities.

Section 3-19: Phlebotomist Premium Pay

Department qualified/certified phlebotomists who are current in all training and requirements set forth in police, and have completed all necessary training, shall be paid a premium of $15.00 per hour, calculated to the nearest ¼ hour, in addition to their base hourly rate, for each hour they are engaged in phlebotomy activities.

Section 3-20: CIT Pay

The Department shall pay a $15.00-per-hour premium, calculated to the nearest quarter hour, to any Department-certified and current CIT-qualified employee for the hours the employee actually performs CIT duties—whether or not assigned to a CIT squad—with assignment alone not qualifying an employee for the premium.

ARTICLE 4: Hours of Work/Working Conditions

Section 4-1: Work Schedules

~~A. The regular duty hours for a unit member shall be 5 consecutive shifts of 8 hours in a 7 calendar day work week. These 5 consecutive shifts will be preceded and followed by 2 "N" days. If, by reason of transfer, a unit member's "N" days are changed, the provisions of this section pertaining to "N" days shall not apply. The 8 duty hours per shift shall be consecutive and may include any "briefing time" and shall include a meal period of 30 minutes. When work demands permit, with a supervisor's approval, a unit member may combine this 30 minute meal period with one of his 15 minute rest periods described under Subsection D of this Article to achieve a 45 minute meal period. This shall also apply to a unit member working a 4/10 schedule. At times, the department may have operational needs which necessitate a change in current work schedules. The department shall give a unit member a minimum 7 day advance written notice when his "N" days or hours will be changed. If this (7 day written notice is not given, and there is no operational need for not providing the notice, the "N" days or hours change will be rescheduled to allow for a 7 day notice period.~~

~~B. If a 10 hour, 4 day work week is implemented; the regular duty hours for an affected unit member shall be 4 consecutive shifts of 10 hours in a 7 calendar day work week. These 4 consecutive shifts will be preceded and followed by 3 "N" days. If, by~~

~~reason of transfer, a unit member's "N" days are changed, the provisions of this Subsection pertaining to "N" days shall not apply. The 10 duty hours per shift shall be consecutive and may include any "briefing time" and shall include a meal period of 30 minutes. At times, the department may have operational needs which necessitate a change in current work schedules. The department shall give a unit member a minimum 7 day advance written notice when his "N" days or hours will be changed. If this 7 day written notice is not given, and there is no operational~~

~~need for not providing the notice, the "N" days or hours change will be rescheduled to allow for a 7 day notice period.~~

~~C. All unit four members assigned to patrol squads with beat responsibility will **only** work the work schedule defined in subsection B of this section (4/10's) through June 30, **2026**.~~

A. The regular duty work hours for a unit member performing a patrol function with precinct, squad area and/or beat responsibility will only be 4 consecutive 10-hour shifts in a 7- calendar day work week, preceded and followed by 3 consecutive N days. The 10 duty hours per shift will be consecutive and will include any "briefing time" as well as a 40-minute meal period. When work demands permit, with a supervisor's approval, a unit member may combine this 40-minute meal period with one of their 15-minute rest periods described under subsection D of this Article to achieve a 55-minute period. If, by reason of transfer, a unit member's N days are changed, the provisions of this section pertaining to N days shall not apply.

B. The regular duty hours for a unit member performing any other duties will be 5 consecutive 8-hour shifts in a 7-calendar day work week, preceded and followed by 2 consecutive N days. The 8 hours per shift will be consecutive and will include any "briefing time" as well as a 30-minute meal period. When work demands permit, with a supervisor's approval, a unit member may combine this 30-minute meal period with one of their 15-minute rest periods described under subsection ~~D~~ E of this Article to achieve a 45-minute period. If, by reason of transfer, a unit member's N days are changed, the provisions of this section pertaining to N days shall not apply.

C. If a unit member's normal duty hours are changed with less than 7 days' notice, then the unit member is entitled to premium pay.

If a unit member's normal "N" days are changed, then the unit member is entitled to premium pay.

"Premium Pay" is calculated as follows:

- For a unit member assigned to a 5/8's schedule:
  - A change in normal duty hours: 2 hours at their base hourly rate of pay.
  - One "N" day change: 4 hours at their regular rate of pay.
  - Two "N" days changed: 20 hours at their regular rate of pay.
- For a unit member assigned to a 4/10's schedule:
  - A change in normal duty hours: 2.5 hours at their base hourly rate of pay.
  - One "N" day change: 5 hours at their regular rate of pay.
  - Two "N" days changed: 10 hours at their regular rate of pay.
  - Three "N" days changed: 20 hours at their regular rate of pay.

If the period during which these hours and/or N days will be changed exceeds 7 calendar days, the rate of pay for the affected unit member will become 1 ½ times their current hourly rate for the entirety of the period following that week for which the change occurred.

Subject to the discretion of the Chief, or designee, official mobilization as defined in Operations Order ~~9.1~~ TM 9-00-9 is exempt from this section, however such official mobilizations are not to be ordered for patrol coverage or similar issues.

A unit member, who requests a change in work schedules, will not receive premium pay since the request is not a department directed change.

This section does not apply to the 30 hour or more block of annual module training.

A unit member is not eligible to receive both premium pay and overtime for the same hours.

D. When used in the context of this Article, “Operational Needs” will be defined as: Service demand beyond routine patrol staffing, or other required actions performed to accomplish the mission of the department. These actions may be ~~routine~~ ~~(~~anticipated~~)~~ or ~~emergency~~ ~~(~~unanticipated~~)~~. For ~~routine~~ anticipated operational actions, a seven-day written notice will be given to change schedules. For ~~emergency~~ unanticipated operational actions, unit members will be provided with as much advance notice and information as the situation will allow.

E. In addition to all duties as assigned by the Police Chief or his designees, work hours shall continue to include two15-minute rest periods as work demands allow.

F. There shall be a minimum of 15 hours off between shifts, 13 hours for a unit member working a 4/10 schedule. If this is not possible, the unit member shall receive overtime compensation at his regular rate of pay for each full hour worked within the described 15 hour period, 13 hour period for a unit member working a 4/10 schedule. A unit member assigned to a specialty bureau may sign individual statements waiving the provisions of this section. Signed waivers shall continue in effect per fiscal year.

This section does not apply to mandatory training conducted by the Advanced Training Detail when a member is given 30 days written notice of the required training. The intent is not for supervisors to work employees on a double shift. Employees' chain of command will ensure employee's shift prior to training is adjusted to afford 13/15 hours off before reporting to training.

G. A unit member will be permitted to take the meal period at a location within the squad/team area, or if no suitable eating location is available, then with the approval of the designated supervisor, at a location outside the squad/team area. A meal period may be taken at a private residence, with supervisory approval, provided such residence is within the unit member's beat area.

H. A unit member may return to his work station 20 minutes before his scheduled end of shift if work demands permit for the purpose of completing required paperwork, notifying oncoming unit members of any beat conditions, and to notify his supervisor of any unusual occurrences he encountered during his shift.

I. A unit member assigned to the Canine Detail shall be allowed 4 hours of paid time per work week to care for his police dog at his residence. The City will determine when and how the hours will be scheduled.

J. A unit member may waive the provision of section A and B of this section to facilitate an alternative work schedule upon written agreement of both the Association and the Department.

K. "On duty" training will be approved at the Division Chief level.

Section 4-2: Seniority

A. The City shall provide the Association with a list of unit members showing each unit member's City employment date and class employment date.

B. Seniority shall be by length of service within a class. If seniority within the class is not determinative, then length of service with the City shall prevail.

C. Seniority shall be used as a factor consistent with established Civil Service procedures in choice of work assignments, vacation schedules and in the determination of layoffs.

Section 4-3: No cost parking

All unit members shall be provided with free parking at a City-owned or leased parking facility when reporting to work at their primary duty assignment if there is not a free parking facility available at their primary duty assignment.

ARTICLE 5: Benefits

Section 5-1: Health Insurance

A. The City and Association agree to maintain the current 80/20 split for health insurance monthly contribution for the single and family coverage. If there is a rate increase or decrease, the city will pay 80% of the new monthly contribution and the employee will pay 20%.

B. If there is a substantive change in the City's Health Insurance Plan design, the Labor Relations Administrator will discuss such change with the Association.

C. In the event of the death of a unit member while on duty or while performing a police function as determined by the City, the City will**, at a minimum,** continue to pay the full monthly health insurance premium for the spouse **or qualified domestic partner (QDP)** and all eligible dependents. Should the surviving spouse remarry **or enter into a new QDP**, the benefits of this provision shall be discontinued for the spouse. Benefits for remaining eligible dependents, e.g. children, step children, or adopted children, will remain in effect as federal law prescribes.

In the event of the death of a unit member while commuting to or from his work location, for a period of two hours each way, the City will continue to pay the full monthly health insurance premium for the spouse and all eligible dependents. **The City will cover** the payment of a supplementary commutation life insurance policy for each unit member. The Association will pay the cost of this benefit, if any, the first year of each new Memorandum period.

D. In the event Congress or the State of Arizona passes legislation which considers the amount the City contributes to health or dental insurance as imputed income, then the City will consider such contributions as income to the employee.

Section 5-2: Retiree Health Insurance

A. Upon retirement of a unit member, or bargaining unit member who retired on August 1, 1992 or later, the City's contribution to health care premiums will be calculated without regard to age.

B. In no event will the combination of this contribution and the amount paid by the PSPRS (Public Safety Personnel Retirement System) exceed the monthly premium for the chosen health insurance benefit.

C. The City of Phoenix agrees to participate in the Post Employee Health Plan (PEHP) for unit members in accordance with the terms and conditions of the Plan's

Participation Agreement, a copy of which is attached to this agreement. The Employer agrees to contribute to the Plan on behalf of unit members:

Effective July 1, 2017, the Employer shall contribute for each unit member the amount of $ 6.00 per pay period. If any contribution is an amount other than an equal dollar amount per unit member, that contribution shall be deposited in the unit member's Health Insurance Premium Reimbursement sub -account, otherwise the Employer's equal dollar amount contribution per unit member shall be deposited into the unit member's Universal Health Care Reimbursement sub-account pursuant to the terms and conditions of the Plan.

D. By July 1, 2026, the City will establish a stand-alone trust with the sole purpose of supplementing retiree health care for Officers. An Association member will be on the board of any established trust created for this purpose. This trust will not be included as a line item in the City budget, and the monies shall be for the exclusive purpose of providing this benefit to retired officers eligible to participate in the trust's plan of benefits. No portion of the trust may be used or diverted for any other purpose. This trust will be funded as follows:

In addition to any off-duty detail hour rate, a $5 per hour fee that will be payable to a jointly established trust for the sole purpose of supplementing retiree health care for Officers that were employed by the city on or after July 1, 2025. This fee will be in addition to any administrative fee established by the City and/or any additional fees due to a third-party contractor. This fee will be incurred regardless of whether the officer employed is a City of Phoenix employee or not, and regardless of the rank of the employed officer. The Association will have the right to audit the records of the off-duty detail program to ensure accurate payment of the above fees.

The trust board shall determine the amount available for reimbursement for benefits for each retiree, with the advice of an actuary or accountant, and shall determine each retiree's eligibility.

Section 5-3: Dental Insurance

A. The City shall pay the full premium costs for single coverage for employees enrolled in the base HMO or PPO plan. and 75% of the premium costs for family coverage for a City dental plan.

B. **At a minimum, the** plan shall **include a PPO option that consists** of **100**% payment of reasonable and customary charges covered for preventive and **preventive-related** diagnostic services **and 80% payment of reasonable and customary covered charges for** basic services and major services. **At least one** plan shall include an orthodontia benefit providing for 80% payment of reasonable and customary charges up to a maximum lifetime benefit of $4,000 per person. **Dental plans may be** subject to the deductibles and limitations contained in the contract between the dental insurance carrier and the City of Phoenix. Enrollment in prior City of Phoenix dental plans counts toward major services time limit exclusions.

Section 5-4: Life Insurance

A. The City will continue the existing off-the-job and on-the-job life and dismemberment insurance coverage, and will continue the face value of the policy at $15,000. The City will continue the current policy for death in the line of duty at $100,000.00.

B. Effective August 1, 2001, the City will increase the $35,000.00 line of duty life and dismemberment insurance coverage to each unit member to $100,000.00.

C. Additionally, the City will provide to each unit member a $200,000 death benefit covering the unit member's commute to and from his city work location. **The City** will cover the unit member's commute for up to two hours before his shift begins and two hours after his shift concludes. The Association will only pay the cost of this benefit the first year of the MOU.

Section 5-5: Long-Term Disability Insurance

A. The City will offer a long-term disability benefit for all full-time, regular unit members pursuant to A.R. 2.323 as may be amended (providing that such amendments shall not be in conflict with the MOU). Employees who have been continuously employed and working on a full-time basis for twelve consecutive months are eligible for long-term disability coverage. Applicants must apply for benefits they may be eligible to receive. After an established 90 calendar day qualifying period, the plan will provide up to 66-2/3% of the employee's basic monthly salary at the time disability occurs and continue up to age 75 for employees who have been employed full-time for 36 months and one day. Employees who have been employed full-time with the City of Phoenix for 36 months or less, will be eligible to receive a long term disability benefit for no more than 30 months.

B. This benefit will be coordinated with sick leave, industrial insurance payments, social security benefits, unemployment insurance and disability provisions of the retirement plan.

Section 5-6: Holidays and Vacation Leave

A unit member shall be entitled to holiday benefits as set forth in Paragraph 2 of Operations Order No. 3.6, including overtime compensation for hours assigned and worked on a specified holiday in accordance with and subject to Article 3, Section 3-6, Overtime.

A. The compensation of a unit member who actually works on a day designated as a holiday shall include, in addition to his regular day's pay, additional pay or compensatory time for hours worked up to 8 excluding overtime pay.

B. A unit member who is not scheduled to work on a designated holiday will still be compensated for 8 hours pay or compensatory time for each holiday.

C. Paid holidays shall include:

New Year's Day
Martin Luther King, Jr's Birthday
President's Day
Caesar Chavez Birthday
Memorial Day
Juneteenth Day
Independence Day
Labor Day
Indigenous Peoples' Day
Veterans Day
Thanksgiving Day
Friday after Thanksgiving
Christmas Day

Two Personal Leave Days* & **

* After 6 months of continuous service.
** Personal leave will be a total of 20 hours for all unit members.

Subject to operational and scheduling factors, a unit member's personal leave days shall be taken each calendar year on any day of the unit member's choosing.

D. For a unit member participating in the 4/10 schedule, holiday pay shall be applied as follows:

1. When a designated paid holiday falls on a unit member's scheduled day off, the unit member shall be paid 8 hours of holiday pay.

2. When a designated paid holiday falls on a unit member's normally scheduled work day and the unit member is directed to not work that day, the unit member shall be paid for 8 hours of holiday pay. The additional 2 hours necessary to receive 10 hours of pay will be ~~deducted at the unit member's discretion as either non-paid time, accumulated vacation or compensatory time. If a unit member has no accumulated vacation or compensatory time, the unit member will receive only 8 hours of pay~~. waived at no penalty. ~~Alternatively, the unit member may work for 2 hours on the holiday, paid at straight time, performing tasks at the direction of a supervisor. The compensation of a unit member who actually works on a day designated as a holiday shall include, in addition to his regular day's pay, additional pay or compensatory time for hours worked up to 8 hours, excluding overtime pay.~~

E. A unit member will continue to receive holiday pay while on industrial leave.

F. Holidays shall be observed on the calendar days on which they fall for unit members directly involved in providing continuous 24-hour or seven-day service operations.

G. The City agrees to maintain its present vacation selection procedure and, to every extent practicable, allow a transferred unit member to maintain his previous vacation schedule.

H. A unit member who works a schedule at full time 52 weeks of the year shall be credited with vacation credits for every completed calendar month of paid service according to the following schedule:

~~1. Through 5 years of service 8 hrs. per month~~
1. ~~6th t~~Through 10th year of service 10 hrs. per month
2. 11th through 15th year of service 11 hrs. per month
3. 16th through 20th year of service 13 hrs. per month
4. 21st year of service and thereafter 15 hrs. per month

I. Unit members who have accrued 312 hours or more of vacation, may elect to have 150 hours of vacation leave paid out at the member's hourly rate in one lump sum or converted into their comp bank. The member may only elect to exercise this benefit 4 times in their career, and not more than 1 time in a fiscal year. This payment is not considered Final Average Salary for purposes of pension calculations. Eligible employees may elect to buy back their hours between July 1 and the last pay period in January each fiscal year.

Additionally, 80 hours of vacation time can be accumulated above the maximum vacation carryover into the last 3 years of service. These hours must be used as paid time off prior to retirement.

J. Vacation accrual, carryover and compensation at separation is as follows:

YEARS OF SERVICE	MONTHLY ACCRUAL RATE (HOURS)	MAXIMUM CARRYOVER (HOURS)	MAX ACCRUAL THAT CAN BE COMPENSATED AT SEPARATION (HOURS)
0 – 5th	~~8~~ 10	232	280
6th - 10th	10	280	340
11th - 15th	11	304	370
16th - 20th	13**	352	430
21st+	15**	400	490

** In the last three years of service an additional 80 hours may be carried over into a new calendar year.

K. For the purposes of determining monthly vacation Accrual rates for a unit member who had a break in service, if the unit member was reemployed within 5 years, the amount of time the person is gone is subtracted from his previous service, thereby giving the unit member a new accrual service date.

L. A unit member may sell back up to 80 hours of vacation time each calendar year (unit member must use a minimum of 40 hours of vacation/comp-time leave during the calendar year to qualify for this benefit). This payment shall be made on the first payday of December of each year, and shall be included in the unit member's regular, bi-weekly paycheck.

Section 5-7: Out-of-State Vacation Recall

When a unit member is temporarily recalled to duty from out-of-state while on an authorized vacation by order of the Police Chief, or designee, he shall be reimbursed for necessary and provable transportation expenses as determined by the Police Chief.

Section 5-8: Military Leave

A. Definition

1. Pursuant to ARS 26-168 and ARS 38-610, employees who are members of the Arizona National Guard or the Reserves of the United States Armed Forces, will be entitled to a leave of absence from their duties for a period not to exceed 30 days when they are engaged in ordered annual training or to attend camps, maneuvers, formations, or drills under orders of any branch, including the reserve or auxiliary.

   Officers that are ordered or deployed to active military status will be granted a leave of absence from their duties for the entirety of the deployment without loss of pay or other employment rights, less the amount of pay for military activities while on active status, however annual vacation and sick leave will not be accrued.

2. This leave will be granted without loss of pay or other employment rights.

B. Leave Guidelines

1. National Guard and Military Reserve leave time will be calculated using working days.

2. Employees will not be charged with military leave time for days that fall on their regularly scheduled days off.

3. Leave days do not have to be taken consecutively, the only limitation is the 300-hour maximum in any two consecutive military fiscal years (October 1 through September 30). This 300 hour limitation does not apply to officers that are ordered or deployed to active military status.

4. Travel time will not be allowed in addition to inclusive dates shown on requests.

5. A copy of the Military Orders will accompany leave requests.

Section 5-9: Uniform, Clothing and Equipment Allowance

A. Department-issued equipment, as follows:

1. The Police Department will furnish to each unit member entering the department the following:

   1 Uniform Belt
   1 Handcuff Case
   1 Holster

1 Helmet
1 Magazine Pouch
1 Service Weapon
1 Pepper Spray Holder
1 Pepper Spray Canister
1 Pair of Handcuffs and Key

1 Uniform Breast Badge
1 Flat Badge with Case
1 (pair) Puncture resistant gloves

The department also agrees to provide spit masks on a continuous basis.

2. Pilot's equipment list as follows:

   The Police Department will furnish the following to each unit member assigned to the Air Support Detail:

   2 Nomex (or equivalent in quality) Flight Suits
   1 Flight Helmet
   1 Standard Headset

3. The Department shall replace those items as they, in the judgment of the Department, become unserviceable due to wear or damage in the course and scope of official duties.

B. A unit member will receive $~~1,150~~ 1,500.00 clothing allowance per annum. Barring unforeseen circumstances, payment for uniform allowance will be made on or before August 1 of each fiscal year. Such payment will be made to cover the cost of uniforms, maintenance, cleaning of such uniforms, and for other duty-related expenses and for the unit member to provide a required flashlight and fresh batteries.

C. A new unit member will receive an initial fiscal year uniform allowance equal to 1/12 of the annual allowance per month from the first day of the month of his employment through the end of the fiscal year. This payment will be made in a lump sum during the first 60 days of employment.

D. A unit member who leaves City Employment shall repay to the City the uniform allowance equal to 1/12 of the annual allowance per month for each month remaining in the fiscal year after the last day of the month in which separation occurs, provided, however, that a unit member who retires will not be required to repay any uniform allowance. In addition, the family or beneficiary of a unit member who dies while in the employment of the City shall not have to pay back any uniform allowance.

E. A unit member who has been on extended leave (paid or unpaid), excluding industrial leave, sick leave, or military leave of 2 months or longer, shall have the next annual uniform allowance reduced by 1/12 of the annual allowance for each month of extended leave.

F.

1. On or before August 1 of each fiscal year, a unit member assigned to the following details/squads/units will, in addition to his annual clothing allowance,

be provided a one-time payment per the following schedule upon initial transfer to that assignment.

Canine	$320
SAU (Tactical)	$320
Air Unit	$320
Solo Motor	$320
TRU***	$320
Detectives*	$320
Bike Officers**	$320
Honor Guard	$320
SAU Negotiators	$320
Drone Pilots	$320

* Detective is defined as a certified detective who is in a detective or investigative assignment or an assignment that normally requires the unit member to wear civilian business clothes.

** Bicycles will be furnished by the City. To be eligible for the one-time payment of $320, a bicycle officer must successfully complete the 40-hour bicycle certification class and be assigned to NET, DOU, CAO, the airport, or a School Resources Assignment, or any designated bike squad approved by the Police Chief (i.e. the Desert Horizon Precinct Bike Squad).

2. A unit member assigned to the following details/squads/units will receive, on or before August 1 of each fiscal year, in addition to his initial uniform allowances described in section F1 above, an annual maintenance allowance per the following schedule:

Canine	$320
SAU (Tactical)	$320
Air Unit	$320
Solo Motor	$320
Detectives	$320
TRU***	$320
Bike Officers**	$320
Honor Guard	$320

The provisions of Subsection D of this Section shall apply to this Subsection.

** To be eligible for the one-time payment of $320, a bicycle officer must successfully complete the 40-hour bicycle certification class and be assigned to NET, DOU, CAO, the airport, or a School Resources Assignment, or any designated bike squad approved by the Police Chief (i.e. the Desert Horizon Precinct Bike Squad). All bicycle officers, assigned to one of the details above, who do not ride during the course of their regular duties, will be required to work at a minimum, one shift every fiscal year with DOU, during a regular shift or a special event, utilizing Department issued

bicycles. This event will be coordinated with DOU command staff and the affected units' command. Proper notice of schedule change will occur of the shift is outside of the unit members normal work hours.

*** TRU is defined as an officer who has completed the annual TRU certification course and is assigned to a TRU response/support squad. The Unit member must attend annual training and maintain certification to be eligible for allowances.

G.

1. A unit member who purchases a new ballistic vest shall, upon showing proof of purchase, be reimbursed an amount up to, but not exceeding, $1,000.

2. At the time of the purchase, the member can utilize the remainder of stipend to purchase department authorized armor plates.

3. Upon replacement of his ballistic vest, a unit member shall be entitled to the above $1,000 reimbursement every 5 years.

H.

1. The City agrees to reimburse a unit member for the repair or replacement of uniform items and for other personal property damaged in the course of employment and performance of their assigned duties without fault or negligence on the part of the unit member, other than normal wear and tear in accordance with the schedule of items and maximum amounts authorized for reimbursement outlined below:

Business Suit	$250
Business Dress	$100
Sport Coat	$150
Dress Shirt	$50
Dress Trousers	$75
Dress Skirt	$75
All Shoes	$100
Uniform Boots	ALL
Motorcycle Boots	ALL
Motorcycle Gloves	$100
Glasses and contacts RX	ALL
Sunglasses -non-RX	$80
Watches	$80
Jewelry	$75
Police Uniform Trousers	ALL
Police Motorcycle Breeches	ALL
Police Uniform Shirt	ALL
Police Jacket	ALL
Police Motorcycle Jacket	ALL
Flashlight	$100
Ballistic Vest	ALL

Service Weapon and (up to cost of City weapon) authorized attached accessories

2. Reimbursements for full, 3/4, 1/2, 1/4, value are based on the supervisor's evaluation and recommendations of the article's condition and age. Items not listed above are not covered by the policy.

3. The option to repair or replace damaged items, and to determine whether replaced property will be returned to unit member, rests with the City.

4. The provisions of this policy shall not apply if the unit member has concealed or misrepresented any material fact or circumstances concerning the subject of the loss, his interests therein, or in the case of any fraud or false statements by the unit member relating thereto.

I. Upon duty related retirement, the City will provide the retiring member a Retired Police Officer's Commission Card similar in appearance to the regular Commission Card.

J. Upon retirement, with Chief approval, a unit member will receive his breast badge mounted on a plaque, a retired flat badge and case, handcuffs, and his fully functional department-issued service weapon, including all 3 duty magazines, for $1.00. If the unit member dies in the line of duty or while employed by the department, the unit member's spouse or an adult survivor may elect to receive these items, except for the flat badge and case, for $1.00 which will be paid by PLEA. The unit member's spouse or adult survivor will have the option of receiving the service weapon in a fully functional condition, or may request the unit member's service weapon be disabled and mounted in a shadow box, or may decline receiving the service weapon. The choice will be made in writing. PLEA will provide a gun safety device, upon request by the unit member.

K. A unit member assigned to the Canine Detail will have the option of purchasing his dog as follows:

1. If both the police dog and the unit member have been in the Canine Detail in excess of 5 years, at retirement the unit member may purchase his dog for $1.00.

2. If both the police dog and the unit member have been in the Canine Detail in excess of 5 years and the unit member leaves other than for retirement, the decision to allow the purchase of his dog will be made on a case by case basis and this decision will not be arbitrary.

L. Unit members who are assigned a rifle, currently qualified, and assigned to patrol or a patrol specialty unit, Downtown Operations Unit, and Airport Bureau will receive a stipend to offset costs of any Department authorized equipment already purchased, that assists them with deployment and utilization of their rifle as follows:

- Eligible employees will be able to submit a memo with attached receipts for new and/or replacement rifle related equipment up to a limit of $500 every 5 years.

Members will accumulate receipts for newly purchased equipment and will make one submission to fiscal for reimbursement.

Section 5-10: Reimbursement for Education Expenses

A. A unit member who participates in the Tuition Assistance Program shall be eligible for tuition reimbursement pursuant to the following provisions:

1. ~~For the 2021-2023 fiscal years,~~ An employee may submit tuition expenses incurred in the prior fiscal year such that the maximum total reimbursed does not exceed $13,000 across any two-year period. Funds from the upcoming fiscal year may be applied to any approved academic or training course in the current fiscal year, should the tuition for said course exceed the maximum amount noted in AR 2.51 per fiscal year (currently $6500).

2. To be eligible for any reimbursement, a unit member must have successfully completed academic or training courses approved by the Police Chief and the Human Resources Director, or be currently meeting academic standards in a continuous academic program extending into the next fiscal year, as provided in existing regulations.

3. Unit members shall be allowed to use up to $~~500~~ 800.00 of their reimbursement benefit for job-related seminars, workshops, and professional memberships each fiscal year. Reimbursement will be made no later than the pay period following submission of the request.

Section 5-11: Leave of Absence

Subject to development of administrative controls, a unit member who has no other accumulative paid leave may use up to 10 hours per year of accumulated sick leave for non-emergency home care or medical treatment for a member of the unit member's immediate family subject to operational and scheduling factors. When utilizing this benefit, the member shall identify the use of such time as non-emergency family illness. Such leave request shall not be unreasonably withheld.

Section 5-12: Workers' Compensation

A. Employees shall continue to receive 100% of their current rate of pay while off-duty due to an industrial injury based on current practice which is a maximum of 1 year per injury, thereafter the rate becomes 66-2/3%.

B. Should the Association believe that a dispute in jurisdiction is unduly delaying a Workers' Compensation claim, or if the Association believes the City needs to provide greater assistance to an employee trying to reopen an old claim, the

Association may request a meeting with City Workers' Compensation staff (provided the involved employee signs a release to do so) and such meeting will be scheduled within 14 calendar days.

C. The City will first attempt to use physicians from specialty lists created by City of Phoenix Pension Boards for Independent Medical Examinations for employees in Unit 4.

D. Family and Medical Leave Act (FMLA) leave shall not run concurrent with leave paid as industrial injury/illness (e.g. Workers' Compensation).

ARTICLE 6: Miscellaneous

Section 6-1: Saving Clause

A. If any Article or Section of this Memorandum should be held invalid by operation of law or by a final non-appealable order of the Phoenix Employment Relations Board or a final judgment of any court of competent jurisdiction, or if compliance with or enforcement of any Article or Section should be restrained by such tribunal, the remainder of this Memorandum shall not be affected thereby; and upon issuance of such final order or decree, the parties, upon request of either of them, shall meet and confer to endeavor to agree on a substitute provision or that such a substitute provision is not indicated.

B. It is recognized by the parties that currently the provisions of the Fair Labor Standards Act are applicable to certain of the wage and premium pay provisions of this Memorandum of Understanding (MOU) and that this MOU shall be administered in compliance with the Act for so long as the Act is applicable.

C. It is recognized by the parties that currently the provisions of the Americans with Disabilities Act are applicable to certain of the provisions of this Memorandum of Understanding (MOU) and that this MOU shall be administered in compliance with the Act for so long as the Act is applicable.

Section 6-2: Copies of Memorandum

Within 60 days from the date that this Memorandum is adopted by the City Council, the Association will arrange for printing of it for furnishing one to every unit member, unit supervisor and to management personnel. The cost of such duplication and distribution will be borne equally by the Association and the City. Printing vendors secured by the Association shall comply with Chapter 18, Articles IV (City Construction Contractors' Affirmative Action Requirements) and V (Supplier's and Lessee's Affirmative Action Requirements), Phoenix City Code.

Section 6-3: Aid to Construction of Provisions of Memorandum of Understanding

A. It is intended by the parties hereto that the provisions of this Memorandum shall be in harmony with the rights, duties, obligations and responsibilities which by law devolve upon the City Council, City Manager, Police Chief, and other City boards and officials, and these provisions shall be interpreted and applied in such manner.

B. The Association recognizes the powers, duties and responsibilities of the Police Chief as set forth in the Charter and Ordinances and that pursuant thereto the Police Chief has the authority to establish rules and regulations applicable to the operation of the Police Department and to the conduct of the police officers employed therein, subject to the express provisions of this Memorandum.

C. The lawful provisions of this Memorandum are binding upon the parties for the term thereof. The Association having had an opportunity to raise all matters in connection with the meet and confer proceedings resulting in this Memorandum is precluded from initiating any further meeting and conferring for the term thereof relative to matters under the control of the Police Chief, the City Council or the City Manager. This section shall not be construed to limit free and informal discussions under, Section 2-2 hereof.

Section 6-4: Changes in Department Operations Orders Pursuant to this Memorandum

A. Within 60 days from the date this Memorandum is adopted by the City Council, the Department shall provide electronic copies of those Department and Operations Orders reflecting changes pursuant to this Memorandum. Copies of such changes shall be available to each unit member on or about July 1 of each fiscal year or as soon thereafter as possible.

B. During the preparation of changes to the Department's Operations Orders, and precinct/bureaus manuals, drafts of the proposed changes will be staffed out to the Association.

Section 6-5: Physical Fitness

A. It is recognized by the parties that it is the responsibility of a unit member at all times to make every effort to maintain his physical condition so as to be fully fit to perform his duties with maximum effectiveness.

To assist a unit member in this respect, the City agrees to provide and maintain exercise equipment for each precinct station, Deer Valley, Resource Bureaus, Police Headquarters, and at the Training Academy.

B. The City will provide required FAA physicals to pilots assigned to the Air Support Unit.

C. If a unit member, while carrying out his official duties is exposed to an infectious disease/virus, the City agrees to pay the expenses for inoculation of the member.

D. Unit members are allowed to work out on their “Code 7” at Police Department facilities. Unit members are required to remain in workpants/boots. Employees who work out on their “Code 7”:

- Must adhere to Operations Order 4.1 (Meals and Breaks);
- Must submit a workout memo through the Chain of Command to the Department Fitness Coordinator;
- Adhere to Operations Order 3.7 (Industrial Injuries);
- Must limit their activity to Strength Training/Cardio Training;
- May not work out on their “Code 7” during overtime shifts; and,
- May not work out during the last 2 hours of their duty shift, unless approved by their supervisor.

Program viability will be reviewed annually by the Police Chief.

Section 6-6: Term and Effect of Memorandum

A. This Memorandum shall remain in full force and effect beginning with the first regular pay period commencing in July ~~2024~~2026, up to the beginning of the first regular pay period commencing in July ~~2026~~2028.

B. Except as expressly provided in this Memorandum, the City shall not be required to meet and confer concerning any matter, whether covered or not covered herein, during the term or extensions thereof. This paragraph is not intended to preclude informal discussions under Article 2, section 2-2 hereof.

C. The provisions of this Memorandum shall be subject to Federal, State, Charter, and existing local laws that vest jurisdiction and authority in the City Council, Phoenix Employment Relations Board, and Phoenix Civil Service Board.

D. This Memorandum constitutes the total and entire agreements between the parties and no past written or verbal statement/agreements shall supersede any of its provisions.

ATTACHMENT A

DRUG TESTING

The Phoenix Police Department's Operations Order 3.21, Controlled Substance Screening policy, is added to this Memorandum as Attachment **A**.

ATTACHMENT B

RETIREE HEALTH CONTRIBUTION

City of Phoenix

The City shall provide Basic Medical Reimbursement Plan (MERP) benefits to MERP eligible unit retirees and to unit members who are hired before August 1, 2007 and are eligible to retire no later than August 1, 2022 (the date of an individual's retirement eligibility was determined on August 1, 2007), at the monthly amounts based on years of service listed below:

5 to 14 years of service	$135.00
15 to 24 years of service	$168.00
25 or more years of service	$202.00

Unit employees hired on or after August 1, 2007, regardless of years of service, may qualify for a Post Employment Health Plan (PEHP) account.

Public Safety Personnel Retirement System (These benefits are not under City of Phoenix control)*

Retiree only not on Medicare	$150.00
Retiree & family not on Medicare	$260.00
Retiree only on Medicare	$100.00
Retiree - one with Medicare	$215.00
Retiree - all on Medicare	$170.00

*Rates shown are for the 2012 calendar year. For current rates, see http://www.psprs.com/

ATTACHMENT C

Unit 4 – Police Officers
WAGES

Police Officer, Job Code 62210

	Effective July 8, 2024		
STEP	HOURLY	BI-WEEKLY	ANNUAL
1	35.75	2,860.00	74,360.00
2	37.44	2,995.20	77,875.20
3	39.22	3,137.60	81,577.60
4	41.09	3,287.20	85,467.20
5	43.04	3,443.20	89,523.20
6	45.08	3,606.40	93,766.40
7	47.23	3,778.40	98,238.40
8	49.48	3,958.40	102,918.40
9	51.84	4,147.20	107,827.20

Police Officer*Pilot, Job Code 62211

	Effective July 8, 2024		
STEP	HOURLY	BI-WEEKLY	ANNUAL
1	49.02	3,921.60	101,961.60
2	51.35	4,108.00	106,808.00
3	53.79	4,303.20	111,883.20

Police Officer*Rescue Pilot, Job Code 62212

	Effective July 8, 2024		
STEP	HOURLY	BI-WEEKLY	ANNUAL
1	50.83	4,066.40	105,726.40
2	53.26	4,260.80	110,780.80
3	55.79	4,463.20	116,043.20

Police Officer*Flight Instr, Job Code 62213

	Effective July 8, 2024		
STEP	HOURLY	BI-WEEKLY	ANNUAL
1	52.76	4,220.80	109,740.80
2	55.26	4,420.80	114,940.80
3	57.88	4,630.40	120,390.40

Police Officer*Chief Pilot, Job Code 62214

	Effective July 8, 2024		
STEP	HOURLY	BI-WEEKLY	ANNUAL
1	54.69	4,375.20	113,755.20
2	57.28	4,582.40	119,142.40
3	60.01	4,800.80	124,820.80

MEMORANDUM OF UNDERSTANDING

2026 – 2028

CITY OF PHOENIX

AND

PHOENIX FIRE FIGHTERS ASSOCIATION

(IAFF, LOCAL 493)

REPRESENTING UNIT 5 EMPLOYEES

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PREAMBLE

WHEREAS, the parties, through their designated representatives, met and conferred in good faith pursuant to Ordinance G-3303 in order to reach agreement concerning wages, hours, and working conditions of employees comprising the Fire Fighter Unit, and,

WHEREAS, the parties hereby acknowledge that the provisions of this Memorandum are not intended to abrogate the authority and responsibility of City government provided for under the statutes of the State of Arizona or the Charter or ordinances of the City of Phoenix except as expressly and lawful limited herein,

NOW, THEREFORE, having reached this complete agreement concerning wages, hours, and working conditions for the term specified, the parties submit this Memorandum to the City Council of the City of Phoenix with their joint recommendation that body resolve to adopt its terms and take such other action as may be necessary to implement its provisions.

Article 1: Rights

Section 1-1. Gender

Whenever any words used herein in the masculine, feminine or neutral, they shall be construed as though they were also used in another gender in all cases where they would so apply.

Section 1-2. City and Department Rights

A. The Union recognizes that the City and the Fire Chief retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority pursuant to law with respect to determining the level of and the manner in which the Fire Department's service delivery activities are conducted, managed, and administered, and the Union recognizes the exclusive right of the Chief to establish and maintain departmental rules and procedures for the administration of the Fire Department during the term of this Memorandum provided that such rules and procedures do not violate any of the specific express provisions of the Memorandum.

B. The City and the Chief have the exclusive right and authority to schedule work and/or overtime work as required in the manner most advantageous to the City subject to the express terms of this Memorandum.

C. It is understood by the parties that every incidental duty connected with operations

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enumerated in job descriptions is not always specifically described; nevertheless, it is intended that all such duties shall be performed by the employee.

D. The Chief and City Manager reserve the right to discipline or terminate employees for just cause subject to Civil Service procedures.

E. The City and the Chief shall determine and establish methods and processes by which duties are performed subject to the express terms of this Memorandum.

F. The City and Chief shall have the right to transfer employees within the Department in a manner most advantageous to the City subject to the express terms of this Memorandum.

G. Except as otherwise specifically provided in the Memorandum, the City and the Chief retain unqualifiedly all rights and authority to which, by law, they are entitled.

H. The City shall have the authority to effect reorganizations of the Department. However, any such reorganization shall be discussed by the Labor-Management Committee prior to implementation.

I. The Union recognizes that the city has statutory and Charter rights and obligations in contracting for matters relating to municipal operations.

J. The inherent and express rights of the City and the Chief, including those herein specifically referred to, which are not expressly modified or restricted by a specific provision of this memorandum, are not, in any way directly or indirectly, subject to the Grievance Procedure herein.

K. Nothing herein shall be construed to diminish the rights of the City under provisions established in the Meet & Confer Ordinance, Chapter 2, Article XVII, of the City Code or to diminish the provisions of the Civil Service Rules.

Section 1-3. Rights of the Union

A. The Union, as the authorized representative, has the exclusive right to serve as the meet and confer representative of all employees in the Fire Fighter's Unit as certified by the Phoenix Employment Relations Board on July 29, 1976.

B. The Phoenix community benefits from harmonious and cooperative relationships between the City and its employees. The Union plays an important role furthering this relationship and ultimately improving service to the City and its citizens. Accordingly, the City and the Union have negotiated various rights for unit employees as set forth in this MOU, in exchange for services to the City and in lieu of increased compensation. These bargained-for rights will promote and improve enhanced

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service delivery models and public safety, along with other tangible benefits to the City's residents.

C. The Phoenix City Council has determined, and Unit 5 agrees, there are specific activities that confer a public benefit; a dual public/private purpose or an exclusively public purpose. Consistent with this mutually beneficial relationship, Local 493 desires to negotiate a resolution in alignment with recent legal precedent. Accordingly, up to 2 Unit 5 (IAFF) members may be released to perform these duties under City Business.

D. The City's Labor Relations Administrator or authorized designee will be responsible for coordinating the City Business Time. The Labor Relations Administrator shall work directly with Unit 5 in order to confirm any and all paid activity of the Authorized Employees is consistent with the activity approved below. The two Unit 5 members identified in Subsection B shall submit reports each pay period to the Labor Relations Administrator documenting the City Business and any leave (e.g., donated leave, vacation leave, sick leave, etc.) used during that pay period. The City has the right to audit time cards submitted. In the event there is disagreement, the parties will meet to discuss the matter at the request of Unit 5 or the City. The audit may result in Unit 5 reimbursing the City, by submitting Union Release hours, donated leave, personal leave, or monetary payment from the Union, for activity not deemed City Business under this Agreement.

E. City Business Time

The City has determined there are activities that confer a public benefit, a dual public/private purpose or an exclusively public purpose for which members of Unit 5 should be released from their official duties to perform. Unit 5 acknowledges its members will receive City Business time for the time spent performing the following activities:

1. Authorized Employees will attend trainings that have been authorized in advance by Administration.

2. Authorized Employees will facilitate communication between employees and management ensuring a safe and efficient delivery of services, as well as developing a heightened degree of labor/management cooperation.

3. In coordination with management, Authorized Employees will communicate new programs and/or policy changes to the broader City workforce that are members of the bargaining unit in order to streamline service delivery and ensure timely implementation of changes in policy or programs. Changes in safety or security policy and procedure will be prioritized.

4. In coordination with management, as a means of achieving a healthier workforce

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and driving down costs associated with workers' compensation, the cost of providing healthcare and the use of sick time, Authorized Employees will assist bargaining members with understanding coordination of benefits.

5. In order to ensure City resources are well coordinated, upon the direction of the City and consent of IAFF, Authorized Employees will participate in various City committees, labor management meetings, or labor management work groups as a member of the committee or group.

6. Participate in Department-authorized or City-sponsored authorized community projects and events.

7. Represent employees involved in critical incidents at the time of incident (e.g., personal injury related).

8. As a means of controlling administrative and litigation costs associated with employee matters in a large and complex City and with the goal of resolving matters at the earliest possible stage, at management's request Authorized Employees will assist bargaining unit members/employees and management in matters related to employer/employee relations.

9. Legislative, lobbying or political activities with the approval of the City Manager or authorized designee.

F. Activities not eligible for City Business Time

Authorized Employees shall be prohibited from engaging in any of the following activities while on paid City Business time:

1. Lobbying. This includes letter writing or telephone calls, without approval of the City Manager or authorized designee.

2. Legislative Activity. This includes participating in the preparation or distribution of legislative proposals, without approval of the City Manager or authorized designee.

3. Organizing. This includes preparing and/or distributing union related materials.

4. Civil Service Discipline. This includes the representation of any bargaining unit member/employee in disciplinary matters before the Civil Service Board.

5. Bargaining/Negotiations. This includes any matters deemed to be a mandatory subject of bargaining.

6. Representation in grievance or disciplinary proceedings.

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G. Requests for City Business Time

1. A union member who wishes to use City Business time must submit a written request *(e-mail will suffice)* as soon as the need for time is known but no later than 72 hours in advance, when practical, of the time requested to an individual designated by the Labor Relations Administrator or authorized designee. Any such request must specify what the time will be used for. A request for City Business time will be approved only if the activity has either a dual public/private purpose or an exclusively public purpose. Upon Labor Relations Administrator approval, Fire Department time management will be notified of the approved leave for entry into Telestaff.

H. Union Representatives

1. The Union may designate one (1) 493 Executive Director, three (3) 493 Directors, and four (4) Union Representatives to represent members of our unit when appropriate. The Phoenix Chapter President shall notify the Fire Chief of these designations. There shall be no obligation on the Department to change or adjust normal departmental scheduling or assignments of personnel as a result of such designations.

2. Union representatives may attend mutually scheduled grievance, investigative, and disciplinary meetings and hearings with department representatives during duty hours by using the Bank of Donated Leave. Time spent during duty hours for any other union activity, such as gathering information, interviewing the grievant or witnesses, attending a union meeting, or preparing a presentation shall also be charged against the Bank of Donated Leave as described in Article 5, Section 5-5.

I. Union members may be authorized in advance in writing to engage in Union related activities during duty hours on a non-paid basis by the Fire Chief at such time and in such instances when in the discretion of the Chief such will not in any manner interfere with the efficient and economical operations of the Department nor adversely impact the level of Fire Fighting services or support services.

J. There shall be no use of official time for Union-related activities except as expressly authorized under Section 1-3E of Article 1. The Department shall maintain procedures to administer and control use of official time in conformity with the provisions of this Section.

K. Upon the Union's filing of a Third Party Data Sharing Agreement with the Labor Relations Division, the City shall furnish to the Union on request, at actual cost, a listing of Union members on City payroll deduction in July and January during the term of this agreement indicating name, mailing address, and job assignment. The

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City will also provide a monthly list of employees added that month to Unit 5.

L. The City shall, in conformity with the provisions established in the Meet & Confer Ordinance, Chapter 2, Article XVII, of the City Code, deduct monthly the Union members regular periodic Union membership dues and/or special assessments pursuant to authorization on a form to be provided by the City, duly completed and signed by the Union member, and transmit such deductions to the Union on a monthly basis; except, however, that such deduction shall be made only when the employee's earnings for a pay period are sufficient after other legally required deductions are made. The City shall, at the request of the Union, make changes in the amount of the deduction hereunder during the term of this Memorandum at cost for implementing such change. The City shall not make dues deductions for Unit employees on behalf of any other employee organization during the term of this Memorandum. The City assumes no liability on account of any action taken pursuant to this paragraph. In addition, with sufficient notice the Union may request a change in dues deduction to either monthly or bi-weekly for the entire membership each July 1 or at other times agreed to by the parties. By filling out and submitting a voluntary deduction form for membership dues, each unit member/employee is clearly and affirmatively consenting to the deduction of the stated amount of money for membership dues from their pay check.

M. The City will continue to provide those bulletin boards as designated by the City in the past exclusively for posting of official Union literature that is not political in nature, abusive of any person or organization, or disruptive of the department's operations. In addition, the Union will be allowed to use all Fire Department Communications tools to disseminate such information when necessary. Such announcements shall not be political in nature, nor shall they be abusive of any person or organization or disruptive of the department's operation. The Assistant Chief in charge of personnel, or his designee, shall review the content of the buck slip communications prior to distribution.

N. Nothing herein shall be construed to diminish the Union's rights under the provisions established in the Meet & Confer Ordinance, Chapter 2, Article XVII, of the City Code.

O. The City will provide the Union, upon request, non-confidential and readily available information concerning the Union that is necessary to Union representatives for negotiations, and is not otherwise available to the Union, such as personnel census, employee benefit data, and survey information. Such requests shall be made through the Assistant Chief in charge of personnel. Any unusual costs incurred by the City in connection with this Section shall be borne by the Union.

P. The Union and the Department will jointly present training to new Fire Fighter recruits about the activities that are mutually beneficial to the City and the Community. This time will be allotted sometime during the last 4 weeks of training of said recruits at the Training Academy. During such discussions, Union representatives shall avoid

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the dissemination of information that is political in nature, abusive of any person or organization or disruptive of the Department's operation. City business time will be available for this purpose.

Q. **Seniority**

1. The City shall provide the Association with a list of unit members/employees showing each unit member's/employee's City employment date and class employment date.
2. Seniority shall be by length of service within a class. If seniority within the class is not determinative, then length of service with the City shall prevail.
3. Seniority will be applied in conjunction with City of Phoenix Personnel Rule 14.
4. The Department will also post an annual seniority list (beginning of the fiscal year) on the Department's internal webpage. In addition, new promotional lists for Fire Engineer and Fire Captain will be posted on the internal webpage after they are certified and finalized by City HR.

Section 1-4. Rights of Unit Employees

A. All employees have the right to have the Union serve as their meet and confer representative without discrimination based on membership or non-membership in the Union or any other organization. Whenever the terms "employee, Unit employees, grievant" or some derivation of those, is used in this MOU it shall be synonymous with the term "Unit member/employee."

B. Union employees have the right to be represented or not to be represented by the Union in dealings with the City concerning grievances and matters pertaining to their individual employment rights and obligations.

C. **Equal and Consistent Treatment**
All employees covered by this Memorandum shall be treated equitably and consistently with similarly situated employees regarding the terms and conditions of employment, including but not limited to recruitment, assignment of work, training, promotion, transfer, discipline, layoff, recall, termination, compensation, and benefits.

D. **Equal Employment Opportunity**
The City affirms its commitment to an Equal Employment Opportunity policy. It shall not discriminate against any employee or applicant on the basis of race, color, religion, sex, age, national origin, ancestry, disability, marital status, medical condition, sexual orientation, gender identity, or any other characteristic protected by law. All employees shall be afforded equal consideration and opportunity in hiring, advancement, performance evaluation, promotion, and compensation.

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E. It is understood by the parties that the benefits granted by Section 1-4 of Article 1 shall not be interpreted or applied as requiring the employer to count as time worked any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Section. The employer shall count as paid leave any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Section.

F. The official discipline record is maintained in the Personnel File by the Human Resources Department. Copies maintained in either the Supervisory and/or Department files are not the official record. Employees may request to remove/inactivate eligible documents based on the below criteria by contacting the department Human Resources Officer. Official records may only be inactivated and not removed per records retention law, and members/employees will receive confirmation once the requested record is removed/inactivated.

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Document	Supervisory File	Department File (if applicable)	Personnel File (OFFICIAL FILE)
Coaching's/Supervisory Counseling's	Maintain original in file. Remove annually provided no further incidents.	Not maintained in file.	Not maintained in file.
Written Reprimands	Maintain copy in file. Remove annually provided no further incidents.	Maintain copy in file. Employee may request to remove after 2 years from the date of infraction.	Maintain original in file. Employee may request to inactivate after 3 years from the date of infraction.
Suspensions (other than below)		Maintain copy in file. Employee may request to remove after ~~5~~ years from the date of infraction.	Maintain original in file. Employee may request to inactivate after ~~5~~ years from the date of infraction.
Discipline under 21b2, 21b4, 21b5, 21b12, 21b13, 21b14, 21b15, 21b18, 21b19, 21b20.		Maintain copy in file. Cannot Remove	Maintain original in file. May not be inactivated

Discipline older than 5 years from the date of infraction will not be considered for progressive discipline or promotion/transfer purposes except for the following types of discipline, which may be considered for the duration of employment (and upon the employee's return to employment, if applicable):

Sustained discipline of 40-hour suspension or greater of the following types:

- The employee has been abusive or threatening in attitude, language, or conduct towards fellow employees, customers of the City, or the public.
- The employee has solicited or taken for personal use a fee, gift or favor in the course of the assigned work or in connection with it, which would lead toward favoritism or the appearance of favoritism or a conflict of interest.
- The employee is in possession of a deadly weapon (as defined in ARS 13-3101), excepting a pocketknife (as provided in ARS 13-3102) at a City worksite[1], unless such employee is a police officer.
  [1](A worksite includes not only City buildings and property, but also City vehicles and private vehicles while being used on City business, and other assigned work locations).
- The employee has intentionally falsified records or documents made, kept, or maintained for or on behalf of the City of Phoenix.
- The employee has stolen or is in unauthorized possession of City property or the property of another employee or citizen.

- The employee is under the influence of alcohol or illegal drugs on the job.
- The employee has violated City of Phoenix anti-harassment or anti-discrimination policies.
- The employee committed a violation of the City's Ethics Policy.
- The employee's actions meet the elements of a felony.
- The employee committed an act of dishonesty.

G. Supervisors are encouraged to discuss concerns and attempt to resolve those concerns with a member/employee without utilizing a formal investigatory process. Supervisors are encouraged to not utilize an investigatory process unless they have a reasonable belief that discipline (a written reprimand or higher) could result. Should information be made during a conversation to attempt to resolve an issue that could result in discipline, the supervisor will stop the meeting and utilize an investigatory process as outlined below. Any interview becomes investigatory when facts or evidence sought by the City may result in a disciplinary action.

1. Anonymous or third-party complaints shall require corroboration within 30 days of being received or they will be dismissed.

2. The City may, at its discretion, either conduct investigatory interviews with members/employees or issue members/employees written questions. In either case, a Notice of Inquiry (NOI) form will be used. The intent of the NOI is to clearly put members/employees on notice that they are under investigation that could result in discipline, inform them of the nature of the allegations against them, and inform them of their right to representation.
    a. The Notice of Inquiry shall be provided within 7 days of any complaint.
    b. The Notice of Inquiry shall included any alleged facts, complainant identity (if known), and all available evidence.

3. If the City elects to issue written questions to the member/employee, the following shall apply:

    a. If an NOI is being issued and there is no active questioning, representation is not required. Members/employees may bring a representative if they desire, however there will be no discussion during the issuance of the NOI.

    b. The member/employee will have 72-hours excluding holidays and N-days to respond in writing and provide any other material requested. This deadline may be extended by mutual agreement if there are extenuating circumstances.

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4. If the City elects to conduct an investigatory interview, the following shall apply:

    a. Prior to the member/employee being interviewed, the member/employee shall be advised of their right to a representative at all interviews.

    b. The NOI form will be issued at the meeting.

    c. The union representative may assist and consult with the member/employee, attempt to clarify the facts or questions asked, and suggest other members/employees or witnesses who may have knowledge of the underlying issues. The union representative may ask questions, make statements, and advocate on the member's behalf.

    d. The member/employee or representative may ask for a caucus during the meeting. Caucuses will be granted for a reasonable timeframe.

    e. The interviewer may not prohibit the union representative from engaging in representation, including consulting with the member/employee. The member shall be allowed to seek advice from their representative in caucus during the interview. The member/employee will be given the opportunity to clarify their answer after the caucus.

    f. All parties may not behave in a violent, verbally abusive, insulting, or demeaning manner toward the interviewer.

    g. Prior to the conclusion of the meeting, the member/employee or representative shall have the opportunity to make a closing statement.

    h. If the department requires a written statement at an investigatory meeting, the member/employee will be compensated up to one hour of City time to write the statement. Additional time may be granted at the discretion of the department and will not be withheld arbitrarily.

    i. The City will notify the Unit member/employee within 7 calendar days following the conclusion of all investigative interviews and final preparation the draft summaries. Upon notification, the Unit member/employee will have 7 calendar days to make a written request for the audio files and/or the draft summary of the Unit member/employee's interview, which the City will provide. After receiving the requested audio files and/or the draft summary of the Unit member/employee's interview, the Unit

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member/employee will have 7 calendar days to provide, in writing, clarification of the Unit member/employee's interview answer, draft summary of Unit member/employee's interview, and/or a written response. If, upon review of the audio file and/or draft summary, the Unit member/employee provides written clarification that identifies any factual discrepancies, omissions, or mischaracterizations of their statements, the City shall ensure that such clarification is attached to and becomes part of the official investigative record. The City shall further require that any investigator, HR representative, or individual with custodial authority over the record correct or amend the draft summary and any derivative documents to accurately reflect the Unit member/employee's clarification. No investigative finding, report, or personnel action shall rely upon a version of the record that fails to incorporate the Unit member/employee's written clarification.

j. Except for emergency situations, the unit members/employees shall have a minimum of 48 hours to arrange for union representation when the member/employee is the subject of an administrative investigatory interview. The union representative will make every reasonable attempt to arrive within the 48 hours. A member/employee may waive the 48-hour time requirement if the member/employee is not opting for representation.

k. Provide the complete investigative file to the member/employee before discipline is imposed. Including, but not limited to reports, recordings, photos, exculpatory materials be

5. Regardless of whether the City elects to interview the member/employee, or issue written questions, the following shall apply:

   a. The member/employee will be instructed not to speak to anyone regarding an investigation. This restriction does not apply to the union, the union's attorney, the member/employee's family, the member/employee's attorney, the investigator, or chain-of-command.

   b. The member/employee will be advised if the inquiry is supervisor initiated or the result of a citizen complaint, employee/co-worker complaint, or other.

   c. The member/employee shall also be informed of the Garrity protections afforded to public employees who may also be under criminal investigation

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or whose actions meet the elements of a crime [Garrity v. New Jersey, 385 U.S. 493, 87 S.Ct. 616 (1967)].

d. The Department will make available for review to the unit member and/or his representative any relevant and readily available material that is being used as the basis for an allegation of misconduct.

   Material includes any video, audio, photographs, or documents known at the time the internal investigation is initiated and that are specifically related to the conduct of the unit member under investigation. Material does not include audio recorded interviews of witnesses; complaints that are filed with the employer and that include allegations of unlawful discrimination, harassment, or retaliation or complaints that involve matters under the jurisdiction of the United States equal employment opportunity commission); material(s) or facts that would impede the investigation; or investigative leads captured during the investigative process.

   Prior to interviewing an involved employee, the investigating supervisor will complete and provide an investigation material list to the involved employee.

e. A unit member/employee shall receive a copy of any statement that they are asked to sign.

f. Every 60 days, the Chief assigned to Human Resource, or a sworn designee will provide, either verbally or in writing, a status update to a unit member/employee who is under investigation. If a member/employee is in an at home work assignment, that communication will take place every 45 days.

6. Miscellaneous

   a. A unit member/employee identified solely as a witness shall have the right to a union representative.
   b. All interviews shall be recorded, including witnesses.

   c. No witnesses who participate in an investigation or appeal will be retaliated against.

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d. No investigatory documentation, such as the NOI or witness statements shall be kept in the Personnel or Supervisory Files after the investigation is concluded.

e. The City will not require or compel Unit 5 members/employees to make any self-incriminating statements during criminal investigations.

7. Unit members/employees will be permitted to apply and/or compete in a transfer process while in a pending investigation. The transfer process will not be delayed pending the conclusion of the related investigation.

8. A member/employee who receives a written reprimand or suspension may request a copy of the information upon which the written reprimand or suspension was based, pertaining to what was specifically cited in the discipline at no cost to the member/employee.

9. All investigations shall be confidential. The public release of investigative materials shall be prohibited until the completion of the investigation and/or appeal process.

10. It is understood by the parties that the benefits granted by this Article shall not be interpreted or applied as requiring the member/employer to count as time worked, any hours or fractions of hours spent outside the member/employee's work shift in pursuit of benefits provided by this Article unless otherwise specified in this MOU. The employer shall count as time worked any hours or fractions of hours spent within the member/employee's regular work shift in pursuit of benefits provided by this Article.

H. Member Discipline

1. Any member/employee receiving discipline that results in a loss of hours, or days or work, will have those hours converted to match their appropriate work schedule. Discipline for 40-hour members/employees shall be equal to 8 hours for one work day. Discipline for 56-hour members/employees shall be equal to 11.2 hours for one work day. Any discipline exceeding one day will be increased proportional to the hours outlined in this section. A 56-hour member/employee may choose to use earned vacation or compensatory time to account for the remaining workday hours.

2. A just cause definition shall be provided to members receiving discipline that shall include notice, reasonableness, preponderance of evidence, and proportionality.

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I. Investigative timeline

Investigations shall be completed within 180 calendar days (extendable only with written justification). Any investigation not completed in good faith within that time line would be expired.

Section 1-5. Prohibition of Strikes and Lockouts

A. The Union pledges to maintain unimpaired Fire Fighting and related supported services as directed by the Fire Chief. It shall not cause, condone, counsel or permit employees, to strike, fail to fully and faithfully perform duties, slow down, disrupt, impede or otherwise impair the normal functions and procedures of the Department.

B. Should any employees of the bargaining Unit during the term of this Memorandum, and until such time that it is expressly and legally rescinded, breach the obligations of Paragraph A, the Fire Chief or his designee shall immediately notify the Union that a prohibited action is in progress. The Union shall forthwith disavow said strike or other prohibited action and shall endeavor in good faith to cause such employees to immediately return to work and/or cease the prohibited activity or, alternatively accept the responsibility for the strike or other prohibited activity.

C. There shall be no lockout by the City during the term of the Memorandum.

D. The provisions of Section 2 (17) and section (13) of Ordinance G-1532, are incorporated into this Memorandum.

Article 2: Grievance/Arbitration/Labor Management

Section 2-1. Grievance Procedures

It is understood by the parties that the benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Article. The employer shall count as time worked any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Article.

A. Informal Resolution

1. As a matter of good labor-management relations the parties encourage unit members/employees who believe that they have a bona fide grievance to discuss

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and attempt to resolve it with their immediate non-unit supervisor.

2. If the above informal discussion is held and does not resolve the grievance, the unit member/employee may file a formal grievance in accordance with the following procedure.

B. Definition of Grievance

1. A grievance is a written allegation by a unit member/employee, submitted as herein specified, claiming violation(s) regarding the interpretation and/or application of the specific express terms of this Memorandum for which there is no other specific and formal method of review; and doesn't have a fact pattern that has been presented to and decided upon by the City Manager in a prior grievance. However, disputes specifically excluded in other Articles of this Agreement from the Grievance and Arbitration procedure shall not be construed as within the definition set forth above and shall not be handled in accordance with this procedure. It is agreed that such excluded disputes are not grievable or arbitrable under the terms of this Article or under this contract.

2. The City continues to retain the format used for grievances, including forms, technology, etc.

3. A grievance which does not meet the requirements set forth in this Article shall be null and void, and will not be processed in accordance with this procedure.

C. Procedure

All grievances covered by this Article shall be handled exclusively in the following manner:

A grievance must be reduced to writing, citing the specific Article and Section of this Memorandum alleged to have been violated.

1. Step 1

The unit member/employee shall reduce the grievance to writing by signing and completing the grievance form provided by the City and submit it to the division head, or designee, within 14 calendar days of the initial commencement of the occurrence being grieved. (Not withstanding other pertinent time bars, statute of limitations, etc., the City acknowledges that certain violations may constitute "continuing violations" thereby permitting submission within 14 calendar days of subsequent occurrences, if applicable.)

The division head, or designee, may investigate, further consider, and discuss the grievance with the grievant and the grievant's representative, if any, as deemed

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appropriate, and shall, within 14 calendar days of having received the written grievance, submit a response thereto in writing to the grievant. The parties by written mutual agreement may move the grievance to Step 2 of the grievance procedure.

2. Step 2

If the written response of the Step 1 does not result in a resolution of the grievance, the grievant may appeal the grievance by signing and completing the City form and presenting it to the department head, or designee within 14 calendar days of the grievant's receipt of the Step 1 response.

The department head, or designee, may further consider and discuss the grievance with the grievant and the grievant's representative, if any, as deemed appropriate, and shall, within 14 calendar days of having received the written grievance, submit a response thereto in writing to the grievant. The parties by written agreement may move the grievance to Step 3 of the grievance procedure.

3. Step 2.5

After the Step 2 response, but prior to review by the Grievance Committee, the parties involved may mutually agree to submit the grievance to Labor Relations. The grievance, as originally written and Step 1 and Step 2 responses, must be submitted to Labor Relations within 14 calendar days of receipt of the Step 2 response. Labor Relations shall, within 14 calendar days of the receipt of the grievance, meet with the department head, or designee, and the grievant and the grievant's representative, if any, in an attempt to resolve the grievance. Labor Relations shall then submit a written response to all parties within 14 calendar days of the meeting.

4. Step 3

a. If the written response of the Step 2 (or 2.5 if applicable) does not result in a resolution of the grievance, the grievant may, within 14 calendar days of the Step 2 response, appeal the grievance by signing and completing the City form and presenting it to Labor Relations. A Grievance Committee hearing will be scheduled at which the grievant shall be afforded the opportunity to fully present his position and to be represented.

   The Grievance Committee shall be composed of:
   Chairman – A member of the City Manager's Office designated by the City Manager.
   2 Members – Mutually agreed upon by City Manager's Office and Local 493.

   The Grievance Committee shall submit findings and advisory recommendation(s) to the City Manager. The City Manager shall make the final determination of the grievance and submit it in writing to the grievant and

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his designated representative.

b. If the grievant so elects in writing within the above time limit, in lieu of such hearing the grievance may be reviewed by an arbitrator. The parties, or their designated representatives, shall agree on an arbitrator, and if they are unable to agree on an arbitrator within a reasonable time, either party may request the Federal Mediation and Conciliation Service to submit to them a list of 7 arbitrators who have had experience in the public sector. The parties shall, within 7 calendar days of the receipt of said list, select the arbitrator by alternately striking names from said list until one name remains. Such person shall then become the arbitrator. The arbitrator so selected shall hold a hearing as expeditiously as possible at a time and place convenient to the parties, and shall be bound by the following:

   i. The arbitrator shall be bound by the language of this Memorandum and departmental rules and regulations consistent therewith in considering any issue properly before him/her.

   ii. The arbitrator shall expressly confine him/herself to the precise issues submitted to him/her and shall have no authority to consider any other issue not so submitted to him/her.

   iii. The arbitrator shall be bound by applicable State and City law.

   iv. The cost of the arbitrator and any other mutually incurred costs shall be borne equally by the parties.

   The arbitrator shall submit findings and advisory recommendations to the City Manager. The City Manager shall make the final determination of the grievance and submit it in writing to the grievant and his designated representative.

c. The City is not under any obligation to accept grievances where the City Manager has previously decided on the same fact pattern.

D. Time Limits

Failure of City Management representatives to comply with time limits specified in Paragraph C shall entitle the grievant to appeal to the next level of review; and failure of the grievant to comply with said time limits shall constitute abandonment of the grievance; except however, that the parties may extend time limits by mutual written agreement in advance of the deadline.

E. Union Grievance

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The Union may, in its own name, file a grievance that alleges violation by the City of the rights accorded to the Union by the specific terms of Article 1-3 of this Memorandum. The Union shall file such grievance at Step 3 of this Procedure.

F. Group Grievance

When more than one unit member/employee claims the same violation of the same rights allegedly accorded by this Memorandum, and such claims arise at substantially the same time and out of the same circumstances, a single group grievance may be filed in the name of all such members. Such group grievances shall be filed at the Step of this Procedure which provides the lowest level of common supervision having authority over all named Grievants. Each unit member/employee that is a party Grievant must be named and must sign such group grievance.

G. Employer Grievances

Should they occur as a result of official Union activities or actions, including the failure to act as required under the terms of this Memorandum, employer grievances will be presented directly to the Union president or any officer of the Union within 14 days of the occurrence prompting the grievance. The president, or designee, shall in each case provide a written answer within 14 days from receipt of the grievance. Unresolved employer grievances may be submitted to arbitration pursuant to Step 3.

Section 2-2. The RBO / Labor-Management Process

A. The purpose of the Relationships by Objectives (RBO) committee is to enhance service delivery models and address public safety employee-related issues. The RBO process is done through the facilitation and open discussion of mutual concerns and problems which may include; implementation of major department programs and/or substantial modifications of existing major programs that will have a significant impact on service delivery or work schedules. Items of concern are then enacted as initiatives to be in accomplished over the course of the year that follows.

B. The RBO Committee shall meet annually at mutually scheduled times, and at other mutually agreed upon times as necessary. The RBO Committee process consists of a Correlating Team. The Correlating Team includes the following representatives from Labor and Management: the Fire Chief and Executive Staff (Assistant Fire Chiefs) and the Union President and Labor Executives. For each initiative mutually identified in the RBO process, a Committee is established consisting of representatives from labor and management and facilitated by co-chairs. Sub-committees are further developed to facilitate meetings to achieve goals as set forth in the agreed upon initiatives. Throughout the year, Committees and Sub-Committees will meet regularly to accomplish their RBO initiatives.

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C. There shall be a Fire Labor-Management Committee consisting of the Fire Chief and Union President. The Fire Labor-Management Committee provides oversight for the entire RBO / Labor-Management Process.

D. A standing agenda will be developed. The members shall, in advance of a meeting, provide the co-chairs with proposed additional agenda items, and the co-chairs will provide the members with the meeting agenda. To ensure clarity and continuity, the parties agree that meetings should be audio recorded and the recordings maintained in a secure database accessible to both parties for future reference. The individuals assigned to record meeting minutes are encouraged to capture sufficient detail of discussions and any agreements reached, particularly when significant changes are considered, so that both parties may accurately reference these records in the future.

E. Representatives of the Union on the Committee shall not lose pay or benefits for meetings mutually scheduled during their duty time.

F. The Sub-Committees may be supplemented by representative(s) of the City Manager if it is proposed to discuss mutual aid or fire protection contract matters.

G. The Sub-Committees may, if they deem proper, suggest recommendations to the Fire Chief and the City Manager for their consideration and determination.

H. Employees who are designated by the Fire Labor-Management Committee as RBO/Labor Management Coordinators will be eligible for compensation from a bank of 2,112 hours. These individuals, limited to no more than 11 employees, will work with management on the priorities determined through the RBO (Relationships by Objectives) process. These initiatives pertain to enhancing operational efficiencies, service delivery, and improvements to employee safety and organizational performance.

I. It is understood by the parties that the benefits granted by Section 2-2 of Article 2 shall not be interpreted or applied as requiring the employer to count as time worked any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Section. The employer shall count as paid leave any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Section.

J. The City will provide the professional services of a secretary for the labor-management process. The secretary will be assigned to the community affairs division of the Phoenix Fire Department and will work at the direction of the Fire Labor-Management Committee. The selection process for this position shall be determined by the Fire Labor-Management Committee.

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K. In the interest of encouraging member total wellness and providing customer service delivery, the City of Phoenix Fire Department and Phoenix Fire Fighters Association Local 493 will develop a drug testing policy through the Fire Labor/Management process. The drug testing program will be administered and managed by the Fire Department.

Section 2-3. Productivity Discussions

A. Recognizing the need to provide the highest practical level of fire protection and emergency medical service to the citizens of Phoenix, the City, Fire Department, and Union, pledge to continue to work towards increasing the productivity of the Phoenix Fire Department. In a continuing commitment towards increased productivity, the joint Labor-Management Productivity Committee shall meet on a regular basis during the term of the M.O.U. to discuss the development of structured productivity programs within the Phoenix Fire Department.

B. The distribution of any demonstrated economic savings or other productivity rewarding measures resulting from the implementation of productivity programs shall be a proper subject for the Meet and Confer process pursuant to the provisions established in the Meet & Confer Ordinance, Chapter 2, Article XVII, of the City Code.

C. It is understood by the parties that the benefits granted by Section 2-3 of Article 2 shall not be interpreted or applied as requiring the employer to count as time worked any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Section. The employer shall count as paid leave any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Section.

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Article 3: Compensation/Wages

Section 3-1. Wages

Wage Proposal Summary – Firefighter, Engineer, and Captain Classifications

A. Phoenix continues to experience extraordinary growth, both in population and in Fire Department recruitment. This expansion presents an opportunity for the City to reaffirm its commitment to hiring and retaining the very best candidates as we meet increasing service demands.

In alignment with the Mayor's stated goal that "Public Safety is key to a successful city," the parties agree that base wage adjustments for Firefighters, Engineers, and Captains are essential to achieving the objective of making Phoenix Fire Department personnel the highest paid in the State of Arizona.

Through collaboration with City Human Resources following the Class and Compensation implementation, additional flexibility was created within the existing pay structure—allowing greater separation between the top Firefighter step and the entry step for the Engineer rank. Accordingly, the parties propose a **minimum five percent (5%) base hourly increase for the rank of Firefighter** as an initial adjustment to reflect this realignment.

This five percent increase establishes the minimum standard; however, both parties recognize that additional adjustments may be warranted to achieve and maintain the stated goal of ensuring Phoenix Fire Department personnel remain the highest paid in base wages among comparable Arizona fire service agencies.

This effort underscores a shared commitment to recruitment, retention, and operational excellence, ensuring that Phoenix Fire Department wages remain among the **top two highest paid public safety agencies in the State of Arizona.** To ensure Phoenix Fire Department wages stay among the top two highest paid public safety agencies in the State of Arizona the city of Phoenix will do an annual pay in comp study for firefighters starting in January of 2027.

A. Employees assigned to, or assigned as rovers to, Special Operations Teams, canine search specialists team, and the ARFF program team, and who have also achieved and maintained the level of Technician, or equivalent, through specific training and education, shall receive Special Ops Team pay. Members certified in both hazmat (HMT) and technical rescue (TRT) and assigned to, or assigned as rovers to fill cross trained positions on the heavy rescue squads and/or C-957 shall receive Bi-Tech Team pay, which is the sum of HMT & TRT Special Ops Team pay combined.

   An employee who is awarded a position on a team in this section shall receive their Team Pay no later than 6 months, if the Fire Department has not offered the employee a training spot in the required entry level Special Operations course within 6 months of accepting their team position.

   If Employees who are required to obtain dual technician certification (C957 Captains and employees assigned to heavy rescue squads) do not have either team pay and employee has not been offered a training spot in the required entry level Special Operations course within 6 months of accepting their assignment, they will receive team pay for one of the two disciplines. If the employee has one technical certification in good standing and is receiving team pay, the member will receive assignment pay for the second discipline if the employee has not been offered a training spot in the required entry level Special Operations course within 6 months of accepting their team position.

B. Employees who meet the Fire Department's linguistic skill qualifications and become certified, shall receive a premium of $75.00 per month.

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C. It is understood that the pay rates set forth in Attachment “A” are interpreted to be specific with regards to steps as implemented in the classification and compensation and passed in Ordinance S-49802 by the City Council on May 31, 2023, except that performance related items including, but not limited to, special merit increases, special salary adjustments, demotions, assignment pay and extensions in merit pay anniversary dates resulting from extended leave without pay, industrial, and reinstatements may alter an employee’s step progression and monthly salaries as indicated in Attachment “A.”

If an employee is not given his/her performance evaluation by the annual review date, the employee may request his/her merit increase in writing by sending a memorandum directly to the Human Resources Officer. If the performance evaluation is an overall “met,” the request will be processed within 21 calendar days of submittal and will be retroactive to the performance evaluation annual review date.

D. Employees assigned by the Fire Chief to staff assignments in authorized staff positions (40 hours) will be entitled to 10% assignment pay if such assignment is to exceed 2 consecutive pay periods, and shall continue to receive such assignment pay for the duration of such assignment. This provision shall not apply to employees attending recruit training or employees assigned to limited duty. Employees assigned to authorized 40 hour staff assignments and who begin receiving staff assignment pay shall also be eligible to continue all other current assignment pays provided all required certifications are maintained. Employees assigned to limited duty shall continue to receive holiday pay and FLSA/work week adjustments (Section 4-1, Paragraph E, of Article 4) for the duration of their limited duty assignment, irrespective of their actual work hours.

E. Employees assigned to any 40 hour staff positions shall receive 2 8 hour or 10 hour professional development days per year depending on their schedule. The employee shall decide the days and areas of development. These days shall be assigned through the vacation signup process. No employee shall receive these days in addition to the full amount of Local 493 days.

F. The Fire Department's 21-day pay schedule normally begins on C-shift Mondays. In any leap year, ERSO, South Shift Command, Payroll and Local 493 will identify the first and most appropriate "Payroll Monday" to switch to a leap year schedule. The objective will be to balance out holiday shifts between A, B, and C shift.

In the event the Department and Local 493 mutually approve and implement an alternative Operations schedule, such as the proposed 1-3-2-3 model, the parties agree to collaboratively review and, if necessary, adjust the 21-day pay schedule and corresponding shift rotation to ensure proper alignment with payroll cycles and operational continuity. Any such adjustments shall be made jointly by ERSO, South Shift Command, Payroll, and Local 493 through the

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Labor-Management process.

G. Effective the first full pay period in July 2023, Unit 5 employees shall be paid Nightwork Pay of $5.00 $7.50 per hour on all hours actually worked between 2200 hours and 0600 hours. No employee shall receive the hourly Nightwork Pay while on paid leave.

Nightwork Pay must be accounted for in base wage computations for the purposes of any and all classification and compensation studies and comparisons.

The parties agree to evaluate this program during the term of the 2023-24 M.O.U.

H. Union Requested Job Classification Studies

1) The Union may submit a prioritized written request of classifications specific to the unit that they wish to have studied each contract term. All written requests shall include a full explanation of why the classification should be studied. This explanation shall indicate whether the Union is requesting a full classification study (including job levels and job architecture) or if the request is limited to a compensation review to assess market competitiveness and grade and salary levels. Requests from the Union will be prioritized with other standing requests.

2) The Union and the City have met regularly since the implementation of the 2023 class & comp study to resolve issues that resulted. As such, the Union and City Human Resources Department (including representatives from the Class & Comp Division) will meet with Union leadership monthly during the term of this MOU to discuss issues arising from the 2023 citywide classification and compensation study.

I. FEMA/USAR Deployment Wage Payment

Members who deploy on a FEMA or USAR event shall have wages paid within 30 days of return from the deployment.

Section 3-2. Productivity Enhancement Pay

A. In recognition of the significant increase in service delivery and cost savings to the City of Phoenix by the employees of the Phoenix Fire Department, the City agrees to implement the following Productivity Enhancement Pay formula for employees:

1. In November of each calendar year and June of each calendar year, employees who have completed at least 7 years of continuous full-time service and who meet the additional qualifications specified in Section 3-1A of Article 3 shall be paid $80.00, pro-rated and included each pay period in the qualifying unit

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member's/employee's regular pay check throughout the year, for each full year of continuous full-time service in excess of 5 years, up to a semi-annual maximum of $2,000.00, annual maximum of $4,000.00 at 30 years.

2. Employees on industrial leave shall qualify for this payment for only the first year of the industrial leave. However, the entire period of industrial leave shall qualify as continuous service when the employee returns to active employment.

3. Adjustments to payments will be made as soon as possible but no later than 30 days of the qualifying date.

B. An employee must have achieved the overall performance rating of "meets standards" on his latest scheduled performance evaluation on file in the Human Resources Department.

C. An employee who receives a below "meets standards" evaluation shall receive another evaluation within 90 to 120 days, and if that evaluation is "meets standards," he will be eligible for Productivity Enhancement Pay starting with the next qualifying date.

Section 3-3. Overtime

A. Employees who are assigned to be and are on duty beyond their scheduled work shift shall be compensated for such assigned overtime work at 1 ½) times their regular rate, 56 hours or 40 hours, after the first 7 minutes of assigned and worked overtime calculated to the nearest 1/4 hour.

B. Employees shall have the option of being paid in cash for overtime, or allow the overtime to accrue as compensatory time up to a maximum of 168 hours for employees working a 56 hour schedule, or 120 hours for employees working a 40 hour schedule.

C. Overtime compensation shall not be paid twice for the same hours worked.

D. Use of compensatory time shall be in conformance with the requirements of the Fire Chief and shall take into consideration departmental scheduling and operational factors.

E. Payment for time worked shall be in conformance with the requirements of the Fire Chief and shall take into consideration departmental scheduling and operational factors.

F. The provisions of Section 3-2 of Article 3 shall not apply where an employee is assigned out-of-class to a non-Unit position.

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G. Allocation and opportunities for overtime shall be discussed in the Labor/Management process.

H. The Fire Department will maintain daily "peak time" opportunities on either 2 person rescues or 4 person units on a peak time basis only. Special events staffing and overtime opportunities outside of the 9-11 response system will not be counted as a peak time opportunity.

This item reflects an agreement between the Fire Department and the Union in 1984 on the future staffing of the rescues. The increased work-load and responsibility of the full time rescues was incented by agreement that there would be overtime opportunities on peak time rescues. Further, the department was reorganized through the RBO process in 1993 to enhance ALS and rescue capabilities throughout the city. This reorganization included a pool of employees to staff back rescues and guarantee that no new employee would have to work more than 200 shifts on a rescue. Employees agreeing to be in this pool are then entitled to work on the peak time rescues on an overtime basis when their name comes up in a rotation. The Fire Department and Local 493 will continue to work jointly through the RBO Process to determine the deployment of peak time units to ensure the greatest benefit to the service delivery system and provide adjustments, when needed.

The parties acknowledge the existence of a current side agreement between the Phoenix Fire Department and Local 493 regarding the deployment, staffing, and operation of peak-time rescue units. Recognizing that this agreement is active but not yet incorporated into the Memorandum of Understanding, both parties agree to include this item as a standing topic during the Meet and Confer process for review, clarification, and potential modification. Any mutually agreed-upon changes resulting from these discussions shall be formally incorporated into this Memorandum of Understanding upon ratification.

Section 3-4. Call Out Pay/Standby Pay

A. Call out time shall be at a minimum of 3 hours at 1 ½ times the employee's regular rate of pay, 56 hours or 40 hours depending on assignment, after the first 7 minutes calculated to the nearest 1/4 hour. If a unit member/employee leaves a call out event without authorization prior to the termination of the event, Section 3-2A of Article 3 shall not apply.

B. The provisions of this Section shall not apply where an employee is assigned out-of-class to a non-Unit position.

C. Standby pay shall be compensated at **five percent (5%)** of the employee's regular hourly rate of pay for each hour assigned to standby status.

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D. If an employee is called out while on standby, those hours shall be compensated in accordance with the established **Call-Out Pay** formula which is noted above.

Section 3-5. Out-of-Class Pay

Pursuant to A.R. 2.201, 16 hours of out-of-class work on a shift for employees will constitute a full shift of out-of-class assignment pay. There will be no out-of-class pay for working less than 16 hours. Employees assigned to work out-of-class shall receive compensation at a rate of five percent (5%) above their base salary for the duration of the shift.
Employees who are deemed qualified to work in an out-of-class assignment shall receive out-of-class assignment pay immediately upon performing the duties of the higher classification. No minimum qualifying hours shall be required.

Employees on a 40 hour schedule will complete 11 shifts, 6 hours minimum of out-of-class assignment, to satisfy the minimum qualifications for out-of-class pay.

Section 3-6. Sick Leave Conversion at Retirement

The following benefit will apply:

A. Definitions

1. "Qualifying Hours" - The minimum number of accrued and unused sick leave credits existing on the last day of service prior to retirement, which are necessary before an employee can participate in the benefit program.

2. "Base Number of Hours" or "Base Hours" - The number of hours of accrued and unused sick leave credits which are uncompensated under Section 3-4 of Article 4 which the City will compensate the employee.

3. "Base Hourly Rate" - The base hourly rate of pay being paid at the time of retirement to the retiring employee who qualifies for participation in the benefit program.

B. Benefit and Eligibility

1. An employee that has between 1 – 1,259 hours of sick leave remaining in their sick leave bank at the time of retirement, or the 40 hour equivalent, shall be eligible for payment of an amount of compensation equal to his/her base wage for 50% of their hours.

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2. An employee who has accumulated a minimum of 1,260 qualifying hours or more of accrued and unused sick leave at the time of retirement, or the 40 hour equivalent, shall be eligible for payment of an amount of compensation equal to his/her base hourly rate for 65% of their sick hours.

3. An employee who has accumulated a minimum of 1,800 qualifying hours or more of accrued and unused sick leave at the time of retirement, or 40 hour equivalent, shall be eligible for payment of an amount of compensation equal to his/her base hourly rate for 80% of their sick hours.

4. An employee who has accumulated a minimum of 2,400 hours, or the 40 hour equivalent, or more of accrued and unused sick leave at the time of retirement shall be eligible for payment of an amount of compensation equal to 100% of his/her base hourly wage for all hours.

5. Effective July 1, 2014, and thereafter, an employee who has accrued at least 1286 hours for 56 hour members, or 919 hours for 40 hour employees, of unused sick leave may elect to have 168 hours for a 56 hour unit member/employee, or 120 hours for a 40 hour unit member/employee paid out in a lump sum. Any unit member/employee may only elect to exercise this benefit 3 times in their career, and not more than one time in a fiscal year. Eligible employees may elect to buy back their hours between July 1 and the last pay period in January each fiscal year.

6. The payments described in numbers 1 through 5 above are not considered Final Average Salary for purposes of pension calculations.

C. Administration

1. At the time of retirement or death of an active employee who is eligible for retirement, the City's Employee Benefits Division, or such other individual or agency as the City may designate, shall determine the employee's eligibility and the amount of accrued and unused sick leave to be compensated.

2. The employee shall verify in writing the computation of the Employee Benefits Division.

2. In the event an employee's eligibility for participation or the amount of compensation is disputed, the dispute shall be submitted to the City Auditor for resolution.
3. 100% of employees sick leave will be paid at the full hourly rate to dependents/beneficiaries/survivors in the event of a Non-Line of Duty Death.

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Section 3-7. Deferred Compensation and Defined Contribution Plans

A. The City shall contribute an amount equal to ~~4.42%~~ 6% of each employee's biweekly gross pay to the City's 401(a) Defined Contribution Plan. Pension contributions will be made by both the City and the employee on the contributions.

B. At the employee's separation, for either retirement or exiting the Deferred Retirement Options Program, the employee's sick leave payout amounts will be automatically contributed into the City's 401(a) plan. Any excess amount over the Internal Revenue Code 401(a) plan contribution maximum limits will be automatically contributed into the City's 457(b) plan. Any portion of the excess amount that cannot be contributed to the 457(b) plan because of Internal Revenue Code 457(b) plan contribution maximum limits will be paid as taxable income. The 401(a) Plan Document as approved by the Deferred Compensation Board will be the governing document.

Section 3-8. Non-Direct Payment of Compensation or Benefits

Various sections of this MOU contain a form of compensation, wages, or benefits that have been negotiated in good faith and may or may not provide a direct payment of wages or other benefit to each member. Those forms of compensation, wages, or benefits that do not provide a direct payment to each unit member/employee have been negotiated in place of a direct payment and costed as part of the overall economic package. Examples include, but are not limited to: life insurance, 493 and Personal Development Days, long term disability insurance, leave payouts, member donated release time, etc.

Article 4. Hours of Work/Working Conditions

Section 4-1. Hours of Work

A. The duty hours for employees assigned to Operations or Emergency Services, excluding 40 hour staff assignments, shall continue to average 56 hours per week. Shifts shall continue to be 24 and/or 48hours hours in duration. *Both parties acknowledge that discussions within the RBO process regarding alternative scheduling models, including the proposed 1-3-2-3 schedule, are ongoing, and agree to continue collaborative efforts to evaluate, refine, and formally codify any mutually agreed-upon changes to duty hours and shift structure through future amendments to this Memorandum. Any such implementation shall be designed to ensure cost neutrality to the City while guaranteeing that no Unit 5 member experiences any reduction in annual compensation or benefits as a result of the transition, and shall be executed in a manner that maintains the Department's operational readiness, service delivery standards, and commitment to public safety.*

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B. The work hours and schedule of employees assigned to an administrative staff assignment (Non-Operations/56-hour schedule) shall be 5 8 hour days (excluding authorized meal breaks), or 4 10 hour days (excluding authorized meal breaks) *at the preference of the employee, subject to operational needs and mutual agreement with the Department.*

The work hours and schedule of employees assigned to the Fire Investigations Section may only be mutually changed by the Fire Chief and the Union President through the Labor-Management process. Fire Investigation employees will be assigned to one of two 40-hour schedules that may include a 4/10 or a modified A, B, C shift schedule. All schedules will equal a 40-hour work week. All Fire Investigators, regardless of schedule will be paid overtime at the 40-hour rate.

C. Fire Investigation employees assigned to the modified shift schedule will be required to work on City paid holidays when their regular schedule shift occurs on that day. Those employees required to work on a City holiday as a result of the shift schedule will receive pay in lieu of time off. The Fire Department shall continue its long-standing practice of using sworn Fire Captains as Fire Investigators.

The Fire Department will attempt to maintain staffing levels of the Investigations Section, in order to provide for investigatory needs of the Department. The staffing level shall be a minimum of 4 investigators on A, B, and C shift as soon as 15 investigators are fully trained. Any future proposed staffing level recommendations will be discussed through the labor/management process. A maximum of one vacation shift will be allowed per shift for those employees assigned to the modified A, B, C shift schedule, unless pre-approved by department head or designee. If implementation of the proposed 1-3-2-3 schedule requires adjustment to the Fire Investigation Section's work schedule, both parties will collaborate through the Labor-Management process to ensure any change remains cost neutral to the City and does not reduce member compensation, benefits, or operational effectiveness.

C. When an employee is required to change from one type of a schedule to another by the Fire Department, the Department shall allow a minimum of 16 hours between tours of duty.

D. The work week for employees on a 56 hour schedule shall be 53 hours. Employees will continue to work the existing 56 hour schedule. Employees working the existing 56 hour schedule will be compensated as follows: Provided, however, that if the 1-3-2-3 schedule currently under consideration in the RBO process is adopted after full review and agreement by both the members and the organization, the listed monetary figures may be adjusted as necessary to ensure that Unit 5 members experience no

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reduction in their annual compensation.

1. The first 53 hours will be paid at the base 56 hour rate.

2. The 54th hour will be paid at 1 ½ times the regular hourly rate.

3. The 55th and 56th hours will be paid at 2 times the base 56 hour rate.

E. Employees attending a Department Sponsored Training Programs or courses may be placed on one of two optional training schedules, based upon Operational, Training, and budgetary considerations:

Schedule 1. Employees may be placed on a 40-hour work week schedule and be entitled to a 10% increase in pay in accordance with Section 3-1 (H) of this Memorandum of Understanding. Employees shall be paid on a 40-hour work week until completion of the respective Training Program. In the event an employee attending the Training Program does not receive their regular Local 493 Days (as per Section 3-1 (I) of this Memorandum of Understanding), any missed Local 493 Days will be re-scheduled prior to the employee's return to the Operations Division.

Schedule 2. Employees may remain on their normal Operations schedule (A, B, or C Shift) and be provided paid Fire Department leave to attend the Training Program when their training is scheduled on shift. When members are required to attend training on their days off, employees will be compensated at 1 ½ times their regular rate for the hours they are in attendance. Compensation and Local 493 Days will remain the same as any other employee assigned to a 56-hour work week. The decision to utilize Schedule 1 or 2 will be discussed in a labor/management setting.

F. Each 56 hour unit employee shall receive 8 shifts off per year, referred to in this MOU as Local 493 days. This will allow for an hours reduction without specifying a specific number of hours in this reduction or reducing current rates of pay, FLSA, or hours reduction pay as specified in Section 4-1, Paragraph E, of Article 4. The rotation system shall be worked out between the Fire Chief and the Union President with the consent of the Labor Relations Division. These Local 493 Days shall be awarded based on total seniority as a sworn member of the Fire Department. Unit 5 employees may submit a request to work a Local 493 day. Management may hire members to work a Local 493 day in the event the constant staffing process is utilized to meet minimum staffing requirements. Employees who work a Local 493 day must work the entire 24-hour shift and shall be compensated at a rate of one and one-half (1½) times their regular rate of compensation, in addition to their regular pay. Employees shall have the option of being paid cash or allow the compensation to accrue as compensatory time as governed by the current MOU.

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Section 4-2. Shift Trades

Two (2) employees serving in the same classification may be granted the opportunity to exchange shifts up to a maximum of 45 such exchanges per employee in a contract year. Shift exchanges shall not qualify an employee for premium overtime payment and cannot be repaid in any other form of compensation. All employees seeking shift exchanges (AWRs) must be current with all certifications and required training before being approved for the exchange. All shift exchanges are subject to the approval of the Fire Chief or his/her designee and shall be in conformance with regulations issued by the Fire Chief.

Section 4-3. Filling Vacancies

The Fire Chief will endeavor to permanently fill vacancies in regular positions, that are duly authorized to be filled, expeditiously within limitations imposed on him by administrative and operational factors, and thereafter, consistent with applicable Civil Service Rules, based on length of service by classification when fitness and qualifications of interested employees for the particular vacancy are deemed to be equal by the Fire Chief. When requested, departmental management shall indicate the reason why an employee was or was not transferred into a vacancy as part of Labor-Management Committee proceedings. "Vacancy" hereunder is defined as a regular opening in any position created by death, retirement, dismissal, promotion, demotion, creation of a new regular position or transfer, provided, however, that with the filling of staff positions, all applicants shall be considered, and the Fire Chief shall make the final determination.

A. The parties agree to a leave management ratio of thirty-three percent (33%) as the standard benchmark for managing all leave across Operations.

B. In the event that any classification (Firefighter, Engineer, or Captain) falls below five percent (5%) of the established thirty-three percent (33%) relief rate, employees from other classifications may be utilized through Constant Staffing to fill temporary vacancies as needed to maintain safe and effective operational staffing levels.

C. This provision is intended to promote balanced leave utilization, equitable workload distribution, and continuity of service while minimizing the need for excessive callbacks, mandatory holds, or unplanned overtime. The parties agree to review this ratio periodically through the Labor–Management process to ensure it remains effective and operationally appropriate.

Section 4-4. Vehicle Assignment for Budgeted 40-Hour Positions

A. All members assigned to *true* or *budgeted* 40-hour positions (excluding Fire

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Investigators not on Day Shift) shall be provided a staff vehicle or an equivalent car allowance, consistent with the operational needs and expectations of their assignment.

B. This provision ensures parity and recognition of the additional responsibilities associated with full-time administrative and staff assignments. Vehicle assignment or allowance for these positions shall not be subject to discretionary approval when the position is formally budgeted and designated as a 40-hour assignment.

C. In cases where a staff car is unavailable, the Department shall provide a monthly car allowance equivalent to the standard rate established by the City for comparable administrative assignments.

Article 5. Benefits

Section 5-1. Health Insurance

A. The City and Union agree to maintain the current 80/20 split for health insurance for both single and family coverage. If there is a rate increase or decrease in the second year of this M.O.U., the City shall pay 80% of the new monthly contribution and the employee will pay 20%.

B. In the event Congress or the State of Arizona passes legislation which considers the amount the City contributes to health insurance premiums as imputed income, then the City will consider such contribution as income to the employee.

C. The City shall provide the Basic Medical Reimbursement Plan (MERP) benefits to MERP eligible Unit retirees and to those employees who are hired before August 1, 2007 and are eligible to retire no later than August 1, 2022 at no less than $202.00 per month. The City also contributes an additional $50 toward City retiree family medical coverage; this credit is applied directly to the retiree's premium deduction. Any employee hired on or after August 1, 2007, regardless of years of service, may qualify for a Post Employment Health Plan (PEHP) account.

D. Additional MERP amounts will be paid to eligible retirees for the following categories:

RETIREE COVERAGE – RETIREE NOT ON MEDICARE			
ADDITIONAL MERP AMOUNTS			
	Retiree or Survivor Only NOT on Medicare	Retiree or Survivor w/family coverage – any dependent NOT on Medicare	Retiree or Survivor with family coverage – <u>all</u> dependent(s) ON Medicare
HMO OR PPO COVERAGE	$105	$325	$210

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RETIREE COVERAGE – RETIREE ON MEDICARE ADDITIONAL MERP AMOUNTS			
	Retiree or Survivor Only - ON Medicare	Retiree or Survivor w/family coverage – any dependent NOT on Medicare	Retiree or Survivor with family coverage – all dependent(s) ON Medicare
HMO OR PPO COVERAGE	$90	$195	$185

These MERP amounts are what the City agrees to pay. It is solely at the discretion of the City Manager to increase these amounts in the future.

1) additional MERP amounts shall be paid to Non-Medicare retirees who obtain single or family health coverage.
2) The City will continue to provide a Medicare Supplement Plan for Medicare eligible retirees and dependents as well as survivors and will continue the additional MERP amounts as specified above.

E. No more than one time per calendar year, the City will provide Unit 5 mutually agreed upon healthcare data within a reasonable time, once requested. Local 493 Consultant required data will be furnished within a reasonable time with secure data transmission provisions in place.

F. Saver's Choice and PPO deductibles that are met in the last quarter of a calendar year for a high cost claim will be carried over to the following calendar year.

G. HSA Seed Money for individual and family health care coverage will be deposited in full to the member's HSA accounts in January as is the policy now.

H. Proposed Formulary changes shall be discussed with Local 493 Member Benefits prior to implementation.

Section 5-2. Dental Insurance

A. At a minimum, the dental insurance plan shall include a PPO option that consists of 100% payment of reasonable and customary charges covered for preventive and preventive-related diagnostic services, and 80% payment of reasonable and customary covered charges for basic services and major services. At least one plan shall also include an orthodontia benefit providing for 80% payment of reasonable and customary charges up to a maximum lifetime benefit of $4,000.00 per person. Dental plans may be subject to deductibles and limitations contained in the contract between the dental insurance carrier and the City of Phoenix. For the PPO and HMO dental plans, the City shall continue to pay 100% of the premium costs for single

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employees for employees enrolled in the base dental HMO or PPO plan (employee only coverage), and 75% of the premium costs for employees and their qualified dependents (family coverage). Enrollment in prior City of Phoenix Dental Plans counts towards major services time limit exclusions.

B. In the event Congress or the State of Arizona passes legislation that considers the amount the City contributes to health insurance premiums as imputed income, then the City will consider such contribution as income to the employee.

Section 5-3. Life Insurance

A. The City will continue the existing off the job and on-the job life and dismemberment insurance coverage. The policy shall provide a benefit for each employee equal to the member's base annual salary. In addition, the City will continue the existing death in the line of duty insurance of $75,000.00. Additionally, the City will provide to each employee a $200,000.00 death benefit covering the employee's commutation to and from his City work location. This policy will cover the employee's commute for up to 2 hours before his shift begins, and 2 hours after his shift concludes.

B. In the event of the death of an employee while commuting to or from his work location, for a period of 2 hours each way, the City will continue to pay the full monthly health insurance premium for the spouse and all eligible dependents. This policy will be consistent with the payment of a supplementary commutation life insurance policy for each employee.

Section 5-4. Long Term Disability Insurance

The City will offer a long-term disability benefit for all full-time, regular unit members/employees pursuant to A.R. 2.323 as may be amended (providing that such amendments shall not be in conflict with the MOU). Employees who have been continuously employed and working on a full-time basis for twelve consecutive months are eligible to apply for long term disability coverage. After an established 90 calendar day qualifying period, the plan will provide up to 66 2/3% of the employee's basic monthly salary at the time disability occurs and continue up to age 75 for employees who have been employed full-time for 36 months and one day. This benefit will be coordinated with leave payments, industrial insurance payments, unemployment compensation, social security benefits and disability provisions of the retirement plan.

Employees who have been employed full-time with the City of Phoenix for 36 months or less, will be eligible to receive a long term disability benefit for no more than 30 months.

Section 5-5. Holidays, Vacations, and Donated Vacation Leave

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A. Bank of Donated Leave

1. Each unit member/employee may complete a form to voluntarily donate vacation leave time for a specified number of hours, not to exceed the maximum number of hours as noted in Section 5-5, Subsection A, 3. These forms will be processed on July 1, October 1, January 1, and April 1. The voluntary donation will continue each subsequent year on the second paycheck in July, unless revoked by the unit member/employee. This donated time is to be used by union officers and representatives for Union-related activities as determined by the Unit 5 Union President and Executive Board. It is recognized that all hours negotiated in lieu of additional pay and benefits have been donated by the members of Unit 5 from their bank of vacation leave. By filling out and submitting a voluntary donation form, each unit member/employee is clearly and affirmatively consenting to the donation of the stated number of hours from their bank of vacation leave.

2. The total hours donated by the members of Unit 5 will be considered the maximum number of hours available for donated hours under Article 5, Section 5-5.

3. The maximum number of hours that may be donated by any Unit member is 100 hours per fiscal year.

4. Only members of Unit 5 may donate hours to the Unit 5 bank of hours; Unit 5 may only accept donated hours from Unit 5 members.

5. No union member may use more than 120 hours of donated time during any one pay period.

6. Donated time does count towards hours worked for overtime purposes.

7. Examples of work performed by representatives on member donated release in support of the City include ensuring representation during administrative investigations and grievance/disciplinary appeal meetings with management; assisting unit members/employees in understanding and following work rules; administering the provisions of the Memorandum of Understanding; organizing and participating in charity functions within the greater Phoenix area to aid our communities. Member donated release is also used for authorized representatives to attend Union conferences, meetings, seminars, training classes, and workshops so that representatives better understand issues such as City policies and practices, conflict resolution, labor-management partnerships, and methods of effective representation, or any other purpose authorized by the President or Executive Board.

B. The City agrees to incorporate into the Memorandum the benefits provided under

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Administrative Regulation 2.11 as amended, indicating the following holidays:

1. New Year's Day
2. Martin Luther King's Birthday
3. President's Day
4. Cesar Chavez Birthday (March 31)
5. Memorial Day
6. Juneteenth Day
7. Independence Day
8. Labor Day
9. Indigenous Peoples' Day
10. Veteran's Day
11. Thanksgiving Day
12. Friday after Thanksgiving
13. Christmas Eve Day (6 hours for 56-hour employees and 4 hours for 40-hour employees).
14. Christmas Day

Employees working a 56 hour or 2912 (493 days included) per year schedule shall receive 12 hours pay or compensatory time each holiday.

Unit employees assigned to a 4/10 work schedule shall not be required to modify their schedule or submit documentation to account for the two (2) hours of paid leave associated with City holidays.

C. Employees will continue to receive holiday pay while on industrial leave.

D. The parties recognize the importance of maintaining adequate vacation availability to support member wellness, morale, and operational efficiency. In recognition of the recent budget authorization to hire additional sworn Firefighters, the City agrees that the number of available vacation slots shall increase proportionally with overall sworn staffing levels.

E. Specifically, for every twenty-five (25) newly authorized sworn Firefighter positions added to the Department, one (1) additional vacation slot shall be created and allocated to the vacation leave management system.

F. This provision ensures that the ratio of available vacation leave to total sworn personnel remains balanced as the Department grows, preventing the erosion of negotiated benefits and supporting the continued health, safety, and retention of all members.

G. Effective January 1, 1987, vacation accrual for employees with less than 5 years shall be increased to 11.2 hours per month, or the 40 hour equivalent. Vacation accrual for all other employees shall remain the same as currently authorized.

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H. Employees covered by this M.O.U. shall be permitted to sell back up to 80 hours total per M.O.U. year of accrued vacation leave to the City at the employee's regular straight-time hourly rate. This benefit shall not exceed a total of 80 hours and may be used as follows: 40 hours on the last pay period in November and/or May of each M.O.U. year. Employees will only be permitted to sell back an amount of accrued vacation hours that would not result in their total bank of hours to drop below 150 or 210 hours, depending upon the work schedule.

I. Effective July 1, 2014, and thereafter, an employee who has accrued at least 312 hours, or 223 hours for 40-hour employees, may elect to have 252 hours of vacation for a 56 hour unit member/employee or 180 hours of vacation for a 40 hour unit member/employee paid out in a lump sum or converted into their comp bank. Any unit member/employee may only elect to exercise this benefit 4 times in their career, and not more than one time in a fiscal year. This payment is not considered Final Average Salary for purposes of pension calculations. Eligible employees may elect to buy back their hours between July 1 and the last pay period in January each fiscal year.

J. Employees may donate accrued vacation leave to other City employees who are on medical leave and who have exhausted all of their paid leave based on guidelines contained in A.R. 2.144, with the understanding that no employee shall receive more than 12 months of donated time.

K. Employees who have less than 40 hours vacation may buy up to 120 hours personal leave. The cost of the personal leave shall be 110% of the employee's base hourly rate. Such personal leave use and purchase shall not impact positively or negatively on the employee's pension or any other benefits.

L. On the second paycheck in July of every year, every unit member/employee will receive 8.5 hours of vacation time, in addition to their other accruals, added to their vacation leave. This benefit will continue in perpetuity until otherwise agreed upon in good faith, by Unit 5 and the City, through the Meet and Confer process.

M. Military Leave

Pursuant to ARS 26-168, ARS 38-610, and A.R. 2.39, employees who are members of the Arizona National Guard or the Reserves of the United States Armed Forces, will be entitled to a leave of absence from their duties for a period not to exceed 30 days in two consecutive years when they are engaged in ordered annual training or to attend camps, maneuvers, formations, or armory drills under orders of any branch, including the reserve or auxiliary. A day is defined as a shift of work.

N. **Local 493 Days for Industrial Injuries**

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Unit 5 members who sustain an approved industrial injury arising out of and in the course of their employment shall continue to receive four (4) Local 493 Days per calendar year in recognition of their service and the nature of their injury. This entitlement shall apply provided the member returns to active duty prior to the end of the calendar year. Local 493 Days granted under this provision shall not carry over into the following year and must be used within the calendar year in which the member returns. This provision acknowledges that Local 493 Days were secured through prior contract negotiations in lieu of additional pay and benefits and reflects the parties' shared commitment to honor members injured in the performance of their duties.

O. **Military Service Time Reinstatement**

PSPRS Non- Credited Service to be changed to Credited Service with employer contributions transmitted to PSPRS within 30 days of returning to PFD service following return from a military call up, deployment or required service.

Section 5-6. Uniforms

A. In lieu of the $135.00 per employee per year amount which was previously paid by the City to the Fire Department for additional uniform items, employees will now receive an equivalent annual uniform allowance amount of $129.75. Payment of this uniform allowance will be made on or about August 1 of each MOU year. Such payment will be made to cover the cost of uniforms, maintenance, and cleaning of such uniforms.

B. New employees will receive the entire annual uniform allowance within 30 days of the time they are directed to wear and maintain a uniform. The second uniform allowance, received at the start of the next fiscal year, will be equal to 1/12 of the annual uniform allowance for each month of the preceding fiscal period, starting with the first month the employee was directed to wear and maintain a uniform, to the start of the new fiscal year.

Prior to entering the Fire Academy, the Fire Department will furnish all new Firefighter Recruits with the following:

- 3 long sleeve red shirts
- 3 short sleeve red shirts
  (Recruits can select any combination of the long and short sleeve shirts noted above – not to exceed a total of six red shirts)
- 3 pair of blue fatigue pants
- 5 blue physical training (PT) shorts
- 1 pair of blue sweatpants

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- 1 red sweatshirt (seasonally dependent)
- 1 belt
- 1 pair of OSHA/ANSI approved work boots; and,
- All necessary PPE's required to participate in Fire Academy functions.

The Fire Department will provide a full Class A dress uniform upon successful completion of the Fire Academy and promotion to Firefighter to include the following:

- 1 approved Class A dress jacket complete with patches and full fitment
- 1 approved Class A dress shirt complete with patches and full fitment
- 1 pair of approved Class A dress pants
- 1 approved Class A dress hat
- 1 approved Class A dress tie
- 1 approved Class A belt
- 1 approved Class A pair of shoes
- All approved hardware required (badges/pins etc.) to complete the approved Class A dress uniform; and,
- All necessary PPE's required to participate in field functions.

Additionally, any Captain RTO (Recruit Training Officer) or Firefighter Mentor (Firefighter or Engineer) assigned to the Recruit Training Academy will be provided a full Class A uniform (one time purchase) if the member has not already purchased one.

Upon promotion to Fire Engineer or Fire Captain, the Fire Department will provide a full Class A uniform to include the following:

- 1 approved Class A dress jacket complete with patches and full fitment
- 1 approved Class A dress shirt complete with patches and full fitment
- 1 pair of approved Class A dress pants
- 1 approved Class A dress hat
- 1 approved Class A dress tie; and,
- All approved hardware required (badges/pins etc.) to complete the approved Class A dress uniform.

The Fire Department will provide a Class A uniform to the Unit 5 member as a "one time only" purchase based upon whichever qualifying criteria previously listed is initially met. Until all Unit 5 members have been provided a Class A dress uniform by the Fire Department, no additional Class A dress uniforms will be issued to members who have already received the benefit. Labor and Management will continue to discuss funding options for additional Class A dress uniforms and the implementation plan for the new uniform language outlined above.

Labor and Management will meet to discuss an implementation plan for the new

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uniform language outlined above.

C. Employees who leave Department employment shall repay to the City the uniform allowance equal to 1/12 of the annual allowance per month for each month remaining in the fiscal year after the last day of the month in which the separation occurs. Provided, however, that employees who retire after August 31 will not be requested to repay any uniform allowance.

D. An employee who has been on extended leave (paid or unpaid) of 2 months or longer shall have the next annual uniform allowance reduced by 1/12 of the annual allowance for each month of extended leave.

Section 5-7. Tuition Reimbursement and Professional Development

A. Employees who participate in the Tuition Assistance Program shall be eligible for tuition reimbursement pursuant to the following provisions:

1. The maximum sum reimbursable to employees each fiscal year shall be $6,500.

2. To be eligible for any reimbursement, employees must have successfully completed academic or training courses approved in advance by the Fire Chief and the Human Resources Director and meet the requirements of A.R. 2.51 as may be amended, provided such amendments are not in conflict with the M.O.U.

3. Unit members shall be allowed to use up to $2000 of their reimbursement benefit for job-related seminars, workshops, and professional memberships each fiscal year.

B. Members shall receive up to 40 paid hours per year for professional certification, training or fire service career advancement courses.

Section 5-8. Wellness, Health and Fitness

A. For each employee, the City of Phoenix shall contribute $2.00 per month to a fitness fund to maintain and purchase fitness equipment for fire stations which has been charged against Unit 5's contract. The Fire Department will also contribute $2.00 each month per member to the fitness fund. The fund will be maintained by the City and Fire Administration. The Health and Fitness labor management committee shall oversee the funds and purchase equipment after reviewing input from all Fire Department personnel.

B. The Phoenix Fire Department Honor Guard is a professional organization that represents the Fire Department at official events, memorial services, and fire fighter's funerals. Through the work of the United Phoenix Fire Fighters Association, a

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registered 501c-3 non-profit association (ID#866053047), the Honor Guard provides public education and community service. In order to help pay for the expenses incurred by the Honor Guard members in the performance of their duties, the City will contribute twenty-five thousand dollars $50,000 into a fund for each M.O.U. year. The President of the Union or his designee will manage this fund. The City Auditor Department may conduct annual audits of this fund. Any payments not adequately supported by the documentation of expenses will be returned to the fund by the Fire Union.

Section 5-9. Worker's Compensation

A. Employees who agree to participate in the Fire Department's health centers consultation and rehabilitation programs shall continue to receive 100% of their current rate of pay while off-duty due to an industrial injury based on current practice which is a maximum of 1 year per injury, thereafter the rate becomes 66-2/3%. This shall apply to catastrophic injury, line-of-duty cancer, cardiac incidents, and other occupational diseases.
   i.

B. If there is a disagreement in treatment between the Fire Department physician and the employee's physician, the (2 physicians shall agree on a third physician whose decision shall be the final authority. Employees who refuse to adhere to the above conditions shall only receive 66-2/3% based on current state law and the current maximum monthly rate allowed. If an employee receives 66-2/3%, he/she may use sick leave, vacation, or compensatory time to make up the difference between 66-2/3% and 100%.

C. Should the Union believe that a dispute in jurisdiction is unduly delaying a Worker's Compensation claim, or if the Union believes the City needs to provides greater assistance to an employee trying to reopen an old claim, the Union may request a meeting with City Worker's Compensation staff (provided the involved employee signs a release to do so) and such meeting will be scheduled within 14 calendar days.

D. The City will first attempt to use physicians from specialty lists created by City of Phoenix Pension Boards for Independent Medical Examinations for employees in Unit 5 (represented by Phoenix Fire Fighters Association Local 493).

E. Family and Medical Leave Act (FMLA) leave shall not run concurrent with leave paid as industrial injury/illness (e.g. Workers' Compensation).

F. Members who have applied for Public Safety Retirement System Disability Benefits will be provided with TWA assignments until the disposition of their case with the Phoenix Local Fire Pension Board.

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G. Members on Industrial Injury Full Pay status shall continue to accrue biweekly Compensatory Time if requested by the member.

H. In the event of a decision by an Industrial Commission of Arizona Administrative Law Judge awarding benefits in an Industrial Injury Claim that had been previously denied, all personal leave time used by the member will be reinstated to the appropriate personal leave banks within 30 days.

I. For those members who are required by a City of Phoenix approved Independent Medical Examiner to have any type of invasive procedure, a policy shall be developed on care and treatment and responsibility in the event of complications or adverse reactions that develop from such a procedure.

Section 5-10. Employee Benefit Trust Fund

A. Effective July 1, 2023, the existence of the Employee Benefit Trust Fund is continued for the term of this Memorandum of Understanding. The City will contribute $68 per employee, per month, ($31.385 per pay period) into the Fund for the purpose of providing a monthly stipend to retirees to apply to the costs of their health and/or dental insurance, a funeral expense benefit for employees and retirees, and such other benefits as may be lawfully provided, as determined in the discretion of the Trustees. The City's contribution will be matched by a $29 per pay period to the same fund made by each employee.

B. The Trust Fund shall be managed and administered by a Board of five (5) Trustees selected as follows:

1. Two (2) Trustees shall be appointed by the City Manager;
2. Two (2) Trustees shall be appointed by the Phoenix Fire Fighters Association, Local 493; and
3. One (1) Trustee, who shall serve as Chairperson, shall be selected by the four (4) appointed Trustees specified above.

C. The Trust Fund shall be invested in prudent, protected investments in compliance with applicable law. The Trustees may seek such outside, independent advice and consultation as they shall deem appropriate.

D. The Fund Trustees may adopt such rules and regulations for their Plan of Benefits as they deem appropriate and are authorized to secure a formal trust instrument. The trust instrument and any amendments thereto, must be specifically approved by the City Manager and the Union before they can become effective.

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E. Sums contributed to the Trust Fund shall be tracked with each employee being assigned a notional account which records the contributions made by such employee. All amounts in the Fund, together with any earnings thereon, shall be available for distribution as specified in the rules and regulations of the Plan of Benefits adopted by the Trustees. The Trustees shall have authority, consistent with their duties as Trustees, to amend the Plan of Benefits from time to time, including the authority to reduce or suspend benefit levels if required by the level of funding available. In no event will any benefit specified at any time in the Plan of Benefits be considered non-forfeitable. Benefits may be insured by a contract of insurance, but there is no liability upon the City, the Union or the Board of Trustees or its constituent members to provide benefit payments over and beyond the amounts in the Fund collected and available for such purpose.

F. Any Fund participant who separates from the bargaining Unit prior to retirement, or who promotes out of the Unit shall receive an amount equal to all of his or her or her contributions to the Fund, plus interest based on the average annual interest earned by the Fund, but shall receive no other benefits and have no other claim on the Fund. Notwithstanding the foregoing, the Trustees may: (1) permit participants who promote out of the Unit to continue participation until retirement; and (2) permit participants who have severed employment to be reinstated in the Fund; either upon such terms and conditions as the Trustees may require.

G. Upon the death of any employee or retiree, the Fund will provide a benefit to assist with funeral expenses in an amount to be determined by the Trustees. The Fund Trustees may determine to provide to a surviving spouse of a deceased employee or retiree a monthly stipend for application to the cost of their health/dental insurance.

H. The Trustees shall prepare a booklet describing the Plan of Benefits for circulation to employees and retirees, and shall prepare and circulate, in like manner, a summary of any modifications made to the Plan of Benefits during the term of this Memorandum of Understanding.

I. If the Trust Fund is terminated for any reason, undistributed funds shall be distributed to those individuals (whether active or retired) who contributed to the Fund. Such distribution shall be pro rata based on the amount of the contribution of such individuals to the Fund less any disbursements they have received under the Plan of Benefits.

J. Payments to retirees from the Trust Fund shall be in addition to current City contributions to retiree health insurance premiums.

Section 5-11. Housing Incentive for City Residency

A. In recognition of the value of having sworn Fire Department personnel residing

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within the City of Phoenix, the City agrees to establish a Housing Incentive Program designed to encourage and support Unit 5 employees who choose to make their primary residence within City limits.

B. Eligible employees who purchase a primary residence within the City of Phoenix shall receive a **one-time housing incentive payment of three thousand dollars ($3,000)** to assist with closing costs or other housing-related expenses associated with establishing residency.

C. This incentive shall be available to employees who have completed their probationary period and who agree to maintain their primary residence within City limits for a minimum of five (5) years following receipt of the incentive.

D. The intent of this program is to strengthen community ties, enhance emergency response readiness, and contribute to local economic vitality, while supporting firefighter recruitment and long-term retention.

E. This incentive shall apply prospectively only and shall not be retroactive to employees who purchased or established residency within the City prior to the effective date of program implementation.

F. The parties agree to collaborate through the Labor–Management process to finalize program administration, eligibility verification, and fiscal alignment.

Section 5-11. Fatigue, Safety, and Behavioral Health

A. Creation of a Labor-Management Fatigue Study Committee. This committee will review and make recommendations for shift length, rest, and mandatory overtime practices.

B. Establish a joint Labor/Management wellness committee. This committee will provide peer-support and employer funded counceling due to the looming sunsetting of the Craig Tiger act. All peer support shall be confidential.

Article 6. Miscellaneous

Section 6-1. Saving Clause

A. If any Article or Section of this Memorandum should be held invalid by operation of law or by a final judgment of any tribunal of competent jurisdiction, or if compliance with or enforcement of any Article or Section should be restrained by such tribunal, the remainder of this Memorandum shall not be affected thereby. In the event the decision of the court in *Cheatham, et al v. Gordon*, is stayed, reversed, vacated or otherwise not given effect in whole or in part, by any court, then the City agrees to meet and confer within 30 days of said ruling with Unit 5 to resolve any additional

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issues resulting from the ruling of the court. The basis for negotiations will be the document dated April 13, 2014, Proposed Unit 5 Addendum.

B. It is recognized by the parties that the provisions of the Fair Labor Standards Act are currently applicable to certain of the wage and premium pay provisions of this M.O.U., and that this M.O.U. shall be administered in compliance with the FLSA for so long as the Act is applicable.

C. Nothing contained in the Memorandum shall preclude the parties from being in compliance with the requirements of the Americans with Disabilities Act.

Section 6-2. Printing of M.O.U.

Printing vendors secured by the Union shall comply with Ordinance G-1372 (Affirmative Action Supplier's Ordinance), as may be amended, and Ordinance G-1901 (Affirmative Action Employment by Contractors, Subcontractors, and Suppliers), as may be amended. Printing of the M.O.U. shall be done by a Union printer only.

Section 6-3. Fire Watch

A. Whenever a Fire Department employee is required by the Fire Marshal or requested by a private party, to perform a fire watch, standby, or other associated duties for Fire Code compliance, such opportunities shall first be offered to Unit members/employees. Such work shall be offered to those members that are suitably qualified and who volunteer for such duty during their off-duty hours within a rotation system approved by the Fire Chief after consultation with the Union. In the event that no employee accepts such work, or in case of emergency, such work shall be offered to qualified non-Unit employees. It is understood that the rate of payment shall be at 1 ½ times the employee's base 40 hour rate, except in cases where non-Unit employees are utilized in which case payment shall be at 1 ½ times the non-Unit employee's base 40 hour rate. For purposes of Section 6-3, Article 6 only, the terms "qualified" is defined as follows:

1. "Qualified" shall mean any employee of the Fire Department who is familiar with the Fire Code and has successfully completed the Fire Watch training program provided by the Department.

2. "Emergency" shall mean any fire watch situation that cannot be pre-scheduled.

Section 6-4. Term and Effect of Memorandum

A. This Memorandum shall remain in full force and effect commencing with the beginning of the first regular pay period in July 2026, up to the beginning of the first

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regular pay period commencing in July 2028.

B. Except as expressly provided in this Memorandum, the City shall not be required to meet and confer concerning any matter, whether covered or not covered herein to take effect during the term or extensions thereof.

C. This Memorandum constitutes the total and entire agreements between the parties and no past written or verbal statement/agreements shall supersede any of its provisions. Throughout the term of this Memorandum, the City and the union may jointly decide to participate in Labor-Management meetings to discuss items of mutual interest on an as-needed basis.

D. It is intended by the parties hereto that the provisions of this Memorandum shall be in harmony with the rights, duties, obligations and responsibilities which by law devolve upon the City Council, City Manager, Fire Chief, and other City boards and officials, and these provisions shall be interpreted and applied in such manner.

E. The Union recognizes the powers, duties and responsibilities of the Fire Chief as set forth in the Charter and Ordinances and that pursuant thereto the Fire Chief has the authority to establish rules and regulations applicable to the operation of the Fire Department and to the conduct of the employees and officers employed therein, subject to the express provisions of this Memorandum.

F. The lawful provisions of this Memorandum are binding upon the parties for the term thereof. The Union having had an opportunity to raise all matters in connection with the Meet and Confer proceedings resulting in the Memorandum is precluded from initiating any further meeting and conferring for the term thereof relative to matters under the control of the Fire Chief, the City Council or the City Manager.

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IN WITNESS WHEREOF, the parties have set their hands this

_____

Bryan Willingham, President, Phoenix Fire Fighters Association Local 493

_____

Jason Perkiser, Assistant Human Resources Director

_____

Jeffrey Barton, City Manager, City of Phoenix

ATTEST:

_____

Denise Archibald, City Clerk, City of Phoenix

APPROVED AS TO FORM:

_____

City Attorney, City of Phoenix

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Local 493 Team:
Bryan Willingham, President
Ben Lindquist
Tim West
Tim Gammage Jr.
Mike Brannan
Scott Crowley
Patrick Cardenas
Scott Porter
Brian Mike Saylor
Brian Moore
Gabe Orosco
Elliott Simmons
Matt Shaughnessy

City of Phoenix Team:
Jason Perkiser, Assistant HR Director
Tim Gammage Sr., Assistant Fire Chief
Raymond Ochoa, Assistant Fire Chief
Paul Moore, Battalion Chief
Keith Slattery, Deputy Chief
Julie Taylor, Human Resources Supervisor
Brianna Aceves, Admin. Assistant II (Coordinator)
Jennifer Flaherty, Secretary, (Scribe)

ATTACHMENT A
HOURLY PAY RATES

HOURLY PAY RATES
Effective July 8, 2024

FIREFIGHTER			
56-HOUR GRADE 545		40-HOUR GRADE 549	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
11	$19.636	11	$30.31
12	$20.614	12	$31.82
13	$21.650	13	$33.41
14	$22.729	14	$35.08
15	$23.864	15	$36.84
16	$25.057	16	$38.68
17	$26.314	17	$40.61

FIREFIGHTER/SO			
56-HOUR GRADE 547		40-HOUR GRADE 551	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
11	$20.614	11	$31.82
12	$21.650	12	$33.41
13	$22.729	13	$35.08
14	$23.864	14	$36.84
15	$25.057	15	$38.68
16	$26.314	16	$40.61
17	$27.629	17	$42.64

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FIREFIGHTER HMT & TRT			
56-HOUR GRADE 549		40-HOUR GRADE 553	
STEP	HOURLY RATE	STEP	HOURLY RATE
11	$21.650	11	$33.41
12	$22.729	12	$35.08
13	$23.864	13	$36.84
14	$25.057	14	$38.68
15	$26.314	15	$40.61
16	$27.629	16	$42.64
17	$29.007	17	$44.77

FIREFIGHTER/PARAMEDIC			
56-HOUR GRADE 549		40-HOUR GRADE 553	
STEP	HOURLY RATE	STEP	HOURLY RATE
12	$22.729	12	$35.08
13	$23.864	13	$36.84
14	$25.057	14	$38.68
15	$26.314	15	$40.61
16	$27.629	16	$42.64
17	$29.007	17	$44.77

FIREFIGHTER SO/PARAMEDIC			
56-HOUR GRADE 551		40-HOUR GRADE 555	
STEP	HOURLY RATE	STEP	HOURLY RATE
12	$23.864	12	$36.84
13	$25.057	13	$38.68
14	$26.314	14	$40.61
15	$27.629	15	$42.64
16	$29.007	16	$44.77
17	$30.457	17	$47.01

FIREFIGHTER HMT & TRT/PARAMEDIC

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56-HOUR GRADE 553		40-HOUR GRADE 557	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
12	$25.057	12	$38.68
13	$26.314	13	$40.61
14	$27.629	14	$42.64
15	$29.007	15	$44.77
16	$30.457	16	$47.01
17	$31.979	17	$49.36

ENGINEER

56-HOUR GRADE 555		40-HOUR GRADE 559	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
12	$26.314	12	$40.61
13	$27.629	13	$42.64
14	$29.007	14	$44.77
15	$30.457	15	$47.01
16	$31.979	16	$49.36
17	$33.579	17	$51.83

ENGINEER SO

56-HOUR GRADE 557		40-HOUR GRADE 561	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
12	$27.629	12	$42.64
13	$29.007	13	$44.77
14	$30.457	14	$47.01
15	$31.979	15	$49.36
16	$33.579	16	$51.83
17	$35.257	17	$54.42

ENGINEER HMT & TRT

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56-HOUR GRADE 559		40-HOUR GRADE 563	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
12	$29.007	12	$44.77
13	$30.457	13	$47.01
14	$31.979	14	$49.36
15	$33.579	15	$51.83
16	$35.257	16	$54.42
17	$37.021	17	$57.15

ENGINEER PARAMEDIC

56-HOUR GRADE 559		40-HOUR GRADE 563	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
12	$29.007	12	$44.77
13	$30.457	13	$47.01
14	$31.979	14	$49.36
15	$33.579	15	$51.83
16	$35.257	16	$54.42
17	$37.021	17	$57.15

ENGINEER SO/PARAMEDIC

56-HOUR GRADE 561		40-HOUR GRADE 565	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
12	$30.457	12	$47.01
13	$31.979	13	$49.36
14	$33.579	14	$51.83
15	$35.257	15	$54.42
16	$37.021	16	$57.15
17	$38.871	17	$60.00

ENGINEER HMT & TRT/PARAMEDIC

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56-HOUR GRADE 563		40-HOUR GRADE 567	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
12	$31.979	12	$49.36
13	$33.579	13	$51.83
14	$35.257	14	$54.42
15	$37.021	15	$57.15
16	$38.871	16	$60.00
17	$40.821	17	$63.00

CAPTAIN

56-HOUR GRADE 559		40-HOUR GRADE 563	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
15	$33.579	15	$51.83
16	$35.257	16	$54.42
17	$37.021	17	$57.15

CAPTAIN SO

56-HOUR GRADE 561		40-HOUR GRADE 565	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
15	$35.257	15	$54.42
16	$37.021	16	$57.15
17	$38.871	17	$60.00

CAPTAIN HMT & TRT

56-HOUR GRADE 563		40-HOUR GRADE 567	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
15	$37.021	15	$57.15
16	$38.871	16	$60.00
17	$40.821	17	$63.00

CAPTAIN PARAMEDIC

DRAFT

56-HOUR GRADE 563		40-HOUR GRADE 567	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
15	$37.021	15	$57.15
16	$38.871	16	$60.00
17	$40.821	17	$63.00

CAPTAIN SO/PARAMEDIC			
56-HOUR GRADE 565		40-HOUR GRADE 569	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
15	$38.871	15	$60.00
16	$40.821	16	$63.00
17	$42.857	17	$66.15

CAPTAIN HMT & TRT/PARAMEDIC			
56-HOUR GRADE 567		40-HOUR GRADE 571	
STEP	**HOURLY RATE**	**STEP**	**HOURLY RATE**
15	$40.821	15	$63.00
16	$42.857	16	$66.15
17	$45.000	17	$69.46

Progression through these steps shall be in accordance with established regulations and the City's Pay Ordinance. It is understood that any time a member is promoted to another classification or assigned as a firefighter paramedic and is within a pay classification range, the member will proceed to the next higher step upon promotion or assignment.

DRAFT

ATTACHMENT B
VACATION CARRYOVER

With the reinstatement of vacation buy back in FY 2021-2022, vacation carryover will be the established maximum plus 240 hours (or the 56-hour equivalent). In FY 2022-2023, the vacation carryover will be the established maximum plus 160 hours (or the 56-hour equivalent). In FY 2026-2028, the vacation carryover will be the established maximum plus 160 hours (or the 56-hour equivalent). Any hours over that limit will be paid out to that member on the last check of December.

DRAFT

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 24

Intergovernmental Agreement with the Town of Cave Creek for Equipment Placement at Radio Site (Ordinance S-52481) - District 1

Request to authorize the City Manager, or his designee, to execute an Intergovernmental Agreement (IGA) with the Town of Cave Creek for the Town of Cave Creek to place its equipment at a City-owned radio site. There is no costs associated with the IGA and no financial impact to the City of Phoenix.

Summary
This IGA will allow the Town of Cave Creek to place a piece of free-standing, solar-powered equipment at the Mt. Gillan radio site located at 701 W. Carefree Highway, Phoenix, AZ 85085. The equipment will not require connection to power or communication facilities. The Town of Cave Creek will have limited access to the site for equipment maintenance, generally no more than once per month.

Contract Term
This IGA will commence on or about December 3, 2025 for an initial term of three years and thereafter will be automatically renewed each year for a successive one-year term.

Financial Impact
There is no financial impact to the City of Phoenix.

Location
701 W. Carefree Highway, Phoenix, AZ (Mt. Gillan)
Council District: 1

Responsible Department
This item is submitted by City Manager Ed Zuercher and the Information Technology Services Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 25

Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-52453) - Citywide

Request to authorize the City Manager, or his designee, to transfer retirement funds for Michael Frieh in the amount of $9,701.74 to the Arizona State Retirement System. Further request to authorize the City Controller to disburse the funds.

Summary

Pursuant to Arizona Revised Statutes, Sections 38-730 and 38-322, retirement service credits for former members of the City of Phoenix Employees' Retirement System (COPERS) may be transferred to the Arizona State Retirement System upon approval by the City Council. The following former City of Phoenix employee has requested transfer of the balance of his credited service:

- Frieh, Michael: $9,701.74

Concurrence/Previous Council Action

This item was approved by the COPERS Board at the November 6, 2025 meeting.

Responsible Department

This item is submitted by Deputy City Manager David Mathews and the Retirement Office.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 26

Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-52478) - Citywide

Request to authorize the City Manager, or his designee, to transfer retirement funds for Stephanie Bond in the amount of $281,884.07 to the Arizona State Retirement System. Further request to authorize the City Controller to disburse the funds.

Summary

Pursuant to Arizona Revised Statutes, Sections 38-730 and 38-322, retirement service credits for former members of the City of Phoenix Employees' Retirement System (COPERS) may be transferred to the Arizona State Retirement System upon approval by the City Council. The following former City of Phoenix employee has requested transfer of the balance of her credited service:

- Bond, Stephanie: $281,884.07

Concurrence/Previous Council Action

This item was approved by the COPERS Board at the October 2, 2025 meeting.

Responsible Department

This item is submitted by Deputy City Manager David Mathews and the Retirement Office.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 27

Cost Estimating On-Call Services Contracts - RFQu FY26-086-02 - Request for Award (Ordinance S-52465) - Citywide

Request to authorize the City Manager, or his designee, to enter into contracts with Abacus PM LLC, Rider Levett Bucknall LTD, and Vanir Construction Management, Inc. to provide cost estimating on-call services for the Housing Department. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate value of the contracts will not exceed $500,000.

Summary

These contracts will provide reviews and cost validation for new buildings, rehabilitation, and change orders for various Housing Department projects.

Procurement Information

A Request for Qualifications procurement was processed in accordance with Administrative Regulation 3.10 to establish a Qualified Vendor List.

Nine offerors submitted qualifications and were deemed to be responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following minimum qualifications:

1. Method of Approach
2. Qualifications and Experience
3. Price Schedule

After reaching consensus, the evaluation committee recommends award to the following offerors:

Abacus PM LLC
Rider Levett Bucknall LTD
Vanir Construction Management, Inc.

Contract Term

The contracts will begin on or about January 1, 2026, for a five-year term with no options to extend.

Financial Impact
The aggregate contracts' value will not exceed $500,000. The contracts are funded with United States Department of Housing and Urban Development and/or other Housing Department funds. There is no impact to the General Fund.

Responsible Department
This item is submitted by Deputy City Manager Gina Montes and the Housing Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 28

Home Inspection Services Single-Family Home Contract - RFP FY26-086-03 - Request for Award (Ordinance S-52467) - Citywide

Request to authorize the City Manager, or his designee, to enter into a contract with Assured Quality Inspections L.L.C. to provide single-family home inspections for the Housing Department's scattered sites properties. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $25,000.

Summary

This contract provides inspection services for single-family residences designated as Public Housing. Pursuant to the United States Department of Housing and Urban Development’s approval of the City’s Section 18 and Section 32 plans, these properties may be disposed of in accordance with applicable federal guidelines. Inspections will adhere to the Standards of Professional Practice for Arizona Home Inspectors, as set forth by the Arizona Board of Technical Registration.

Procurement Information

A Request for Proposal procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Three vendors submitted proposals deemed responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following criteria with a maximum possible point total of 1,000:

Method of Approach	350 points
Qualification and Experience	350 points
Pricing	200 points
References	100 points

After reaching consensus, the evaluation committee recommends award to the following vendor:

Assured Quality Inspections L.L.C.

Contract Term
The contract will begin on or about January 1, 2026, for a five-year term with no options to extend.

Financial Impact
The total contract value will not exceed $25,000. The contract is funded with U.S. Department of Housing and Urban Development funds. There is no impact to the General Fund.

Responsible Department
This item is submitted by Deputy City Manager Gina Montes and the Housing Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 29

Amend Ordinance to Add Federal HOME-ARP Funding for the Salvation Army to Expand Family Emergency Shelter Services (Ordinance S-52469) - District 8

Request to authorize the City Manager, or his designee, to amend Ordinance S-49878 to add up to $2 million in federal United States Department of Housing and Urban Development (HUD) HOME Investment Partnerships American Rescue Plan (HOME-ARP) Program funds with the Salvation Army, or a City-approved nominee, to expand family emergency shelter services. Additionally, request to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract. There is no impact to the General Fund.

Summary

The Salvation Army currently operates a family emergency non-congregate shelter which houses families experiencing homelessness for up to 120 days. The shelter provides housing, meals, case management, vocational counseling, crisis counseling, life skills classes, and other activities for 24 families.

The Salvation Army proposes to add an additional residential building to the Salvation Army emergency family shelter campus. The new building would expand the capacity of the shelter by 12 rooms, with beds for as many as 60 individuals, increasing the total number of families served at any one time to 36. It is expected that the additional rooms, over the course of a year, will serve approximately 173 families, including an estimated 267 children.

The Housing Department is seeking approval for an additional allocation of up to $2 million in HOME-ARP funding, bringing the total City commitment of HOME-ARP funding to $8 million. The Salvation Army requested additional funding to address an increase in development, construction, and labor costs. The total project cost is $10 million.

Contract Term

The term of the contract will begin around January 2026 and run for a minimum of 15 years after expansion completion.

Financial Impact

There is no impact to the General Fund. HOME-ARP is a federally funded program. Funding is budgeted in the Housing Department's Capital Improvement Program budget. Loan execution is anticipated for Fiscal Year 2025-26 and the loan will be paid to the developer during the construction period.

Concurrence/Previous Council Action

- City Council approved Ordinance S-49186 on November 16, 2022, to enter into an agreement for $6 million with the Salvation Army to expand the family emergency shelter utilizing HUD Community Development Block Grant (CDBG) funds.
- City Council approved Ordinance S-49878 on June 14, 2023, to enter into an agreement for up to $6 million replacing federal CDBG funding with federal HOME-ARP Program funding.

Location

2707 E. Van Buren Street
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Housing Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 30

Amend Ordinance to Add Federal HOME-ARP Funding for the St. Catherine Manor Affordable Housing Development Project (Ordinance S-52470) - District 8

Request to authorize the City Manager, or his designee, to amend Ordinance S-51499 to add up to $375,000 in federal United States Department of Housing and Urban Development HOME Investment Partnerships American Rescue Plan (HOME-ARP) Program funds with Housing for Hope, LLC, or a City-approved nominee, for the St. Catherine Manor affordable housing development project. Additionally, request to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract. There is no impact to the General Fund.

Summary

On June 6, 2024, the Housing Department issued a HOME-ARP Notice of Funding Opportunity for Non-Congregate Shelter and Rental Housing acquisition, rehabilitation and/or new construction projects to reduce homelessness and increase housing stability. St. Catherine Manor was one of the projects recommended for funding. This project includes 11 units dedicated to serving seniors experiencing homelessness with Area Median Income (AMI) levels of less than 60 percent with food, clothing, health care, and other community program referral supportive services. Eight of the 11 units will serve seniors at 30 percent AMI or below.

On December 4, 2024, City Council approved Ordinance S-51499 to enter into an Affordable Housing Loan Program agreement for up to $3,038,203 in federal HOME-ARP Program funds with Housing for Hope, LLC, or a City-approved nominee, for the St. Catherine Manor affordable housing development project.

The Housing Department is seeking approval for an additional allocation of up to $375,000 in HOME-ARP funding, bringing the total City commitment of HOME-ARP funding to $3,413,203. Housing for Hope, LLC/Catholic Charities requested funding to cover additional project costs for required utility, infrastructure, and street improvements to 14th Way. The total project cost is $3,413,203.

Contract Term
The term of the contract will begin around January 2026 and run for a minimum of 15 years after project completion.

Financial Impact
There is no impact to the General Fund. HOME-ARP is a federally funded program. Funding is budgeted in the Housing Department's Capital Improvement Program budget. Loan execution is anticipated for Fiscal Year 2025-26 and the loan will be paid to the developer during the construction period.

Concurrence/Previous Council Action
City Council approved Ordinance S-51499 on December 4, 2024, to enter into an agreement for $3,038,203 in HOME-ARP funds with Housing for Hope, LLC for the St. Catherine Manor affordable housing development project.

Location
1431 E. Southern Avenue
Council District: 8

Responsible Department
This item is submitted by Deputy City Manager Gina Montes and the Housing Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 31

HVAC Maintenance, Repair, and Replacement Contract - PKS-IFB-26-0052 - Request for Award (Ordinance S-52441) - Citywide

Request to authorize the City Manager, or his designee, to enter into contracts with Artic Air Heating & Cooling, Inc., HACI Service LLC, and VG423G dba AC Medics to provide HVAC Maintenance, Repair, and Replacement Services for the Parks and Recreation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $4 million.

Summary

This contract will provide services necessary for HVAC systems and equipment in Parks and Recreation Department (Parks) facilities, including recreation centers and the Japanese Friendship Garden. Many facilities have aged units or new technology that City staff is unable to maintain. The services will be used for preventive maintenance, equipment repairs, installations, and part replacements as needed. These services are essential to ensure the health and safety of employees, residents and the public within Parks facilities.

Procurement Information

An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Ten vendors submitted bids deemed to be responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendors:

Selected Bidders
Artic Air Heating & Cooling Inc.: $390
HACI Service LLC: $400
VG423G dba AC Medics: $400

Contract Term

The contracts will begin on or about November 5, 2025, for a five-year term with no options to extend.

Financial Impact
The aggregate contracts value will not exceed $4 million.

Funding is available in the Parks and Recreation Department's budget.

Responsible Department
This item is submitted by Deputy City Manager David Mathews and the Parks and Recreation Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 32

Mountain Preserve Trail Maintenance Services - PKS-RFP-25-0744 - Request for Award (Ordinance S-52460) - Districts 1, 2, 3, 6, 7 & 8

Request to authorize the City Manager, or his designee, to enter into a contract with Arizona Trail Builders LLC to provide Mountain Preserve Trail Maintenance Services for the Parks and Recreation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $2.5 million.

Summary

The City's mountain preserve trails are beautiful open spaces for nature, recreation and fitness opportunities. This contract will provide mountain preserve trails maintenance services for the Parks and Recreation Department, supporting more than 200 miles of wild desert areas with rocky terrain and natural hazards that require regular and specialized maintenance services. Arizona Trail Builders LLC specializes in general maintenance and the removal of non-designated trails through reshaping and seeding methods to return the land back to its natural state. These services are essential to preserving the integrity, accessibility and natural beauty of the City's mountain preserve trails.

Procurement Information

A Request for Proposal was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Three vendors submitted proposals deemed responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following criteria, with a maximum possible point total of 1,000:

Qualification and Experience (0-400 points)
Method of Approach (0-300 points)
Key Personnel (0-200 points)
Price (0-100 points)

After reaching a consensus, the evaluation committee recommends award to the following vendor:

Arizona Trail Builders LLC

Contract Term
The contract will begin on or about January 1, 2026, for a five-year term with no options to extend.

Financial Impact
The aggregate contract value will not exceed $2.5 million for the five-year aggregate term. Funding is available in the Parks and Recreation Department's budget.

Location
Council Districts: 1, 2, 3, 6, 7 and 8

Responsible Department
This item is submitted by Deputy City Manager David Mathews and the Parks and Recreation Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 33

Stagehand Services Contract - IFB PCC 26-0010 - Request for Award (Ordinance S-52443) - Districts 7 & 8

Request to authorize the City Manager, or his designee, to enter into a contract with UTP Productions, Inc. to provide stagehand services for the Phoenix Convention Center Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $750,000.

Summary

This contract will provide the Phoenix Convention Center Department with skilled stagehand and technical personnel to support the technical infrastructure needed for conventions, concerts, theatrical productions, trade shows and civic gatherings. These services are necessary to ensure the venues operate smoothly, remain event-ready year-round and continue to meet professional production standards.

Stagehand and technical personnel perform critical functions such as installing, operating and maintaining equipment; assisting with troubleshooting; and supporting ongoing maintenance and equipment upgrades. Their expertise ensures that events are executed safely and effectively while protecting the City’s technical assets.

The contract also specifies that all stagehands meet required qualifications and are deployed in accordance with labor regulations and union agreements.

Procurement Information

An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Three vendors submitted bids deemed to be responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendor:

Selected Bidder
UTP Productions, Inc.

Contract Term
The contract will begin on or about March 1, 2026, for a five-year term with no options to extend.

Financial Impact
The aggregate contract value will not exceed $750,000.

Funding is available in the Phoenix Convention Center Department's Operating budget.

Locations
Phoenix Convention Center - 100 N. Third Street
Symphony Hall - 75 N. Second Street
Herberger Theater Center - 222 E. Monroe Street
Orpheum Theatre - 203 W. Adams Street
Council Districts: 7 and 8

Responsible Department
This item is submitted by Deputy City Manager Amber Williamson and the Phoenix Convention Center Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 34

Temporary Event Staffing Services Contract - RFQu QVL PCC 22-001 - Amendment (Ordinance S-52464) - Districts 7 & 8

Request to authorize the City Manager, or his designee, to allow additional expenditures under contracts with Legacy Professional Solutions LLC (158222), Marathon Staffing Group Inc. (158192) and S4 Global Solutions LLC (158221) to provide temporary event staffing services for the Phoenix Convention Center Department (PCCD). Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $1,600,000.

Summary

These contracts provide temporary labor to support event activities for PCCD clients. The adjustment to these contracts is essential to sustain service levels and meet rising client expectations amid growth in event activity.

Since the contracts' inception, PCCD has seen a measurable shift in business demand. Event bookings have increased by 12 percent, and the number of dark days between events has declined. This compressed schedule requires additional labor to maintain operational continuity, expedite room turnovers, and meet contractually guaranteed timelines.

Client expectations have also evolved. Convention clients now request enhanced services such as midday room resets, expanded cleaning during live events and customized general session designs. These enhancements not only elevate the client experience but also generate additional billable services. The resulting revenue offsets City investment through increased sales tax, hotel bed tax, and repeat bookings.

To further elevate service delivery, PCCD launched its Client Service Level program, offering premium support to high-value clients. This initiative aligns with the department’s mission to enhance the community’s economic vitality and its vision of being a premier convention center.

Approval of this spending authority will enable PCCD to meet client needs, honor contractual obligations and uphold the City’s reputation as a leading convention destination. Without this adjustment, the department risks service disruptions, financial

penalties and reduced competitiveness in attracting major conventions.

Contract Term
The contract terms remain unchanged, ending on April 30, 2028.

Financial Impact
Upon approval of $1,600,000 in additional funds, the revised aggregate value of the contracts will not exceed $2,900,000. Funds are available in the Phoenix Convention Center Department's operating budget.

Concurrence/Previous Council Action
The City Council previously reviewed this request:

- Temporary Event Staffing Services Contracts 158222, 158192 and 158221 (Ordinance S-49544) on April 5, 2023.

Location
Phoenix Convention Center, 100 N. 3rd Street
Orpheum Theatre, 203 W. Adams Street
Symphony Hall, 75 W. 2nd Street
Council Districts: 7 and 8

Responsible Department
This item is submitted by Deputy City Manager Amber Williamson and the Phoenix Convention Center Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 35

Authorization to Amend Lease Agreement 123630 with Horseheads Industrial Capital II, LLC (Ordinance S-52439) - District 8

Request to authorize the City Manager, or his designee, to amend Lease Agreement 123630 with Horseheads Industrial Capital II, LLC to extend the term for seven years commencing on April 1, 2026, and provide for two additional five-year options to extend. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The Police Department currently leases 23,565 square feet of industrial warehouse space for the Public Records and Services Bureau under Lease Agreement 123630 through March 31, 2026. The Police Department does not require continued occupancy beyond the end of the term as these operations will be relocated to 100 W. Washington Street. The Fire Department wishes to assume occupancy April 1, 2026, for administration and operational needs and requests authorization to extend the term for continued tenancy.

Base rent beginning April 1, 2026, will be $16 per square foot per year, plus applicable taxes, which is within the range of market rents as determined by the Real Estate Division. Base rent will increase two percent annually during the extended term. The Fire Department will also be responsible to pay common area operating expenses for its pro rata share of all operating and maintenance expenses related to the site and improvements; including utilities, janitorial service, common area insurance, taxes, HVAC equipment maintenance, and building maintenance costs.

Contract Term

Upon approval, the extended term of the lease agreement will be seven years commencing April 1, 2026, with two five-year options to extend.

Financial Impact

Rent during the first year of the extension, beginning April 1, 2026, will be $31,420 per month, or $377,040 for the year, plus applicable taxes. Base rent will increase two percent annually thereafter. Common area operating expenses, janitorial services and utilities are estimated to be $15,219.06 per month, plus applicable taxes, and may be

adjusted annually depending on need. Funds are available in the Fire Department's operating budget.

Concurrence/Previous Council Action
Contract 123630 was authorized by Ordinance S-34929 on March 8, 2008.
Contract 123630-001 was authorized by Ordinance S-44648 on June 6, 2018.

Location
1717 E. Grant Street, Suite 100
Council District: 8

Responsible Department
This item is submitted by Assistant City Manager Lori Bays and the Fire and Finance departments.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 36

Amendment of Ordinance S-52312 for Adashi Fire Incident Management System Contract - RFA 25-0770 - Request for Award (Ordinance S-52477) - Citywide

Request to authorize the City Manager, or City Manager's designee, to amend Ordinance S-52312 to include a request for exceptions to the indemnity and assumption of liability provisions of Phoenix City Code Section 42-18. The original request was to enter into a contract with Versaterm Public Safety US, Inc. to provide an Adashi Fire Incident Management System platform specifically designed for public safety to improve emergency scene awareness, safety, span of control, response, management, and reporting of critical incidents for the Phoenix Fire Department. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed; request to continue using Ordinance S-52312.

Summary

On October 15, 2025, the City Council approved the contract with Versaterm Public Safety US, Inc. to provide an Adashi Fire Incident Management System platform. The negotiated contract includes indemnity and assumption of liability provisions that require an exception to Phoenix City Code Section 42-18. Upon approval, Ordinance S -52312 will be amended to include an exception to the indemnity and assumption of liability provisions of Phoenix City Code Section 42-18.

This contract will provide a robust, end-to-end incident and resource management platform to support emergency response. Versaterm's Adashi Fire Incident Management System's core suite of products includes solutions for operational resource management, mobile notifications, incident mapping, situational awareness, automatic vehicle location, command and control, personnel accountability and reporting. These solutions are offered in a software as a service (SaaS) managed service model, focusing on ease of use, robust integration and real-time collaboration with continuous improvements.

The Phoenix Fire Department's commitment to public safety includes incorporating innovative technology. This revolutionary new software tool enhances station notifications for incoming incidents, boosting turnout and response times. It provides command officers and firefighters with access to critical data and facilitates the creation of a common operating picture across the entire agency, offering street view

maps, weather radar and other customizable features. The implementation of this software tool will allow the Department to transition from the current process performed on paper to an electronic, integrated and real-time unified emergency scene management tool.

This report has been reviewed and approved by the Information Technology Services Department.

Contract Term
The contract will begin on or about December 15, 2025, for a three-year term with two one-year options to extend the term.

Financial Impact
The aggregate value of the contract will not exceed $1,678,382, and no additional funds are needed.

Concurrence/Previous Council Action
The City Council previously reviewed this request:

- Adashi Fire Incident Management System - RFA 25-0770 - Request for Award, (Ordinance S-52312) on October 15, 2025.

Responsible Department
This item is submitted by Assistant City Manager Lori Bays and the Fire Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 37

Comprehensive Community Vulnerability Assessment Consultant Contract - RFP-25-0441 - Request for Award (Ordinance S-52438) - Citywide

Request to authorize the City Manager, or his designee, to enter into a contract with Integrated Solutions Consulting, Corporation to provide Comprehensive Community Vulnerability Assessment Consultant Services for the Fire Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $160,000.

Summary

This contract will provide design, facilitation and production of a Comprehensive Community Risk Vulnerability Assessment (CRA). This CRA will address current and anticipated community risks and needs over the next five to ten years. The goal is to identify potential hazards within communities, analyze their potential impacts and prioritize mitigation efforts. This process will inform the development and implementation of programs to mitigate, respond to and recover from disasters, emphasizing preemptively addressing gaps before major lifelines are impacted.

Procurement Information

A Request for Proposal procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Two vendors submitted proposals deemed responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following criteria with a maximum possible point total of 1,000:

- Capacity (0-400 points)
- Experience and Expertise (0-300 points)
- Method of Approach (0-200 points)
- Pricing (0-100 points)

After reaching consensus, the evaluation committee recommends award to the following vendor:

- Integrated Solutions Consulting, Corporation

Contract Term
The contract will begin on or about December 8, 2025, for a one-year term with no options to extend.

Financial Impact
The aggregate contract value will not exceed $160,000. The project will be funded by Urban Area Security Initiative grant funds.

Responsible Department
This item is submitted by Assistant City Manager Lori Bays and the Fire Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 38

LeadsOnline Contract - RFA-25-0708 - Request for Award (Ordinance S-52459) - Citywide

Request to authorize the City Manager, or his designee, to enter into a contract with LeadsOnline, LLC to provide the Real Time Crime Investigation System for the Phoenix Police Department. Further request an exception to the indemnity and assumption of liability provisions of Phoenix City Code Section 42-18. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $1,740,000.

Summary

This contract will provide a technological service utilized to track and collect transaction fees from pawnshops and second-hand dealers. The software's data collection and reporting applications assist with new and on-going investigations. The Phoenix Police Department's Pawnshop Detail utilizes the service to assist in numerous investigations and recover hundreds of thousands of dollars in stolen property for victims each year.

In addition to tracking and collecting transaction fees, the Pawnshop Detail receives monthly regulatory fees that result in approximately $850,000 revenue dollars each year from dealer transactions.

This item has been reviewed and approved by the Information Technology Services Department.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. The Phoenix Police Department's Pawnshop Detail utilizes the LeadsOnline web-based service to collect and manage transactional reporting from pawnshops and second-hand dealers, which in turn is transmitted to the Maricopa County Sheriff's Office (MCSO) as required by Arizona Revised Statute 44-1625 and City Ordinance 19-40.

Contract Term
The contract will begin on or about February 1, 2026, for a five-year term with no options to extend.

Financial Impact
The aggregate contract value will not exceed $1,740,000 for the five-year aggregate term. Funding is available in the Phoenix Police Department's operating budget.

Responsible Department
This item is submitted by Assistant City Manager Lori Bays and the Police Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 39

Retroactive Authorization to Apply for the Community Based Violence Intervention and Prevention Initiative Grant Program (Ordinance S-52462) - Citywide

Request to authorize the City Manager, or his designee, to allow the Police Department to retroactively apply for, accept, and enter into an agreement with the Bureau of Justice Assistance for the Community Based Violence Intervention and Prevention Initiative grant program in an amount not to exceed $2,000,000. 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 program is to reduce violent crime by supporting jurisdictions in implementing targeted enforcement, prevention, and intervention strategies. It emphasizes the use of data-driven, cross-sector approaches to identify and address key drivers of violence. Through enhanced coordination, intelligence gathering, and strategic resource deployment, the program aims to disrupt violent crime patterns and improve public safety outcomes. These efforts are designed to strengthen law enforcement capabilities and ensure a focused, effective response to violent crime.

The requested funding will be used to support the Police Department's development of the Maryvale Precinct's Real-Time Operations Center (RTOC), enhancing the ability to combat violent crime through data-driven strategies and real-time intelligence. The project will deploy connected technologies, such as video and license plate cameras, at high-impact locations to support intelligence gathering and provide officers with immediate, actionable information. By improving coordination and strategic resource deployment, the RTOC will help disrupt violent crime patterns and strengthen public safety outcomes.

The grant application was due on November 3, 2025. If authorization is denied, the grant application will be rescinded.

Contract Term

The contract term will be for five years from the date of the approved award.

Financial Impact
No matching funds are required.

Responsible Department
This item is submitted by Assistant City Manager Lori Bays and the Police Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 40

Amendment of Ordinance S-52319 for Annual Maintenance for X-Ray Machines Contract - RFA 24-0367 - Request for Award (Ordinance S-52473) - Citywide

Request the City Manager, or the City Manager's designee, to amend Ordinance S-52319 to include a request for exceptions to the indemnity and assumption of liability provisions of Phoenix City Code Section 42-18. The original request was to enter into a contract with Smiths Detection Inc. to provide annual x-ray machine maintenance for the Phoenix Police Department. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed; request to continue using Ordinance S-52319.

Summary

On October 15, 2025, the City Council approved the contract with Smiths Detection Inc., to provide annual x-ray machine maintenance. The negotiated contract includes indemnity and assumption of liability provisions that require an exception to Phoenix City Code Section 42-18.

The contract will provide annual x-ray machine maintenance, including priority 24-hour on-site response for any necessary repairs to ensure optimal functionality. The Phoenix Police Department is responsible for on-site security for several critical infrastructure buildings located in downtown Phoenix. The x-ray machines are used to screen those entering City buildings. The coverage is provided by Smiths Detection Inc., and this agreement guarantees immediate maintenance response.

Upon approval, Ordinance S-52319 will be amended to include an exception to the indemnity and assumption of liability provisions of Phoenix City Code Section 42-18.

Contract Term

The contract will begin on or about December 3, 2025, for a five-year term with no options to extend the term.

Financial Impact

The aggregate value of the contract will not exceed $162,266, and no additional funds are needed.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Annual Maintenance for X-Ray Machines Contract - RFA 24-0367 - Request for Award (Ordinance S-52319) on October 15, 2025.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Police Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 41

(CONTINUED FROM NOVEMBER 19, 2025) - Versaterm CommunityConnect and Call Triage Software Licenses Contract - RFA 25-0570 - Request for Award (Ordinance S-52406) - Citywide

Request to authorize the City Manager, or his designee, to enter into a contract with Versaterm Public Safety US, Inc. to provide Versaterm CommunityConnect and Call Triage Software Licenses for the Police Department. Further request to authorize the City Controller to disburse all funds related to this item. Further request an exception to the indemnification and assumption of liability provisions of Phoenix City Code Section 42-18. The total value of the contract will not exceed $7,001,967.

Summary

This contract will provide software licenses for the CommunityConnect and Call Triage services. The CommunityConnect service is used by the Police Department to provide automated communication and follow-up with crime victims and reporting parties from initial incident reporting through incarceration. The City is required to provide a victim notification system in compliance with House Bill 2482, which is now part of State statute, and the CommunityConnect service meets those requirements. This service is critical to Police Department operations as it enables efficient management of victim notifications and will improve communication with the community.

The Call Triage service is an automated resolution emergency call system. The Police Department Communications Bureau will use this system to triage incoming non-emergency calls and provide automated resolution to a portion of requests without the need for staff to engage with the caller on non-emergency phone lines. This service provides a solution to the staffing needs of the Communications Bureau and will help ensure that national standard call answering metrics are met by the Department.

These items have been reviewed and approved by the Information Technology Services Department.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. Versaterm Public Safety US, Inc. is the

exclusive provider of the CommunityConnect and Call Triage software licenses which are utilized by the Police Department.

Contract Term
The contract will begin on or about July 1, 2026, for a three-year term with two one-year options to extend.

Financial Impact
The aggregate contract value will not exceed $7,001,967 for the five-year aggregate term. Funding is available in the Police Department's operating budget.

Responsible Department
This item is submitted by Assistant City Manager Lori Bays and the Police Department.

City of Phoenix

To: Lori Bays
Assistant City Manager

Date: November 17, 2025

From: Matthew Giordano MG
Police Chief

Subject: REQUEST TO CONTINUE ITEM 39, VERSATERM COMMUNITYCONNECT AND CALL TRIAGE LICENSES CONTRACT, RFA 25-0570-REQUEST FOR AWARD FROM THE NOVEMBER 19, 2025, FORMAL CITY COUNCIL AGENDA TO THE DECEMBER 3, 2025, FORMAL AGENDA.

The Police Department requests approval to continue Item 39, Versaterm Community Connect and Call Triage Licenses Contract – RFA 25-0570, from the November 19, 2025, Formal City Council Meeting agenda to the December 3, 2025, Formal City Council Meeting.

Approved by:

Lori Bays
Assistant City Manager

11/17/25
Date

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 42

Amend Terminal Facility License Agreement 162794 with AGI Ground Inc. (Ordinance S-52471) - District 8

Request authorization for the City Manager, or his designee, to amend Facility License Agreement 162794 (License) with AGI Ground Inc. (AGI) to add approximately 414 square feet of exclusive space in Terminal 4 at Phoenix Sky Harbor International Airport.

Summary
AGI currently leases approximately 638 square feet of exclusive-use space in Terminal 3 to support its operations in Terminal 3. To further support its expanded operations in Terminal 4, AGI is requesting to lease an additional approximately 414 square feet of exclusive-use space in Terminal 4, to be used primarily for office space. This amendment would bring AGI's total exclusive space to approximately 1,052 square feet.

Further request authorization for the Aviation Director to make future additions, subtractions, and changes to AGI's exclusive space, not to exceed a total of 3,000 square feet, as the Aviation Director deems necessary or appropriate to attain the highest and best use of Aviation Department resources, as well as to accommodate future AGI business needs for the duration of the License.

Contract Term
The term of the License remains on a month-to-month basis.

Financial Impact
AGI will pay the current terminal rental rate of $197.88 per square foot per year for the additional 414 square feet, resulting in an estimated monthly revenue of $6,826.86 to the City. The terminal rental rate will be adjusted annually on July 1 in accordance with the Rates and Charges provision of Article IX of Chapter 4 of the Phoenix City Code.

Location
Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Amber Williamson and the Aviation Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 43

New Cargo Facility Lease Agreement with AGI Ground, Inc. at Phoenix Sky Harbor International Airport (Ordinance S-52475) - District 8

Request to authorize the City Manager, or his designee, to enter into a new cargo facility lease agreement (Lease) with AGI Ground, Inc. (AGI) to lease not more than 5,760 square feet of space in Building A of the West Air Cargo complex at Phoenix Sky Harbor International Airport (PHX).

Summary

AGI currently provides ground handling support services to AeroMéxico and WestJet airlines under Commercial Use Permit 529-26. AGI recently expanded its services agreement with AeroMéxico to include cargo handling operations. To support its cargo handling operation and to provide covered storage for its ground handling equipment, AGI requests to lease two cargo bays with a total area of 3,840 square feet in Building A of the West Air Cargo complex at PHX. The Lease will include an option for AGI to lease one additional cargo bay with a total area of 1,920 square feet, contingent upon AGI securing additional cargo handling contracts with other airlines at PHX. AGI will also be required to complete tenant improvements to separate its leased cargo bay space in Building A from adjacent non-leased cargo bay areas with additional airlines requiring cargo support services.

AGI will be required to complete tenant improvements within six months following the effective date of the Lease. The improvements are necessary to make the leased space suitable for AGI's cargo operations.

Contract Term

The term of the Lease will be three years, with three one-year options to extend the term at the sole discretion of the Aviation Director.

Financial Impact

AGI will pay the rental rate per square foot per year for the West Air Cargo and West Air Cargo GSE facilities as established by the Airport Rates and Charges program authorized under Phoenix City Code Section 4-173(B). Rent for the first year of the Lease will be approximately $69,120. The cargo facilities rental rate will be adjusted annually according to the Rates and Charges provision of Article IX, Chapter 4, of the

Phoenix City Code.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board, Business and Development Subcommittee approved this item on October 3, 2025, by a vote of 3-0.
The Phoenix Aviation Advisory Board approved this item on October 16, 2025, by a vote of 6-0.
The Transportation, Infrastructure and Planning Subcommittee approved this item on November 19, 2025, by a vote of 4-0.

Location

Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Amber Williamson and the Aviation Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 44

Designated Aviation Channeling Services Contract - AVN RFP 25-0498 - Request for Award (Ordinance S-52447) - District 8

Request to authorize the City Manager, or his designee, to execute a contract with Telos Identity Management Solutions LLC to provide designated aviation channeling services (DAC) for the Aviation Department. Further request to authorize the City Controller to disburse funds related to this item.

Summary

Federal regulations require Phoenix Sky Harbor International Airport (Airport) to conduct background checks on all Airport workers before issuing a badge that authorizes unescorted access to restricted areas of the Airport. The Transportation Security Administration (TSA) requires that airports use a TSA-certified and approved Designated Aviation Channeler (DAC) service provider that will: (1) receive, validate, and aggregate biographic and biometric data from the Airport and transmit the data to the TSA for airport worker screening, (2) automate the transmission of the biographic and biometric data from the Airport to the TSA and from the TSA to the Airport, (3) provide a web-based portal for the Airport to obtain transmitted airport worker screening information, and (4) integrate with the Airport's identity management system and existing fingerprint equipment.

The Airport provides security credentials requiring the services of a DAC to over 23,000 airport employees.

This item has been reviewed and approved by the Information Technology Services Department.

Procurement Information

A Request for Proposal procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Two vendors submitted proposals deemed responsive and responsible. An evaluation committee evaluated those offers based on the following criteria:

Method of Approach
Fee Schedule
Qualifications and Experience of the Firm
Customer Service/Ongoing Support

After reaching a consensus, the evaluation committee recommended award to the following vendor:

Telos Identity Management Solutions LLC

Contract Term
The term of the contract is proposed to begin on or about January 1, 2026, for an initial three-year term with two one-year options to extend the term for an aggregate five-year term.

Financial Impact
The total cost of the contract will not exceed $3 million over the aggregate five-year term.

Funding is available in the Aviation Department's Operating budget.

Concurrence/Previous Council Action
The Phoenix Aviation Advisory Board, Business and Development Subcommittee approved this item on October 3, 2025, by a vote of 3-0.
The Phoenix Aviation Advisory Board approved this item on October 16, 2025 by a vote of 6-0.

Location
Phoenix Sky Harbor International Airport: 2485 E. Buckeye Road
Council District: 8

Responsible Department
This item is submitted by Deputy City Manager Amber Williamson and the Aviation Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 45

Access Agreement with Honeywell International, Inc. for Groundwater and Soil Vapor Well Monitoring at Phoenix Sky Harbor International Airport (Ordinance S-52474) - District 8

Request to authorize the City Manager, or his designee, to execute an access agreement with Honeywell International, Inc. (Honeywell) for access to Aviation Department-owned land located on and north of Phoenix Sky Harbor International Airport for the purpose of installing and monitoring groundwater and soil vapor wells.

Summary

The Arizona Department of Environmental Quality and the City of Phoenix required Honeywell to install wells on Aviation Department-owned land located within the existing Super Fund Site known as "Motorola 52nd Street Super Fund Site" to monitor and remediate releases of petroleum hydrocarbon products from underground storage tanks at a Honeywell facility that have migrated onto Aviation Department-owned land. The Aviation Department and Honeywell previously entered into similar access agreements, which have expired, to install and monitor wells on Aviation Department-owned land. Honeywell's access to the land is authorized under Section V, Subsection (g) of Remediation Agreement 124536 between the City and Honeywell. Upon approval of the access agreement, access authorization provided by Section V, Subsection (g) will be replaced by the new access agreement.

Contract Term

The term of the access agreement will be month-to-month and will expire on the date the City determines that Honeywell has completed decommissioning all wells on Aviation Department-owned land.

Financial Impact

No rent or fees are due to the Aviation Department under the access agreement. Honeywell is conducting all remediation activities at its own expense.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board, Business and Development Subcommittee approved this item on October 3, 2025, by a vote of 3-0.
The Phoenix Aviation Advisory Board approved this item on October 16, 2025, by a

vote of 6-0.
The Transportation, Infrastructure and Planning Subcommittee approved this item on November 19, 2025, by a vote of 4-0.

Location
Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road
Council District: 8

Responsible Department
This item is submitted by Deputy City Manager Amber Williamson and the Aviation Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 46

Phoenix Deer Valley Airport Relocate Taxiway B and Construct Connectors B6 and B9 - Construction Manager at Risk Services Amendment - AV31000092 FAA / ADOT (Ordinance S-52457) - District 1

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 158539 (Agreement) with J. Banicki Construction, Inc. to provide additional Construction Manager at Risk construction services for the Phoenix Deer Valley Airport Relocate Taxiway B and Construct Connectors B6 and B9 project. Further request to authorize execution of amendments to the Agreement as necessary and within the City Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in the amendment will not exceed $13.5 million.

Summary

The purpose of the project is to meet updated design standards required by Federal Aviation Administration Advisory Circulars, which define separation between runway and adjacent taxiways.

The amendment is necessary for the removal and relocation of 81,000 square yards of crushed aggregate slope protection and the installation of five inches of P-401 asphalt on eight inches of P-209 crushed aggregate base course over one foot of P-155 lime-treated subgrade. The amendment will provide additional funds to the Agreement according to grant funding phases.

Contract Term

The term of the Agreement is unchanged from issuance of the original construction services Notice to Proceed. Work scope identified and incorporated into the Agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the Agreement. No additional changes may be executed after the end of the term.

Financial Impact

- The Agreement for Construction Manager at Risk Construction Services was approved for an amount not to exceed $12.1 million, including all subcontractor and reimbursable costs.

- The amendment will increase the cost of the Agreement by an additional $13.5 million, for a new total amount not to exceed $25.6 million, including all subcontractor and reimbursable costs.

The Aviation Department anticipates grant funding for the project. Funding for the amendment is available in the Aviation Department's Capital Improvement Program. The Budget and Research Department will separately review and approve funding availability prior to the execution of any amendments. Payments may be made up to Agreement limits for all rendered Agreement services, which may extend past termination of the Agreement.

Concurrence/Previous Council Action

The City Council approved:

- Engineering Services Agreement 150110 (Ordinance S-45685) on June 5, 2019;
- Construction Manager at Risk Preconstruction Services Agreement 152002 (Ordinance S-49299) on January 4, 2023; and
- Construction Manager at Risk Construction Services Agreement 158539 (Ordinance S-49712) on May 31, 2023.

Location

702 W. Deer Valley Road
Council District: 1

Responsible Department

This item is submitted by City Manager Ed Zuercher, Deputy City Manager Amber Williamson, the Aviation Department and the City Engineer.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 47

Phoenix Sky Harbor International Airport Terminal 4 Infrastructure North Concourse 4 Passenger Boarding Bridges Replacement - 2-Step Construction Manager at Risk Services - Rescind and Award - AV21000112 (Ordinance S-52468) - District 8

Request to authorize the City Manager, or his designee, to rescind the award to Clayco, Inc., and to accept M. A. Mortenson Company as the next responsive proposer, and to execute an agreement with M. A. Mortenson Company to provide Construction Manager at Risk Preconstruction and Construction Services for the Phoenix Sky Harbor International Airport Terminal 4 Infrastructure North Concourse 4 Passenger Boarding Bridges Replacement project. Further request to authorize the execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $15 million.

Summary

The purpose of the project is to replace six City-owned Passenger Boarding Bridges (PBBs) at Gates B23, B24, B25, B26, B27 and B28 of Phoenix Sky Harbor International Airport Terminal 4 North Concourse 4 (T4N4) with modern jet bridges that operate more efficiently, safely, and improve the passenger experience.

M. A. Mortenson Company will begin in an agency support role for Construction Manager at Risk Preconstruction Services. M. A. Mortenson Company will assume the risk of delivering the project through a Guaranteed Maximum Price (GMP) agreement.

M. A. Mortenson Company’s preconstruction services include: project site survey and inventory of existing conditions; validate site constraints, site investigations and utility locations; attend all project meetings as necessary to maintain the project objectives; coordinate work with Owner and Design Team to secure all permits and approvals from various agencies and federal, state, county, and local utility authorities; identify GMP packaging strategy and present alternate strategies to optimize the sequence of construction; provide detailed cost estimating and reconciliation with third party estimator for each design phase; provide value engineering and cost reduction efforts to optimize project budget; provide for construction phasing and scheduling; evaluate sequencing based on stakeholder feedback and minimize interruption to City

operations; and participate with the City in a process to establish a Small Business Enterprise (SBE) goal for the project.

M. A. Mortenson Company's initial construction services will include preparing a GMP proposal provided under the agreement. M. A. Mortenson Company will be responsible for construction means and methods related to the project and fulfilling the SBE program requirements. M. A. Mortenson Company will be required to solicit bids from pre-qualified subcontractors and to perform the work using the City's subcontractor selection process. M. A. Mortenson Company may also compete to self-perform limited amounts of work.

M. A. Mortenson Company's additional construction services include: demolishing and removing six PBBs and installing new bridges located at T4N4; providing the necessary associated infrastructure required to support the new bridges; demolishing and removing the glycol plant after installing the six new bridges; providing the necessary associated electrical infrastructure to support the preconditioned air units on each bridge; providing additional distribution panel in support of the new bridge installation (s); providing necessary security access and ACAMS door controls for new bridges; preparing a subcontractor selection plan; preparing a GMP proposal that meets the City's approval; arranging for the procurement of materials and equipment; developing as needed time-scaled logic construction schedule and manage site operations; developing bid package instructions to bidders and solicit subcontractor bid proposals; maintaining a safe work site for all project participants; maintaining all project records in electronic format; and other work as required for a complete project.

Procurement Information
The selection was made using a two-step qualifications and price-based selection process set forth in Section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. Section 34-603(H), the City may not publicly release information on proposals received, including the scoring results, until an agreement is awarded. Two firms submitted proposals and are listed below.

Selected Firm
Rank 1: Clayco, Inc.

Additional Proposer
Rank 2: M. A. Mortenson Company

After discussion with Clayco, Inc., the City has terminated negotiations and intends to execute a contract with the second ranked firm M. A. Mortenson Company for this project.

Contract Term
The term of the agreement is five years from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for M. A. Mortenson Company will not exceed $15 million, including all subcontractor and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past termination of the agreement.

Concurrence/Previous Council Action
The City Council approved Engineering Services Agreement 159048 (Ordinance S-50049) on July 3, 2023, and Construction Manager at Risk Preconstruction and Construction Services Agreement 160479 (Ordinance S-50791) on May 1, 2024.

Location
2485 E. Buckeye Road
Council District: 8

Responsible Department
This item is submitted by City Manager Ed Zuercher, Deputy City Manager Amber Williamson, the Aviation Department and the City Engineer.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 48

Phoenix Goodyear Airport Infield Paving Phase II - Design-Bid-Build Services - AV41000079 (Ordinance S-52476) - Out of City

Request to authorize the City Manager, or his designee, to accept J. Banicki Construction, Inc. as the lowest-priced, responsive, and responsible bidder and to execute an agreement with J. Banicki Construction, Inc. for Design-Bid-Build Services for the Phoenix Goodyear Airport Infield Paving Phase II project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $3,320,698.30.

Summary

The purpose of the project is to grade seven infields between Taxiways A1 and A2, between A4 and A5, between Taxiways A5 and A6, between Taxiways A6 and A7, between Taxiways A7 and A8, between Taxiways A9 and A10, and install two-inch thick asphalt paving at the Phoenix Goodyear Airport.

J. Banicki Construction, Inc.’s services include all grading and paving, adjustment to new grades of certain appurtenances within those infields, including catch basins and inlets, some concrete storm drain piping, monitoring wells, electrical duct bank and conduits, and associated manholes, handholes, lights, and signs.

The selection was made using an Invitation for Bids procurement process set forth in Section 34-201 of the Arizona Revised Statutes. Four bids were received on October 15, 2025, and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Disadvantaged Business Enterprise (DBE) program requirements.

The Opinion of Probable Cost and the three lowest responsive, responsible bidders are listed below:

Opinion of Probable Cost: $3,556,937.20
J. Banicki Construction, Inc.: $3,320,698.30
Combs Construction Company, Inc.: $3,627,577.15
Kiewit Infrastructure West Co.: $4,866,000.00

Due to volatile material costs and increased labor prices in the construction industry, a 10 percent contingency is being requested to allow for project uncertainties. The initial agreement will be executed at the bid amount of $3,320,698.30. Use of the 10 percent contingency above that amount will not be allowed without the prior written approval of the Aviation Department Director and the City Engineer.

Contract Term
The term of the agreement is five years from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for J. Banicki Construction, Inc. will not exceed $3,320,698.30, including all subcontractor and reimbursable costs.

The project will use federal funds and is subject to the requirements of 49 Code of Federal Regulations Part 26 and the U.S. Department of Transportation DBE program. Funding is available in the Aviation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Location
1658 S. Litchfield Road, Goodyear, AZ
Council District: Out of City

Responsible Department
This item is submitted by City Manager Ed Zuercher, Deputy City Manager Amber Williamson, the Aviation Department and the City Engineer.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 49

Goodyear Airport Infield Paving - Phase II - Engineering Services Amendment - AV41000079 (Ordinance S-52479) - Out of City

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 160280 with TRACE Consulting, LLC to provide additional engineering services for the Goodyear Airport Infield Paving Phase II project. Further request to authorize the execution of amendments to the Agreement as necessary within the City Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed $220,108.

Summary

The purpose of this project is to implement one of the recommendations of the 2018 Master Plan Update to improve infield areas between Runway 3/21 and Taxiway A at Goodyear (GYR) Airport. The seven infield areas to be improved for Phase II of this project are located north of Taxiway A1, between Taxiways A1 and A2, between Taxiways A4 and A5, between Taxiways A5 and A6, between Taxiways A6 and A7, between Taxiways A7 and A8, and between Taxiways A9 and A10. The goals of this project include infield grading requirements according to Federal Aviation Administration standards, infield paving as a safety improvement to mitigate the dangers of jet blast and propwashing blowing around foreign object debris and to improve ease of maintenance in the infields, and utility vault adjustments to be consistent with the new grading and paving. Phase I of the GYR Infield Paving Project previously completed design for three infields.

The amendment is necessary to provide construction administration and inspection services for the remaining seven infields between Runway 3-21 and Taxiway Alpha that are being updated from gravel or asphalt millings to asphalt paving. The amendment will provide additional funds to the Agreement.

Contract Term

The term of the Agreement remains unchanged from the issuance of the Notice to Proceed. Work scope identified and incorporated into the Agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the Agreement. No additional changes may be executed after the end of the term.

Financial Impact

The initial Agreement for engineering services was approved for an amount not to exceed $735,000, including all subconsultant and reimbursable costs. The amendment will increase the Agreement by an additional $220,108, for a new total amount not to exceed $955,108, including all subconsultant and reimbursable costs.

Funding for the amendment is available in the Aviation Department's Capital Improvement Program using state grants. The Budget and Research Department will separately review and approve funding availability prior to the execution of any amendments. Payments may be made up to Agreement limits for all rendered Agreement services, which may extend past termination of the Agreement.

Concurrence/Previous Council Action

The City Council approved:

- Engineering Services Agreement 155730 (Ordinance S-48220) on January 5, 2022.
- Engineering Services Agreement 160280 (Ordinance S-50724) on April 3, 2024.

Location

1658 S. Litchfield Road, Goodyear, AZ
Council District: Out of City

Responsible Department

This item is submitted by City Manager Ed Zuercher, Deputy City Manager Amber Williamson, the Aviation Department and the City Engineer.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 50

Concrete Services - IFB 26-FMD-017 - Request for Award (Ordinance S-52440) - Citywide

Request to authorize the City Manager, or his designee, to enter into contracts with Degan Construction, LLC, Harcon Concrete, Inc., and Viasun Corporation to provide concrete services for the Public Works Department on an as-needed basis. Further request to authorize the City Controller to disburse all funds related to this item. The total aggregate amount of the contracts will not exceed $3,200,000.

Summary

The Public Works Department is responsible for concrete projects and services. These projects include the maintenance and repair of concrete foundations, driveways, parking lots, walkways, Americans with Disabilities Act (ADA) ramps, curbing, light-pole bases, parking wheel stops, vertical walls, and other specialized concrete repairs across citywide facilities. Contractors will be responsible for larger projects that require the use of a concrete truck, extensive site preparation, and demolition. These services will support multiple City departments, including Police and Fire, and provide the capability to support General Obligation Bond ADA work requirements.

Procurement Information

An Invitation for Bid (IFB) was conducted in accordance with Administrative Regulation 3.10. A total of 18 bidders submitted proposals; one was deemed non-responsive. Three bids were determined to be responsive to the posted specifications and responsible for providing the required services.

Following evaluation based on labor rates, the Procurement Officer recommends award to the following bidders identified in **Attachment A**:

- Degan Construction, LLC
- Harcon Concrete, Inc.
- Viasun Corporation

Contract Term

The contracts will begin on or about January 1, 2026, for a three-year term, with a two-year option to extend.

Financial Impact
The total aggregate contract value will not exceed $3,200,000. Funding is available in the Public Works Department's Operating and Capital Improvement Program budget.

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the Public Works Department.

IFB 26-FMD-017, CONCRETE SERVICES

GROUP B: ON-SITE LABOR RATES

3 Lowest Bidders in red

ALK ASPHALT

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	$68.00
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	$68.00
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	$80.00
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	$80.00

ANDREW'S CONCRETE

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	**$90.00**
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	**$90.00**
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	**$135.00**
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	**$135.00**

BEN'S ASPHALT

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	**$65.00**
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	**$65.00**
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	**$97.50**
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	**$97.50**

F&S CONSTRUCTION (could not find their background online)

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	**$50.00**
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	**$50.00**
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	**$75.00**
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	**$75.00**

GONZALEZ ASPHALT

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	**$62.50**
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	**$62.50**
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	**$93.75**
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	**$93.75**

HARCON CONCRETE

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	**$50.00**
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	**$50.00**
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	**$50.00**
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	**$50.00**

NATIONAL PAVEMENT PARTNERS

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	**$155.00**
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	**$155.00**
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	**$155.00**
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	**$155.00**

S&S PAVING & CONSTRUCTION

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	**$65.00**
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	**$65.00**
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	**$88.50**
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	**$88.50**

THE ENGINEERING & CONSTRUCTION CO

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	**$165.00**
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	**$165.00**
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	**$300.00**
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	**$300.00**

ATTACHMENT A

CAMBUILDERS (NON-RESPONSIVE)

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	$40.00
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	$40.00
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	$50.00
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	$50.00

CIVIL CONCRETE

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	$60.00
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	$60.00
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	$85.00
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	$85.00

DEGAN CONSTRUCTION

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	$50.00
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	$50.00
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	$75.00
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	$75.00

LINCOLN CONSTRUCTORS

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	$63.00
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	$63.00
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	$150.00
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	$150.00

MICHAEL J VALENTE CONTRACTING

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	$125.00
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	$125.00
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	$155.00
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	$155.00

MONROY CONSTRUCTION

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	$50.00
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	$50.00
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	$75.00
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	$75.00

TOTAL MAINTENANCE EROSION CONTROL

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	$88.50
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	$88.50
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	$88.50
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	$88.50

VIASUN CORPORATION

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	$45.31
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	$45.31
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	$67.97
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	$67.97

WILLIAMSON DEVELOPMENT

Line Item	Description	UOM	Unit Cost
1	Regular Hours: Between 1 May - 30 Sep, M - F, 6am - 7pm, excluding City observed holidays.	HR	$57.00
2	Regular Hours: Between 1 Oct - 30 Apr, M - F, 7am - 6pm, excluding City observed holidays.	HR	$57.00
3	Premium Hours: Between 1 May - 30 Sep, Sat., 7am - 6pm, including City observed holidays.	HR	$96.00
4	Premium Hours: Between 1 Oct - 30 Apr, Sat., 7am - 6pm, including City observed holidays.	HR	$96.00

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 51

Telecommunications Services, Private Line Services, Intrastate and Interstate Services License with CenturyLink Communications, LLC (Ordinance S-52454) - Citywide

Request to authorize the City Manager, or his designee, to execute a non-exclusive, revocable license with CenturyLink Communications, LLC to construct, install, operate, maintain, and use the Public Highways and public utility easements in the City of Phoenix to provide telecommunication facilities in, under, over, and across public rights-of-way in the City, subject to the terms and conditions contained in the license and Phoenix City Code. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary
CenturyLink Communications, LLC desires to install facilities in City of Phoenix rights-of-way and public utility easements to provide telecommunications-based services to the public. The license will be for a period of five years with an option for a one-time five-year renewal, contain appropriate insurance and indemnification provisions, require a performance bond and a security fund, provide for terms of transfer and revocation, and provide compensation for the commercial use of public rights-of-way while permitting the City to manage the rights-of-way.

Contract Term
The request is for a five-year Telecommunications Services, Private Line Services, and Intrastate and Interstate Services License with an option for one-time five-year renewal.

Financial Impact
There is no financial impact to the City. Licensee will pay an annual fee based on a formula using linear footage and the Consumer Price Index.

Responsible Department
This item is submitted by City Manager Ed Zuercher and the Street Transportation Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 52

Telecommunications Services, Private Line Services, and Intrastate Services License with Level 3 Telecom of Arizona, LLC (Ordinance S-52455) - Citywide

Request to authorize the City Manager, or his designee, to execute a non-exclusive, revocable license with Level 3 Telecom of Arizona, LLC to construct, install, operate, maintain, and use the Public Highways and public utility easements in the City of Phoenix to provide telecommunication facilities in, under, over, and across public rights-of-way in the City, subject to the terms and conditions contained in the license and Phoenix City Code. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary
Level 3 Telecom of Arizona, LLC desires to install facilities in City of Phoenix rights-of-way and public utility easements to provide telecommunications-based services to the public. The license will be for a period of five years with an option for a one-time five-year renewal, contain appropriate insurance and indemnification provisions, require a performance bond and a security fund, provide for terms of transfer and revocation, and provide compensation for the commercial use of public rights-of-way while permitting the City to manage the rights-of-way.

Contract Term
The request is for a five-year Telecommunications Services, Private Line Services, and Intrastate Services License with an option for one-time five-year renewal.

Financial Impact
There is no financial impact to the City. Licensee will pay an annual fee based on a formula using linear footage and the Consumer Price Index.

Responsible Department
This item is submitted by City Manager Ed Zuercher and the Street Transportation Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 53

Telecommunications Services, Private Line Services, and Interstate Services License with Level 3 Communications, LLC (Ordinance S-52456) - Citywide

Request to authorize the City Manager, or his designee, to execute a non-exclusive, revocable license with Level 3 Communications, LLC to construct, install, operate, maintain, and use the public highways and public utility easements in the City of Phoenix to provide telecommunication facilities in, under, over, and across public rights-of-way in the City, subject to the terms and conditions contained in the license and Phoenix City Code. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary
Level 3 Communications, LLC desires to install facilities in City of Phoenix rights-of-way and public utility easements to provide telecommunications-based services to the public. The license will be for a period of five years with an option for a one-time five-year renewal, contain appropriate insurance and indemnification provisions, require a performance bond and a security fund, provide for terms of transfer and revocation, and provide compensation for the commercial use of public rights-of-way while permitting the City to manage the rights-of-way.

Contract Term
The request is for a five-year Telecommunications Services, Private Line Services, and Interstate Services License with an option for one-time five-year renewal.

Financial Impact
There is no financial impact to the City. Licensee will pay an annual fee based on a formula using linear footage and the Consumer Price Index.

Responsible Department
This item is submitted by City Manager Ed Zuercher and the Street Transportation Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 54

Request Authorization to Accept Funding and Enter Into an Intergovernmental Agreement with Flood Control District of Maricopa County and City of Scottsdale for Fiscal Year 2025 Capital Improvement Program - Deer Valley Channel Hazard Mitigation Project (Ordinance S-52480) - District 2

Request authorization for the City Manager, or their designee, to accept funding and enter into an agreement with the Flood Control District of Maricopa County (FCDMC) and City of Scottsdale for the Fiscal Year 2026 Capital Improvement Program related to the Deer Valley Hazard Mitigation Project. Additionally, request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds associated with this project. The City's contribution to this project is anticipated to not exceed $950,000.

Summary

As the design of the Paradise Ridge Drainage Improvements Project progressed, it became clear that additional improvements were needed on the east side of Scottsdale Road. These enhancements are essential to capture flows from the Deer Valley Wash and convey them effectively to the Paradise Ridge Improvements project channel. This additional scope aims to further reduce the existing floodplain west of Scottsdale Road with the City of Phoenix.

The work at Scottsdale Road will require this Intergovernmental Agreement (IGA) between the FCDMC, the City of Phoenix, and the City of Scottsdale to outline the roles and responsibilities of the project partners with respect to the design, construction, cost sharing and other activities associated with a box culvert crossing Scottsdale Road.

This project aims to address flooding issues affecting residents and businesses south of Loop 101, ultimately reducing the risk of flooding in the area.

Financial Impact

The estimated cost for these additional improvements is $3.8 million based on the best available information at the time of this agreement. The actual expenses will be shared as follows: FCDMC will cover 50 percent with each city contributing 25 percent as project partners.

The City's contribution is not anticipated to exceed $950,000. This amount will be funded through a combination of sources: the Local Drainage Solutions Program, the Arizona State Land Department (ASLD) Paradise Ridge IGA (Ordinance S-46461), and the Mortenson Development Agreement (Ordinance S-52226).

Concurrence/Previous Council Action

- The City Council approved an IGA with ASLD regarding the reimbursement procedure for the cost of the Paradise Ridge Drainage Improvements Project (Ordinance S-46461) on June 18, 2020.
- The City Council approved a Development Agreement with Mortenson Development regarding a contribution to the cost of the Paradise Ridge Drainage Improvements Project (Ordinance S-52226) on June 20, 2025.

Location

Deer Valley and Scottsdale Road
Council District: 2

Responsible Department

This item is submitted by City Manager Ed Zuercher and the City Engineer.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 55

24th Street Water Treatment Plant Rehabilitation 2025 - Construction Manager at Risk Services - WS85290033 (Ordinance S-52442) - District 6

Request to authorize the City Manager, or his designee, to enter into an agreement with PCL Construction, Inc. to provide Construction Manager at Risk Preconstruction and Construction Services for the 24th Street Water Treatment Plant Rehabilitation 2025 project. Further request to authorize execution of amendments to the agreement as necessary within the City Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $88,930,000.

Summary

The purpose of this project is to rehabilitate and/or replace the various treatment systems at the 24th Street Water Treatment Plant due to age and usage.

PCL Construction, Inc. will begin in an agency support role for Construction Manager at Risk Preconstruction Services. PCL Construction, Inc. will assume the risk of delivering the project through a Guaranteed Maximum Price agreement.

PCL Construction, Inc.’s Preconstruction Services include, but are not limited to: provide detailed cost estimating and knowledge of marketplace conditions; provide project planning and scheduling; provide for construction phasing and scheduling that will minimize interruption to City operations; provide alternate system evaluation and constructability studies; advise City on ways to gain efficiencies in project delivery; provide long-lead procurement studies and initiate procurement of long-lead items; assist in the permitting processes; protect the City's sensitivity to quality, safety, and environmental factors; and participating with the City in a process to establish a Small Business Enterprise (SBE) goal for the project.

PCL Construction, Inc.’s initial Construction Services will include preparation of a Guaranteed Maximum Price proposal provided under the agreement. PCL Construction, Inc. will be responsible for construction means and methods related to the project and fulfilling the SBE program requirements. PCL Construction, Inc. will be required to solicit bids from prequalified subcontractors and to perform the work using the City’s subcontractor selection process. PCL Construction, Inc. may also compete

to self-perform limited amounts of work.

PCL Construction, Inc.'s additional Construction Services include: construct and rehabilitate the treatment systems as described in Section 1; select subcontractors/suppliers for this project; prepare a Guaranteed Maximum Price proposal that meets the approval of the City; coordinate with various City of Phoenix departments, other agencies, utility companies; arrange for procurement of materials and equipment; schedule and manage site operations; bid, award, and manage all construction related contracts while meeting City bid requirements including the local and SBE participation goal; provide quality controls; bond and insure the construction; and maintain a safe work site for all project participants.

Procurement Information
The selection was made using a qualifications-based selection process set forth in Section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. Section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Two firms submitted proposals and are listed below:

Selected Firm
Rank 1: PCL Construction, Inc.

Additional Proposer
Rank 2: Filanc

Contract Term
The term of the agreement is five years from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for PCL Construction, Inc. will not exceed $88,930,000 including all subcontractor and reimbursable costs.

Funding is available in the Water Services Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Location
24th Street Water Treatment Plant
Council District: 6

Responsible Department
This item is submitted by City Manager Ed Zuercher, Deputy City Manager Ginger Spencer, the Water Services Department, and the City Engineer.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 56

Transition Ramps - City of Phoenix Standard Details - Engineering Services - ST87220004 (Ordinance S-52466) - Citywide

Request to authorize the City Manager, or his designee, to enter into an agreement with Toole Design Group, LLC to provide Engineering Services that include project management and design for the Transition Ramps-City of Phoenix Standard Details project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $50,000.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to identify a design approach for Phoenix to create standard details and associated construction specifications for transition (bike) ramps that allow bicyclists to transition from the street to a shared use path or other recreational facility. On May 8, 2024, Toole Design Group, LLC was contracted to perform design services for the Transition Ramps-City of Phoenix Standard Details project under the Engineering/Consulting 2023-24 On-Call Services contract. Additional scope of work is needed to complete this project. Toole Design Group, LLC is not on the City's Engineering/Consulting 2025-27 On-Call contract, therefore, it is requested to direct select them for this service.

Toole Design Group, LLC's services include, but are not limited to: completion of project work to develop standard details and associated construction specifications,

additional project management services, and additional stakeholder outreach services.

Procurement Information
Toole Design Group, LLC was chosen for the project using a Direct Select process set forth in the Arizona Revised Statutes Section 34-103. The Direct Select process will ensure project design specifications are met.

Contract Term
The term of the agreement is one year from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for Toole Design Group, LLC will not exceed $50,000, including all subconsultant and reimbursable costs.

Funding is available in the Street Transportation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Previous Council Action
The City Council approved Citywide Engineering On-Call Services Agreement 157236 (Ordinance S-49068) on October 12, 2022.

Responsible Department
This item is submitted by City Manager Ed Zuercher and the Office of the City Engineer.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 57

Environmental / Natural-Cultural Resources / National Environmental Policy Act On-Call Services for Calendar Years 2026-28 (Ordinance S-52472) - Citywide

Request to authorize the City Manager, or his designee, to enter into separate agreements with the 12 consultants listed in **Attachment A**, to provide Environmental / Natural-Cultural Resources / National Environmental Policy Act On-Call services citywide for Calendar Years 2026 to 2028. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for all services will not exceed $30 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The On-Call consultants will be responsible for providing On-Call Environmental / Natural-Cultural Resources / National Environmental Policy Act (NEPA) services that include, but are not limited to: NEPA documentation and related supporting technical analysis and reports, cultural resources, biology and natural resources, Rivers and Harbors Act, Clean Water Act, air quality and noise, green infrastructure, and evaluation.

Procurement Information

The selections were made using a qualifications-based selection process set forth in Section 34-604 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. Section 34-604(H), the City may not publicly release information on proposals received

or the scoring results until an agreement is awarded. Twenty-seven firms submitted proposals and are listed in **Attachment A**.

Contract Term
The term of each agreement is up to three years, or up to $2.5 million, whichever occurs first. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for each of the On-Call consultants will not exceed $2.5 million, including all subconsultant and reimbursable costs. The total fee for all services will not exceed $30 million.

Funding is available in the Capital Improvement Program and Operating budgets of the various City departments that will utilize these agreements. The agreements will be managed by Office of the City Engineer's Environmental Services Division.The Budget and Research Department will review and approve funding availability prior to issuance of any On-Call task order of $100,000 or more. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Responsible Department
This item is submitted by City Manager Ed Zuercher and the City Engineer.

ATTACHMENT A

Selected Firms

Rank 1: TYPSA, Inc.
Rank 2: Jacobs Engineering Group, Inc.
Rank 3: HDR Engineering, Inc.
Rank 4: SWCA, Incorporated
Rank 5: Logan Simpson Design, Inc.
Rank 6: WSP USA, Inc.
Rank 7: Westland Resources, Inc. dba Westland Engineering and Environmental Services
Rank 8: Desert Archaeology, Inc
Rank 9: Kimley-Horn and Associates, Inc.
Rank 10: Stantec Consulting Services, Inc.
Rank 11: Wilson & Company, Inc.
Rank 12: Pinyon Environmental, Inc.

Additional Proposers

Rank 13: Terracon Consultants. Inc.
Rank 14: Burns & McDonnell Engineering Company, Inc
Rank 15: Colliers Engineering & Design, Inc.
Rank 16: Tetra Tech, Inc.
Rank 17: Eastern Research Group, Inc.
Rank 18: Avenue Consultants, Inc.
Rank 19: Matrix New World Engineering, Land Surveying and Landscape Architecture PC
Rank 20: HR Green. Inc.
Rank 21: Broadbent & Associates, Inc.
Rank 22: NV5, Inc.
Rank 23: Paleo West, LLC dba Headway Environmental
Rank 24: Dudek
Rank 25: Tierra Right of Way Services, Ltd.
Rank 26: Bio Logical, LLC
Rank 27: Alta Survey, LLC DBA Alta Environmental and Infrastructure

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 58

Water Service Line Replacement - Engineering Services - WS85504000 (Ordinance S-52450) - Citywide

Request to authorize the City Manager, or his designee, to enter into an agreement with Tristar Engineering and Management, Inc. to provide Engineering Services that include minor design and construction administration and inspection services for the Water Service Line Replacement project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $16 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to provide minor design and construction administration and inspection services on an as needed basis for Water Service Department's Water Service Line Repair and Replacement Job Order Contract (JOC) program.

Tristar Engineering and Management, Inc.'s services include, but are not limited to: general project administration; construction inspections and service inspections; citywide inspections of four different JOCs replacing or repairing the City of Phoenix water service leaks; provide onsite inspector for each contractor crew; resident engineering services during construction; daily interaction with contractors to clarify job requirements; administration of contractor’s contract; decision making in the field regarding technical project issues; monitoring job progress; review and certification of progress payments and job orders; preparation of record of service repairs and/or

record of drawings; public information and public relations services, and coordination with other City departments, governmental agencies and operations staff; daily update on the City of Phoenix web-based portal on work activity for the JOC; in daily communication with Water Engineering Project Manager; and some minor water main or water service design may be required.

Procurement Information

The selection was made using a qualifications-based selection process set forth in Section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. Section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Six firms submitted proposals and are listed below:

Selected Firm
Rank 1: Tristar Engineering and Management, Inc.

Additional Proposers
Rank 2: Entellus, Inc.
Rank 3: Brown and Caldwell, Inc.
Rank 4: Wilson Engineers, LLC
Rank 5: Sunrise Engineering, LLC
Rank 6: Olsson, Inc.

Contract Term

The term of the agreement is five years from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for Tristar Engineering and Management, Inc. will not exceed $16 million, including all subconsultants and reimbursables.

Funding is available in the Water Services Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Responsible Department

This item is submitted by City Manager Ed Zuercher, Deputy City Manager Ginger Spencer, the Water Services Department, and the City Engineer.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 59

Horizontal Lifeline and Vertical Fall Protection System Inspection and Repair - IFB-26-0008 - Request for Award (Ordinance S-52444) - Citywide

Request to authorize the City Manager, or his designee, to enter into an agreement with P3 Safety Solutions, LLC to provide Horizontal Lifeline and Vertical Fall Protection System Inspection and Repair for the Water Services Department (WSD). Further request to authorize the City Controller to disburse all funds related to this item. The total value of the agreement will not exceed $800,000.

Summary
This contract will provide Water Services with the ability to conduct annual inspections and repair services (as needed) for horizontal lifeline and vertical fall protection systems. The Horizontal Lifelines and Vertical Fall Protection Systems are used for a variety of reasons and are vital to the daily operations within the Water Services Department operations. The equipment ensures the safety of the WSD employees and assists them in performing their job functions.

Procurement Information
An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

One vendor submitted a bid and is listed below. Following an evaluation based on price, the procurement officer recommends award to the following vendor:

Selected Bidder:
P3 Safety Solutions, LLC

Contract Term
The contract will begin on or about November 1, 2025 for a five year term with no options to extend.

Financial Impact
The aggregate contract value will not exceed $800,000.

Funding is available in the Water Services Department Operating budget.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Water Services Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 60

Manhole Pest Control Services for Roach Treatment - Amendment (Ordinance S-52445) - Citywide

Request to authorize the City Manager, or his designee, to allow additional expenditures under Agreement 155162 with Proficient Pest Specialists LLC to provide treatment of sanitary sewer structures with insecticide paint to control roaches. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $500,000.

Summary

The purpose of this amendment is to request additional funds for labor, certifications, materials, equipment, insecticides, plastics, tarps, caution tape, barricades, and traffic control devices required to treat sanitary sewer manholes and cleanouts located within the City.

The contractor is expected to treat one-half of the manholes and one-half of the sewer cleanouts each year. Manholes are located throughout the City's more than 540 square mile service area.

Contract Term

The agreement term remains unchanged, ending September 30, 2026.

Financial Impact

Upon approval of $500,000 in additional funds, the revised aggregate value of the contract will not exceed $2,500,000.

Funding is available in the Water Services Department's Operating budget.

Concurrence/Previous Council Action

The City Council approved:

- Manhole Pest Control Services for Roach Treatment Contract 155162 (Ordinance S -47849) on August 25, 2021.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Water Services Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 61

Sewer Rods for Water Services Department - Amendment (Ordinance S-52458) - Citywide

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 153756 with AZ Wastewater Industries, Inc., to provide additional funding to the agreement. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in this amendment will not exceed $60,900.

Summary

The purpose of this amendment is to request additional funds to conduct preventative maintenance of the sanitary system using various processes like mechanical rodding. Mechanical rodding clears and removes debris from the wastewater collection system, which utilizes sewer rods to operate. The mechanical rodding vehicle and equipment uses the sewer rods to push and pull various tools through the sanitary sewer mains to clear accumulated debris, grease, or roots.

Consistent cleaning is an integral component to preventative maintenance of the sanitary sewer system required by the Arizona Department of Environmental Quality's Capacity, Management, Operations, and Maintenance permit.

Contract Term

The agreement term remains unchanged, ending on February 28, 2026.

Financial Impact

- The initial authorization for sewer rods was for an expenditure not-to-exceed $38,813.
- This amendment will increase the authorization of the agreement by an additional $22,000 for a new total not-to-exceed value of $60,813.

Concurrence/Previous Council Action

The City Council approved:

- Sewer Rods Agreement 153756 (Ordinance S-47279) on February 3, 2021.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Water Services Department.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 62

Customer Information System Managed Services Contract - Amendment (Ordinance S-52452) - Citywide

Request to authorize the City Manager, or his designee, to execute an amendment to the Customer Information System Managed Services Contract 163045 with Ernst & Young LLP. This amendment also seeks an exception to Phoenix City Code Section 42 -18 to authorize inclusion of indemnification and assumption of liability provisions in the agreement that would otherwise be prohibited.

Summary

This contract and amendment enables the Water Services and Public Works departments to receive managed services, including continuous 24/7 operation, maintenance, and enhancement of the Customer Information System. This amendment also seeks approval for an exception under Phoenix City Code Section 42 -20. This exception would permit the inclusion of a limitation of liability clause in this contract, which is otherwise prohibited under Section 42-18. The proposed clause would cap the contractor's total liability at the greater of:

1. Five times the fees paid for services in the past 12 months or;
2. Eleven million dollars.

This liability cap does not apply in situations involving fraud, intentional misconduct, or when the law or professional standards do not allow such a limit.

Contract Term

The contract term remains unchanged.

Financial Impact

There is no requested change to the existing spending authorization for this contract as part of this amendment.

Concurrence/Previous Council Action

City Council previously approved the Customer Information System Managed Services Contract 163045 (Ordinance S-51939) on May 21, 2025.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Water Services and Public Works departments.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 63

Amend City Code - Ordinance Adoption - Application PHO-1-25--Z-20-17-2 - Approximately 1,420 Feet West of the Northwest Corner of North Valley Parkway and Bronco Butte Trail (Ordinance G-7452) - District 2

Request to authorize the City Manager, or the City Manager's designee, to approve the Planning Commission's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on August 20, 2025, and the Planning Commission on November 6, 2025.

Summary

Application: PHO-1-25--Z-20-17-2
Existing Zoning: C-2 M-R NBCOD
Acreage: 0.04

Applicant / Representative: Declan Murphy on behalf of TWC
Owner: Robert Jr. and Sabrina Eaton

Proposal:
1. Request to delete Stipulation 1 regarding detached sidewalks.
2. Request to delete Stipulation 2 regarding street improvements.
3. Request to delete Stipulation 4 regarding east and west pedestrian connections along Paseo del Pardo.
4. Request to delete Stipulation 5 regarding pedestrian pathways.
5. Request to delete Stipulation 6 regarding the use of artificial turf.
6. Request to delete Stipulation 7 regarding turf being used in active retention basins.
7. Request to delete Stipulation 9 regarding the hotel development.
8. Request to delete Stipulation 10 regarding color and material palette for the buildings.
9. Request to delete Stipulation 11 regarding the glazing on all building windows.
10. Request to delete Stipulation 12 regarding screening of service areas.
11. Request to delete Stipulation 13 regarding a minimum landscape setback along property lines adjacent to public right-of-way.
12. Request to delete Stipulation 14 regarding the Bronco Butte Water Tank preservation.
13. Request to delete Stipulation 15 regarding view corridors of Bronco Butte, Pyramid

Peak, Union Hills, and No Name Mountain.
14. Request to delete Stipulation 16 regarding maximum building height.
15. Request to delete Stipulation 17 regarding sufficient right-of-way for a collector street.
16. Request to delete Stipulation 18 regarding sewer force main construction.
17. Request to delete Stipulation 19 regarding approval of offsite paving plans.
18. Request to delete Stipulation 20 regarding updating the Sonoran Foothills PCD Street Master Plan.

VPC Action: The North Gateway Village Planning Committee heard this item on August 14, 2025, and recommended approval, with a modification, by a vote of 8-0.
PHO Action: The Planning Hearing Officer (PHO) heard this item on August 20, 2025 and took the item under advisement. On September 16, 2025, the PHO took this item out from under advisement and recommended denial as filed, approval with modifications.
Appeal: The item was appealed by the applicant/representative on September 23, 2025, therefore the item was scheduled to be heard by the Planning Commission.
Staff Recommendation: Denial as filed, approval with modifications, per the PHO recommendation.
PC Action: The Planning Commission heard this item on November 6, 2025, and recommended denial as filed, approval per the PHO recommendation, with modifications, by a vote of 6-2.

Location
Approximately 1,420 feet west of the northwest corner of North Valley Parkway and Bronco Butte Trail
Council District: 2
Parcel Address: 2747 W. Bronco Butte Trail

Responsible Department
This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO REZONING APPLICATION Z-20-17-2 PREVIOUSLY APPROVED BY ORDINANCE G-6484.

_____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning stipulations applicable to the site located at approximately 1,420 feet west of the northwest corner of North Valley Parkway and Bronco Butte Trail in a portion of Section 14, Township 5 North, Range 2 East, as described more specifically in Exhibit A and depicted in Exhibit B, are hereby modified to read as set forth below.

STIPULATIONS:

1. All sidewalks shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, ~~ADJACENT TO APN 204-12-980~~, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by property owner. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

2. The developer shall construct all streets within and adjacent to ~~APN 204-12-~~

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~~980 the development~~ THE DEVELOPMENT with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans
approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

3. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

4. The east and west pedestrian connection (Paseo del Prado) shall be provided in accordance with the North Gateway Core Plan, as modified by the following stipulations and approved by the Planning and Development Department (THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE):

    a. The Paseo del Prado shall align with the Bronco Butte Tank and continue through the site to the west.

    b. A pedestrian access easement of 20 feet shall be dedicated for the pedestrian connection (Paseo del Prado). of the 20 feet, 12 feet shall remain completely free of any pedestrian impediments, including benches. The remaining 8 feet may be used for pedestrian friendly uses such as restaurant seating, vendor stalls, artist displays, etc.

    c. A minimum of 50% of the 20-foot pedestrian access easement for the Paseo del Prado shall be shaded by a structure, landscaping or a combination of the two.

    d. The site shall be designed in such a manner that the building placement creates an alignment and synergy for the Paseo del Prado. This can be achieved by placing active uses such as outdoor seating, restaurants and retail along the pedestrian path.

5. All pedestrian pathways, including those that intersect vehicular traffic lanes, shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

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6. The use of artificial turf is prohibited in areas visible from public right-of-way or parking lots, as approved by the Planning and Development Department. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

7. Turf shall only be used in active retention basins, as approved by the Planning and Development Department. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

8. All retention areas shall be natural and organic in shape, as approved by the Planning and Development Department.

9. The hotel development shall be in general conformance with the elevations date stamped April18, 2018, with specific regard to the massing, articulation, window placement and building entry, as approved by the Planning and Development Department. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

10. The color and material palette for the buildings shall be determined at site plan review and shall comply with the North Black Canyon Overlay District, with specific regard to colors being muted and blend with, rather than contrast strongly, with the surrounding desert environment, as approved by the Planning and Development Department. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

11. The glazing on all building windows shall have a maximum reflectivity of 20%, as approved by the Planning and Development Department. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

12. All service areas must be screened to conceal trash containers, recycling containers, loading docks, transformers, backflow preventers and other mechanical and or electrical equipment from eye level adjacent to all public streets and private drives, as approved by the Planning and Development Department. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

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13. A minimum landscape setback of 10 feet shall be required along property lines that are not adjacent to public right-of-way and planted in accordance with C-2 planting size and spacing standards, as approved by the Planning and Development Department. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

14. The Bronco Butte Water Tank shall be fully preserved, in place, as it naturally occurs and shall be identified on all site plan documents through permitting to ensure preservation. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

15. View corridors of Bronco Butte, Pyramid Peak, Union Hills and No Name Mountain, as shown on Exhibit B in the North Gateway Core Plan, shall be retained through building placement and step backs, as approved by the Planning and Development Department. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

16. Maximum building height shall be limited to 60 feet. The maximum square footage of the sports arena shall be 180,000 square feet and the maximum square footage of the hotel shall be 60,000 square feet. Any request to increase building height or building square footage beyond the stipulated height and square footages shall not be approved unless all of the following occur (THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE):

    a. A water report is submitted to and approved by the Water Services Department which demonstrates that sufficient water capacity exists or is being provided by the developer of this parcel;

    b. A wastewater report is submitted to and approved by the Water Services Department which demonstrates that sufficient wastewater capacity exists or is being provided by the developer of this parcel; and

    c. A traffic study is submitted to and approved by the Street Transportation Department which demonstrates that street improvements (existing and/or proposed) are sufficient to serve the site.

17. Sufficient right-of-way for a collector shall be dedicated ~~ADJACENT TO APN 204-12-980~~ for the extension of Bronco Butte Trail as necessary to establish an alignment to tie into the current terminus at the Bronco Tank and transition

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to a half-street where the alignment is able to assume an alignment at the north property line for the extension of Bronco Butte Trail west to the 29th Avenue alignment, unless an alternative route is approved or modified by the Street Transportation Department and the Planning and Development Department. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

18. Any construction of a sewer force main, intended as a temporary sewer solution for the subject property, must be designed and constructed in a manner that minimizes the impacts to truck circulation (as necessary to maintain traffic flow to and from the W.L. Gore campus at the Bronco Butte driveway for a WB-67 vehicle). THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

19. Prior to the approval of the offsite paving plans for the project, the developer shall update the restriping plan for the intersection of North Valley Parkway and Bronco Butte Trail. The restriping plan shall be in general conformance to the restriping plan date stamped June 28, 2018, as approved by the Street Transportation Department and the Planning and Development Department. The developer shall be responsible for all improvements. The developer shall provide documentation that the restriping plan was submitted to W.L. Gore prior to submittal of off-site paving plan. THIS STIPULATION SHALL ONLY APPLY TO THE FULL BUILD OUT OF THE SITE AND NOT FOR THE CONSTRUCTION OF THE WIRELESS COMMUNICATIONS FACILITY ON THE NORTHEAST CORNER OF THE SITE.

~~20.~~ ~~Prior to final site plan approval, the developer shall work with the adjacent property owners to update the Sonoran Foothills PCD Street Master Plan to address the following for the intersection of North Valley Parkway and Bronco Butte Trail, as approved or modified by the Street Transportation Director and the Planning and Development Director as outlined in a forthcoming letter addressing the following:~~

~~a.~~ ~~Planned roadway and striping improvements~~

~~b.~~ ~~Identify existing contributions to the traffic signal infrastructure~~

~~c.~~ ~~Clarify responsibilities for future traffic infrastructure~~

~~21.~~ 20. The developer shall notify the following individuals by mail 15 days prior to any preapplication or preliminary site plan review meetings with the Planning and Development Department. The notice shall include the date, time and location of the meeting.

a Brent Roberts

W.L. Gore
32470 N. North Valley Parkway
Phoenix, AZ 85085

b. Heidi Kimball
Sunbelt Holdings
6720 N. Scottsdale Road, Suite 250
Scottsdale, AZ. 85253

~~22.~~ 21. The developer shall notify the following individuals by mail 10 days prior to the submittal of the final site plan for approval by the Planning and Development Department.

a. Brent Roberts
W.L. Gore
32470 N. North Valley Parkway
Phoenix, AZ 85085

b. Heidi Kimball
Sunbelt Holdings
6720 N. Scottsdale Road, Suite 250
Scottsdale, AZ 85253

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6484, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6484 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of December, 2025.

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_____
MAYOR

_____
Date

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Ed Zuercher, City Manager

Exhibits:
A - Legal Description (1 Page)
B - Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-25--Z-20-17-2

The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:

PARENT PARCEL LEGAL DESCRIPTION

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

AND BEING THE SAME PROPERTY CONVEYED TO SABRINA A. EATON AND ROBERT L. EATON JR. FROM GREATER MARICOPA INVESTORS 1986 LIMITED PARTNERSHIP, AN ARIZONA LIMITED PARTNERSHIP BY SPECIAL WARRANTY DEED DATED JANUARY 2, 2018 AND RECORDED JANUARY 5, 2018 IN INSTRUMENT NO. 20180011630.

TAX PARCEL NO. 204-12-980

LEASE AREA LEGAL DESCRIPTION

A PORTION OF LOT 2 OF THE PLAT MAP RECORDED IN BOOK 1482, PAGE 2 OF MARICOPA COUNTY RECORDS, STATE OF ARIZONA, RECORDED IN THE OFFICE OF THE CLERK OF SAID COUNTY ON SEPTEMBER 5, 2019, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2, FROM WHICH THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 2 EAST BEARS N89°39'44"E, 265.69 FEET, THENCE NORTH 89°39'44" EAST ALONG NORTH LINE OF SAID LOT 2, A DISTANCE OF 93.88 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 90°00'00" EAST, A DISTANCE OF 45.00 FEET;
THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 35.00 FEET;
THENCE NORTH 90°00'00" WEST, A DISTANCE OF 45.00 FEET;
THENCE NORTH 00°00'00" EAST, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1575 SQUARE FEET OR 0.036 ACRES, MORE OR LESS.

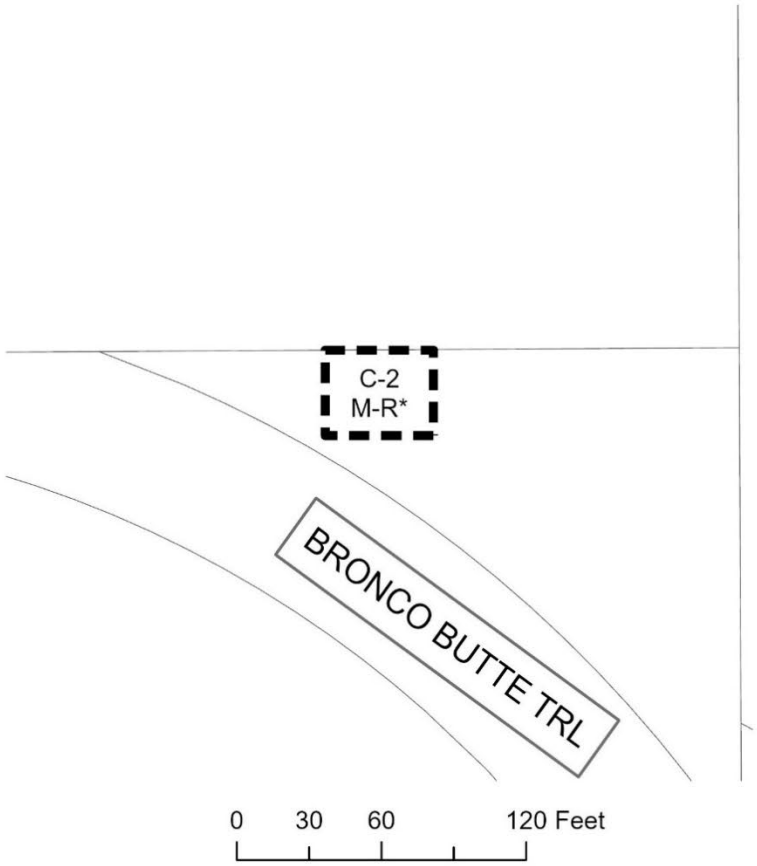
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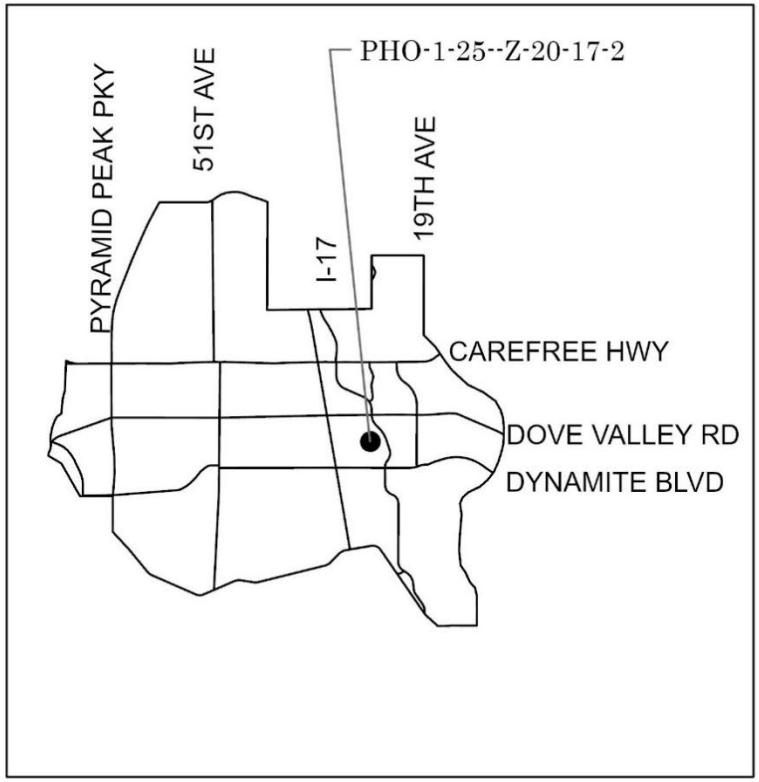
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: PHO-1-25--Z-20-17-2
Zoning Overlay: North Black Canyon Corridor Plan and Overlay District
Planning Village: North Gateway





NOT TO SCALE

N

Drawn Date: 9/17/2025

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2025 Ord\10-29-25\10-29-25.aprx

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 64

Amend City Code - Ordinance Adoption - Rezoning Application Z-107-25-3 - Northwest Corner of 7th Avenue and Bell Road (Ordinance G-7455) - District 3

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-107-25-3, and rezone the site from C-O/G-O (Commercial Office District, General Office Option) to C-2 (Intermediate Commercial) to allow a gas station, convenience store, and restaurant/coffee shop.

Summary

Current Zoning: C-O/G-O
Proposed Zoning: C-2
Acreage: 5.13 acres
Proposal: Gas station, convenience store, and restaurant/coffee shop

Owner: 710 West Bell Road, LLC
Applicant: George Willett, LASCO Development Corporation
Representative: Adam Baugh, Withey Morris Baugh, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this item on October 21, 2025, and recommended approval, per the staff recommendation, by a vote of 8-0.
PC Action: The Planning Commission heard this item on November 6, 2025, and recommended approval, per the staff memo dated October 30, 2025, by a vote of 8-0.

Location

Northwest corner of 7th Avenue and Bell Road
Council District: 3
Parcel Address: 17140 and 17160 N. 7th Avenue; and 710 and 712 W. Bell Road

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-107-25-3) FROM C-O/G-O (COMMERCIAL OFFICE DISTRICT, GENERAL OFFICE OPTION) TO C-2 (INTERMEDIATE COMMERICAL).

_____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 5.13-acre site located at the northwest corner of 7th Avenue and Bell Road in a portion of Section 31, Township 4 North, Range 3 East, as described more specifically in Exhibit “A,” is hereby changed from “C-O/G-O” (Commercial Office District, General Office Option) to “C-2” (Intermediate Commercial).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit “B.”

SECTION 3. Due to the site’s specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

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violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. All building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.

2. A minimum 90-foot landscape setback shall be provided adjacent to the north property line of the rezoning site.

3. The existing bus pad on westbound Bell Road, west of 7th Avenue, shall be retained.

4. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.

5. All mitigation improvements shall be constructed and/or funded as identified in the accepted Traffic Impact Analysis dated October 2025.

6. All existing electrical utilities within the public right-of-way shall be undergrounded, adjacent to the development. The developer shall coordinate with the affected utility companies for their review and permitting.

7. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.

8. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

9. Natural turf shall only be utilized for required retention areas (at the bottom of the basin, and only allowed on slopes if required for slope stabilization), and functional turf areas, as approved by the Planning and Development Department.

10. A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This

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includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.

11. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Phoenix Water Efficiency Checkup Program for a minimum of 10 years, or as approved by the Planning and Development Department.

12. All pedestrian pathways, including internal walkways and public sidewalks adjacent to the site, shall be shaded by a structure or landscaping, or a combination of the two to achieve a minimum of 75% shade, as approved by the Planning and Development Department.

13. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.

14. A minimum of four bicycle parking spaces shall be provided for each building through Inverted U and/or artistic racks located near the building entrance and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

15. A bicycle repair station (“fix it station”) shall be provided on the site. The station shall include but not be limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.

16. Standard electrical receptacles shall be installed for a minimum of 10% of the required bicycle parking spaces for electric bicycle charging capabilities.

17. A minimum of 5% of the required parking spaces shall be EV Ready.

18. This parcel is in a Special Flood Hazard Area (SFHA) called Zone AE-Floodway, on panels 04013C 1290M of Flood Insurance Rate Maps (FIRM) with an effective date of September 18, 2020. The following requirements shall apply, as approved by the Planning and Development Department.

    a. The project engineer is required to delineate the floodplain boundary on the Grading and Drainage Plan and ensure that potential impacts to the proposed facilities are adequately addressed, in compliance with the National Flood Insurance Program (NFIP) regulations (44 CFR

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Paragraph 60.3). This includes adhering to the provisions outlined in the latest version of the Floodplain Ordinance of the Phoenix City Code.

b. The Grading and Drainage Plan must be submitted to the Floodplain Management section of the Office of the City Engineer for review and approval of floodplain requirements.

c. A FEMA-approved CLOMR must be obtained before the issuance of a Grading and Drainage permit.

d. A Letter of Map Revision (LOMR) application must also be submitted to Floodplain Management prior to the issuance of any vertical construction permits.

e. A FEMA approved LOMR must be submitted to Floodplain Management prior to issuance of certificate of occupancy.

19. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

20. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record. This stipulation shall not be applicable if the property is owned by the City of Phoenix.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of December, 2025.

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MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Ed Zuercher, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-107-25-3

A CERTAIN PIECE OF LAND SITUATED IN THE CITY OF PHOENIX, COUNTY OF MARICOPA, STATE OF ARIZONA, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, SAID PIECE OF LAND BEING ALSO DESCRIBED BY THE METES AND BOUNDS DESCRIPTION TO FOLLOW:

COMMENCING AT THE SOUTHEAST CORNER OF THE AFOREMENTIONED SECTION 31;

THENCE SOUTH 89°49'48" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 372.35 FEET;

THENCE DEPARTING SAID SECTION LINE NORTH 00°05'28" EAST A DISTANCE OF 75.00 FEET TO A FOUND 1/2" REBAR AND CAP STAMPED "RLS 13562" LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF BELL ROAD (A 150 FOOT PUBLIC RIGHT-OF-WAY) MARKING THE POINT OF BEGINNING;

THENCE NORTH 00°05'28" EAST A DISTANCE OF 525.00 FEET TO A FOUND MAG-NAIL AND WASHER STAMPED "WINCHESTER AZ 79657";

THENCE NORTH 89°48'58" EAST A DISTANCE OF 317.50 FEET TO A FOUND 1/2" REBAR AND CAP STAMPED "RLS 13562" LOCATED ON THE WEST RIGHT-OF-WAY LINE OF NORTH 7TH AVENUE (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY);

THENCE SOUTH 00°05'28" WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 525.08 FEET TO A FOUND MAG-NAIL & WASHER STAMPED "WINCHESTER AZ 79657" LOCATED ON THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF BELL ROAD;

THENCE SOUTH 89°49'48" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 317.50 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 166,698 SQUARE FEET OR 3.827 ACRES MORE OR LESS.

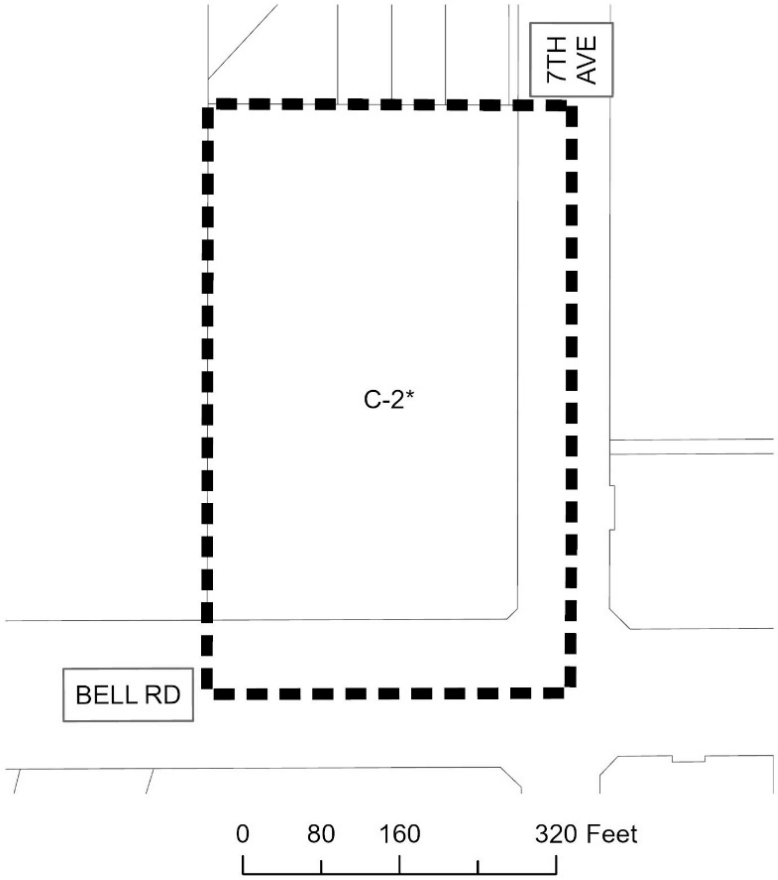
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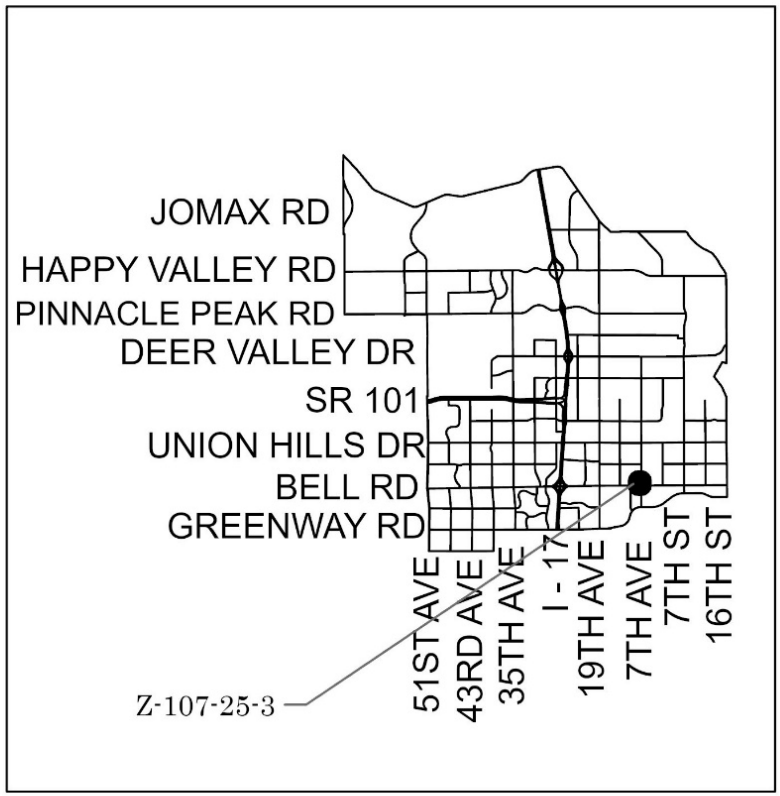
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-107-25-3
Zoning Overlay: N/A
Planning Village: Deer Valley





NOT TO SCALE

N

Drawn Date: 11/7/2025

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City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 65

Amend City Code - Ordinance Adoption - Rezoning Application Z-83-25-4 - Southeast Corner of 19th Avenue and Montebello Avenue (Ordinance G-7454) - District 4

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-83-25-4, and rezone the site from C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) to WU Code T5:6 SL (Walkable Urban Code, Transect 5:6 District, Transit Solano Character Area) to allow mixed-use, commercial and residential uses.

Summary

Current Zoning: C-2 TOD-1
Proposed Zoning: WU Code T5:6 SL
Acreage: 12.40 acres
Proposal: Mixed use, commercial and residential uses

Owner: City of Phoenix, Public Transit Department
Applicant: City of Phoenix, Planning Commission
Representative: Jeff Stapleton, City of Phoenix, Community and Economic Development Department

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Alhambra Village Planning Committee was scheduled to hear this item on October 28, 2025, for recommendation; however, there was no quorum.
PC Action: The Planning Commission heard this case on November 6, 2025, and recommended approval, per the staff recommendation, by a vote of 8-0.

Location

Southeast corner of 19th Avenue and Montebello Avenue
Council District: 4
Parcel Address: 1825 and 1835 W. Montebello Avenue; and 5537, 5645, and 5655 N. 19th Avenue

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-83-25-4) FROM C-2 TOD-1 (INTERMEDIATE COMMERCIAL, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T5:6 SL (WALKABLE URBAN CODE, TRANSECT 5:6 DISTRICT, TRANSIT SOLANO CHARACTER AREA).

_____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 12.40-acre site located at the southeast corner of 19th Avenue and Montebello Avenue in a portion of Section 18, Township 2 North, Range 3 East, as described more specifically in Exhibit “A,” is hereby changed from “C-2 TOD-1” (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) to “WU Code T5:6 SL” (Walkable Urban Code, Transect 5:6 District, Transit Solano Character Area).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit “B.”

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SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The site plan and elevations shall be presented for review and comment to the Alhambra Village Planning Committee prior to preliminary site plan approval.

2. The maximum building height shall not exceed 56 feet, except that the maximum building height may be increased to 80 feet, if a minimum of 30% of the dwelling units are provided as Affordable Housing, as approved by the Planning and Development Department and Housing Department.

3. The development shall contain a vertical mix of land uses such as residential and nonresidential, as approved by the Planning and Development Department. A minimum of 5,000 square feet of non-residential uses shall be provided along 19th Avenue and/or Montebello Avenue (along the northside of site, south of the transit center) and shall not include lobby, exercise, reception areas or other similar uses intended for exclusive use by residents.

4. The development shall utilize storefront, gallery, forecourt, or arcade frontage types, or a mix thereof, for a minimum of 50% of the provided frontage along 19th Avenue, as approved by the Planning and Development Department.

5. The northern edge of the site, south of the transit center, shall be treated as street frontage (secondary frontage) and building setbacks/build-to dimensions shall be measured from the back of any easements (public utilities, public pedestrian access, maintenance, etc.), as approved by the Planning and Development Department.

6. The northwest corner of the building, south of the transit center, shall incorporate enhanced corner treatment, as approved by the Planning and Development Department.

7. The development shall utilize storefront, gallery, or arcade frontage types, or a mix thereof, for a minimum of 50% of the provided frontage along the northern edge of the site, south of the transit center, as approved by the Planning and Development Department.

8. The development shall include balconies for a minimum of 50% of dwelling units along the perimeters of the building/s along 19th Avenue and Montebello Avenue; or an alternative feature to achieve natural surveillance, such as an amenity deck on any floor above the ground floor, as approved by the Planning

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and Development Department.

9. The required pedestrian accessways designed in accordance with 1304.G and 1304.H shall be provided as described below, as approved by the Planning and Development Department.

    a. A pedestrian accessway shall run east-west approximately along the Luke Avenue alignment and extend from the sidewalk on 19th Avenue to the eastern edge of the property where it will terminate at a pedestrian accessway along 17th Avenue street or alignment.

        i. A minimum 1,000 square foot plaza shall be provided where the accessway meets the public sidewalk at 19th Avenue to denote and activate the entrance to the paseo with a minimum of one artistic enhancement. This space may count toward the minimum requirement for publicly accessible.

    b. A pedestrian accessway shall run north-south along the eastern property line and extend from the transit center on the north to the southern edge of the site.

10. Bicycle infrastructure shall be provided, as described below and as approved by the Planning and Development Department.

    a. A bicycle repair station ("fix-it station") shall be provided maintained within or near secure bicycle parking areas and separated from vehicular maneuvering areas, where applicable.

    b. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.

    c. Guest bicycle parking shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.

    d. A minimum of 10% of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.

11. A minimum of 5% of the required parking spaces shall include EV-Installed infrastructure.

12. A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales,

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permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.

13. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.

14. Natural turf shall only be utilized for required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization) and functional turf areas, as approved by the Planning and Development Department.

15. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Water Efficiency Checkup program for a minimum of 10 years, or as approved by the Planning and Development Department.

16. A minimum of 10% of the required shrubs shall be milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.

17. The developer shall deposit a minimum $50,000.00 in escrow to the Street Transportation Department to fund a traffic control device on Montebello Avenue, between 15th Avenue and 19th Avenue, prior to final site plan approval for first phase of development.

18. All mitigation improvements shall be constructed and/or funded as identified in the forthcoming accepted Traffic Impact Analysis.

19. Existing streetscape beginning at back of curb, and median islands shall be replenished with the approved landscaping and trees along Montebello Avenue, as approved by the Planning and Development Department.

20. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.

21. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

22. The transit center at the north end of the property shall be retained, as approved by the Planning and Development Department.

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23. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

24. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record. This stipulation shall not be applicable if the property is owned by the City of Phoenix.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of December, 2025.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:
_____
_____

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REVIEWED BY:

_____
Ed Zuercher, City Manager

Exhibits:
A – Legal Description (1 Pages)
B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-83-25-4

WITHIN A PORTION OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1, OF VALLEY METRO RAIL TRANSIT CENTER AND PARK & RIDE AT MONTEBELLO AVENUE AND 19TH AVENUE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 908 OF MAPS, PAGE 20.

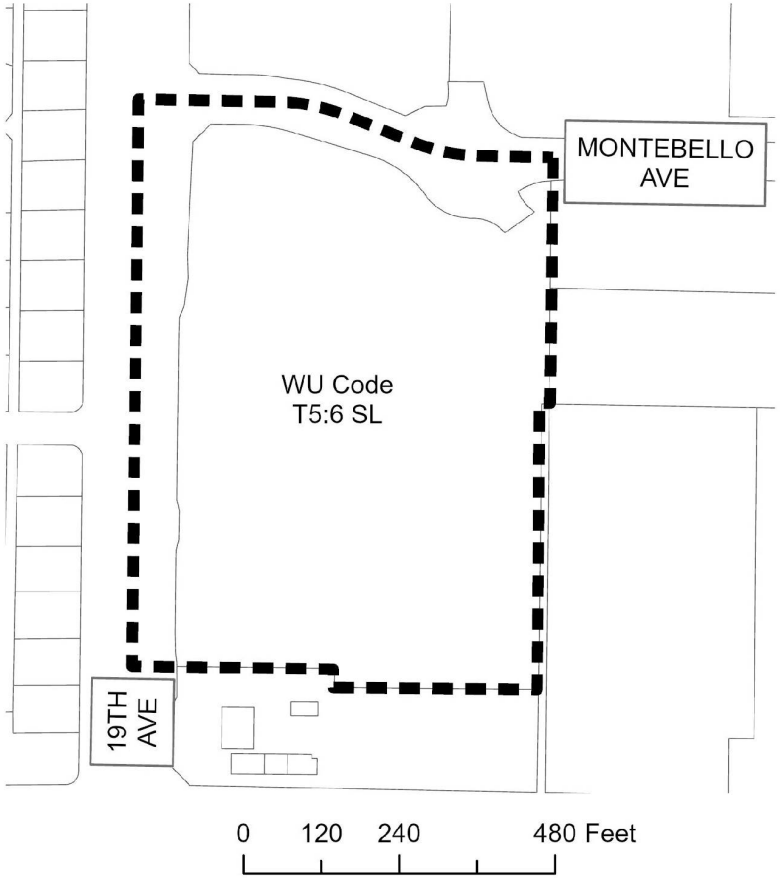
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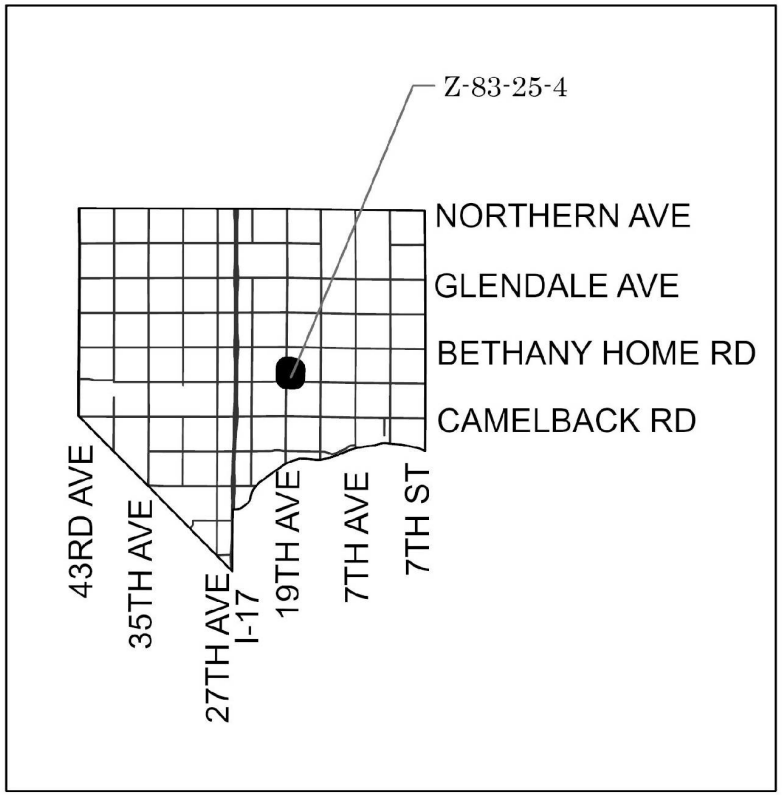
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-83-25-4
Zoning Overlay: N/A
Planning Village: Alhambra





NOT TO SCALE



Drawn Date: 11/13/2025

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City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 66

Amend City Code - Ordinance Adoption - Rezoning Application Z-96-25-4 - Northwest Corner of 3rd Street and Lexington Avenue (Ordinance G-7453) - District 4

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-96-25-4, and rezone the site from C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) and R-5 TOD-1 (Multifamily Residence District - Restricted Commercial, Interim Transit-Oriented Zoning Overlay District One) to WU Code T5:5 MT (Walkable Urban Code, Transect 5:5 District, Midtown Transit Character Area) to allow commercial uses with on-site parking.

Summary

Current Zoning: C-2 TOD-1 (0.81-acres) and R-5 TOD-1 (0.84-acres)
Proposed Zoning: WU Code T5:5 MT
Acreage: 1.65 acres
Proposal: Commercial uses with on-site parking

Owner: Moosedreams Management, LLC, et al.
Applicant/Representative: George Pasquel, Withey Morris Baugh, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Encanto Village Planning Committee was scheduled to hear this item on October 6, 2025, for recommendation; however, there was no quorum.
PC Action: The Planning Commission heard this case on November 6, 2025, and recommended approval, per the staff recommendation, by a vote of 8-0.

Location

Northwest corner of 3rd Street and Lexington Avenue
Council District: 4
Parcel Address: 3302, 3304, 3306, 3308, 3310, 3312, 3314, 3316, and 3318 N. 3rd Street; 220 E. Lexington Avenue; and 3305, 3309, and 3315 N. Morris Drive

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-96-25-4) FROM C-2 TOD-1 (INTERMEDIATE COMMERICIAL, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) AND R-5 TOD-1 (MULTIFAMILY RESIDENCE DISTRICT – RESTRICTED COMMERCIAL, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T5:5 MT (WALKABLE URBAN CODE, TRANSECT 5:5 DISTRICT, MIDTOWN TRANSIT CHARACTER AREA).

_____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 1.65 acre site located at the northwest corner of 3rd Street and Lexington Avenue in a portion of Section 29, Township 2 North, Range 3 East, as described more specifically in Exhibit “A,” is hereby changed from 0.81-acres of “C-2 TOD-1” (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) and 0.84-acres of “R-5 TOD-1” (Multifamily Residence District - Restricted Commercial, Interim Transit-Oriented Zoning Overlay District One) to “WU Code T5:5 MT” (Walkable Urban Code, Transect 5:5 District, Midtown Transit Character Area).

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SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. All uncovered surface parking lot areas shall be shaded to achieve a minimum 25% shade with either landscaping, structural shade, or a combination of the two, as approved by the Planning and Development Department.

2. Where pedestrian pathways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.

3. The following bicycle infrastructure shall be provided, and as approved by the Planning and Development Department.

    a. Bicycle spaces shall be provided on the site through Inverted U and/or artistic racks located near the building entrances per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.

    b. A minimum of 10% of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.

    c. Bicycle parking spaces shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade.

    d. A minimum of one bicycle repair stations ("fix it stations") shall be provided and maintained along public pedestrian accessway or 3rd Street.

        i. Standard repair tools affixed to the station;

        ii. A tire gauge and pump affixed to the base of the station or the ground;

        iii. A bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.

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4. A minimum of two parking spaces shall include Electric Vehicle (EV) Installed infrastructure, as approved by the Planning and Development Department.

5. The angled parking spaces within the 3rd Street right-of-way, adjacent to the subject site, shall be removed.

6. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape area shall be constructed on the north side of Lexington Avenue, and planted as follows, as approved by the Planning and Development Department.

    a. Minimum 2-inch caliper, single-trunk shade trees planted 20 feet on center, or in equivalent groupings.

    b. Shrubs, accents and vegetative groundcovers maintained to a maximum height of two feet, evenly distributed throughout the landscape area to achieve a minimum of 50% live coverage.

    Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

7. A minimum 6-foot-wide detached sidewalk separated by a minimum 8-foot-wide landscape area shall be constructed on the west side of 3rd Street, and planted as follows, as approved by the Street Transportation Department and the Office of the City Engineer.

    a. Minimum 2-inch caliper, single-trunk shade trees planted 20 feet on center, or in equivalent groupings.

    b. Shrubs, accents and vegetative groundcovers maintained to a maximum height of two feet, evenly distributed throughout the landscape area to achieve a minimum of 50% live coverage.

8. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.

9. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

10. Natural turf shall only be utilized for required retention areas (at the bottom of the basin, and only allowed on slopes if required for slope stabilization), and functional turf areas, as approved by the Planning and Development

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Department.

11. A minimum of one green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.

12. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Phoenix Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.

13. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

14. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

15. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record. This stipulation shall not be applicable if the property is owned by the City of Phoenix.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of December, 2025.

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MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Ed Zuercher, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-96-25-4

LOTS 1 THROUGH 8 INCLUSIVE, BLOCK 5, OF BUENA VISTA PARK, ACCORDING TO BOOK 33 OF MAPS, PAGE 41, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP FLUSH AT THE INTERSECTION OF LEXINGTON AVENUE AND THIRD STREET, FROM WHICH A BRASS CAP IN HANDHOLE AT THE INTERSECTION OF OSBORN ROAD AND THIRD STREET, BEARS NORTH 00·29'00" WEST, A DISTANCE OF 515.50 FEET;

THENCE SOUTH 89°53'00" WEST, ALONG THE CENTERLINE OF LEXINGTON AVENUE, A DISTANCE OF 50.00 FEET;

THENCE NORTH 00°29'00" WEST, DEPARTING SAID CENTERLINE, A DISTANCE OF 25.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 5, AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 89°53'00" WEST, ALONG THE SOUTH LINE OF SAID BLOCK 5, A DISTANCE OF 229.96 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8, BLOCK 5;

THENCE NORTH 00·32'48" WEST, ALONG THE WEST LINE OF SAID BLOCK 5, A DISTANCE OF 211.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 5, BLOCK 5;

THENCE SOUTH 89°59'57" EAST, ALONG THE NORTH LINE OF SAID BLOCK 5, A DISTANCE OF 230.19 FEET TO THE NORTHEAST CORNER OF SAID LOT 4, BLOCK 5;

THENCE SOUTH 00·29'00" EAST, ALONG THE EAST LINE OF SAID BLOCK 5, A DISTANCE OF 210.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 48,495 SQUARE FEET OR 1.1133 ACRES, MORE OR LESS.

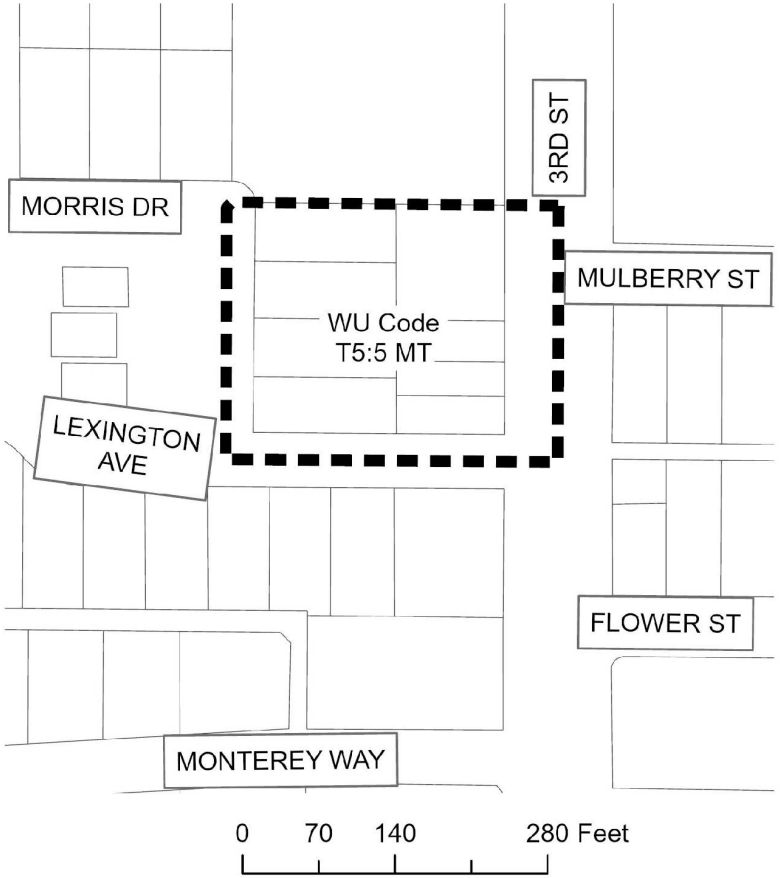
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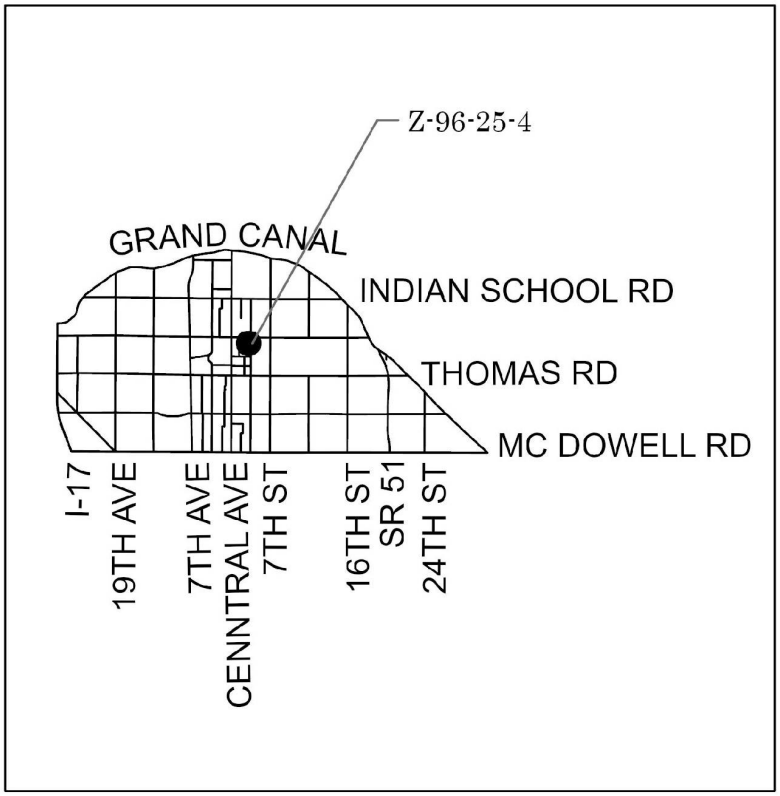
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-96-25-4
Zoning Overlay: N/A
Planning Village: Encanto





NOT TO SCALE

N

Drawn Date: 11/13/2025

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City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 67

Amend City Code - Ordinance Adoption - Rezoning Application Z-86-25-7 - Approximately 1,100 Feet South of the Southeast Corner of 69th Avenue and Van Buren Street (Ordinance G-7458) - District 7

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-86-25-7, and rezone the site from RE-43 (One-Family Residence) to A-1 (Light Industrial District) to allow truck and semi-truck parking; and residential.

Summary

Current Zoning: RE-43
Proposed Zoning: A-1
Acreage: 1.00 acre
Proposed Use: Truck and semi-truck parking; and residential

Owner: Mario Martinez
Applicant/Representative: Shaine Alleman, Tiffany & Bosco, P.A.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Estrella Village Planning Committee heard this item on October 21, 2025, and recommended approval, per the staff recommendation, by a vote of 5-0.
PC Action: The Planning Commission heard this item on November 6, 2025, and recommended approval, per the Estrella Village Planning Committee recommendation, by a vote of 8-0.

Location

Approximately 1,100 feet south of the southeast corner of 69th Avenue and Van Buren Street
Council District: 7
Parcel Address: 11 N. 69th Avenue

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-86-25-7) FROM RE-43 (ONE-FAMILY RESIDENCE) TO A-1 (LIGHT INDUSTRIAL DISTRICT).

_____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 1.00 acre site located approximately 1,100 feet south of the southeast corner of 69th Avenue and Van Buren Street in a portion of Section 12, Township 1 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from "RE-43" (One-Family Residence) to "A-1" (Light Industrial District).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

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violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. Upon complete redevelopment or development that increases the cumulative floor area of the building by more than 15% from that depicted on the site plan date stamped September 23, 2025, the following shall apply:

    a. A minimum of 25% of uncovered employee and customer surface parking lot areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.

    b. A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.

    c. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.

    d. A minimum of 5% of the required parking shall be EV Installed.

2. The maximum building height shall be 40 feet.

3. Bicycle parking shall be provided, consistent with Section 1307.H of the Phoenix Zoning Ordinance.

4. A minimum 5-foot wide landscape setback shall be provided along the east perimeter, as approved by the Planning and Development Department.

5. Landscape areas shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees planted 25 feet on center, or in equivalent groupings, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

6. Where pedestrian walkways cross a vehicular path, the pathway shall incorporate decorative pavers, stamped or colored concrete, striping or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.

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7. A minimum 30-foot right-of-way shall be dedicated and constructed on the east side of 69th Avenue. Construction shall include a minimum 5-foot-wide sidewalk on the east side of 69th Avenue, adjacent to the development.

8. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.

9. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

10. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

11. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.

12. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

13. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

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PASSED by the Council of the City of Phoenix this 3rd day of December, 2025.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Ed Zuercher, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-86-25-7

APN: 104-09-022
The following described property situated in the County of Maricopa, State of Arizona:
Tract 7, WESTERN ACRES, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 29 of Maps, Page 23

Except the North 183.71 feet thereof.

Section: 12
Township: 1N
Range: 1E

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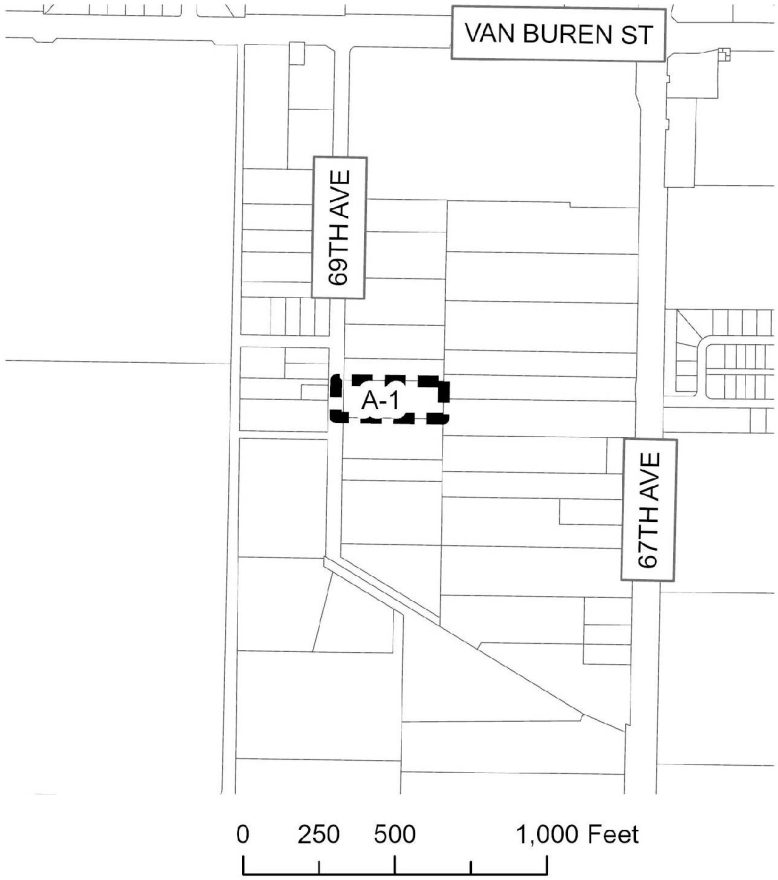
ORDINANCE LOCATION MAP

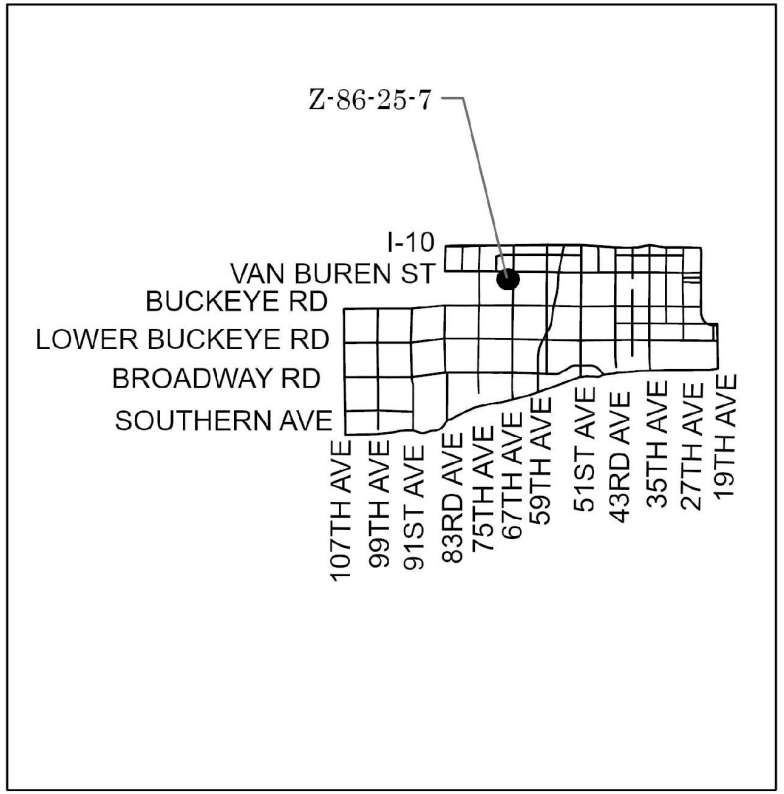
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ▬ ▬ ▬ ▬

Zoning Case Number: Z-86-25-7
Zoning Overlay: N/A
Planning Village: Estrella





NOT TO SCALE

N

Drawn Date: 11/7/2025

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City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 68

Amend City Code - Ordinance Adoption - Rezoning Application Z-111-25-7 - Approximately 250 Feet South of the Southeast Corner of 1st Avenue and McKinley Street (Ordinance G-7456) - District 7

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-111-25-7 and rezone the site from DTC-Downtown Gateway (Downtown Code, Gateway Character Area) to DTC-Downtown Gateway HP (Downtown Code, Gateway Character Area, Historic Preservation Overlay) to allow for a Historic Preservation Overlay for KPHO Building (now First Studio).

Summary

Current Zoning: DTC-Downtown Gateway
Proposed Zoning: DTC-Downtown Gateway HP
Acreage: 0.28-acres
Proposal: Historic Preservation Overlay for KPHO Building (now First Studio)

Owner: First Studio, LLC
Applicant: City of Phoenix, Historic Preservation Commission
Representative: Kevin Weight, City of Phoenix, Planning and Development Department, Historic Preservation Office

Staff Recommendation: Approval.
HPC Action: The Historic Preservation Commission heard this item on October 20, 2025, and recommended approval, per the staff recommendation, by a vote of 7-0.
VPC Action: The Central City Village Planning Committee heard this item on October 20, 2025, and recommended approval, per the staff recommendation, by a vote of 12-0.
PC Action: The Planning Commission heard this item on November 6, 2025, and recommended approval, per the Historic Preservation Commission and the Central City Village Planning Committee recommendations, by a vote of 8-0.

Location

Approximately 250 south of the southeast corner of 1st Avenue and McKinley Street
Council District: 7

Parcel Address: 631 N. 1st Avenue

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-111-25-7) FROM DTC-DOWNTOWN GATEWAY (DOWNTOWN CODE, DOWNTOWN GATEWAY CHARACTER AREA) TO DTC-DOWNTOWN GATEWAY HP (DOWNTOWN CODE, DOWNTOWN GATEWAY CHARACTER AREA, HISTORIC PRESERVATION OVERLAY).

_____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 0.28-acre site at the approximately 250 feet south of the southeast corner of 1st Avenue and McKinley Street in a portion of Section 5, Township 1 North, Range 3 East, as described more specifically in Exhibit “A,” is hereby changed from “DTC-Downtown Gateway” (Downtown Code, Downtown Gateway Character Area) to “DTC-Downtown Gateway HP” (Downtown Code, Downtown Gateway Character Area, Historic Preservation Overlay).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit “B.”

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SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of December, 2025.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Ed Zuercher, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-111-25-7

Within a portion of Section 5, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Lot 15 and the South 2.00 feet of Lot 17, Block A, Bennett Place, according to Book 2 of Maps, Page 43, records of Maricopa County, Arizona.

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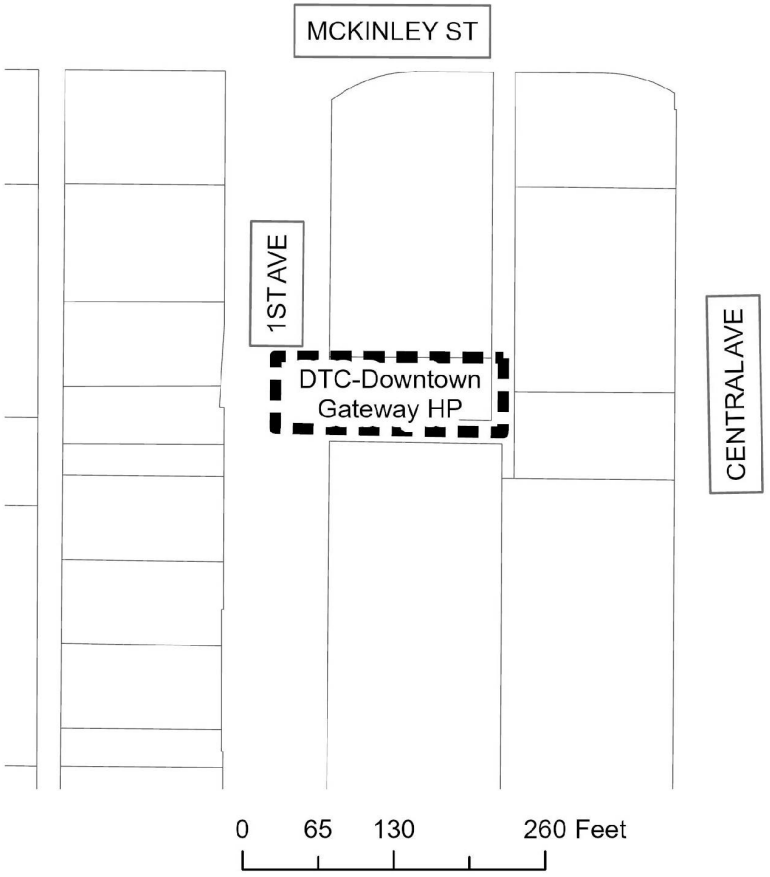
ORDINANCE LOCATION MAP

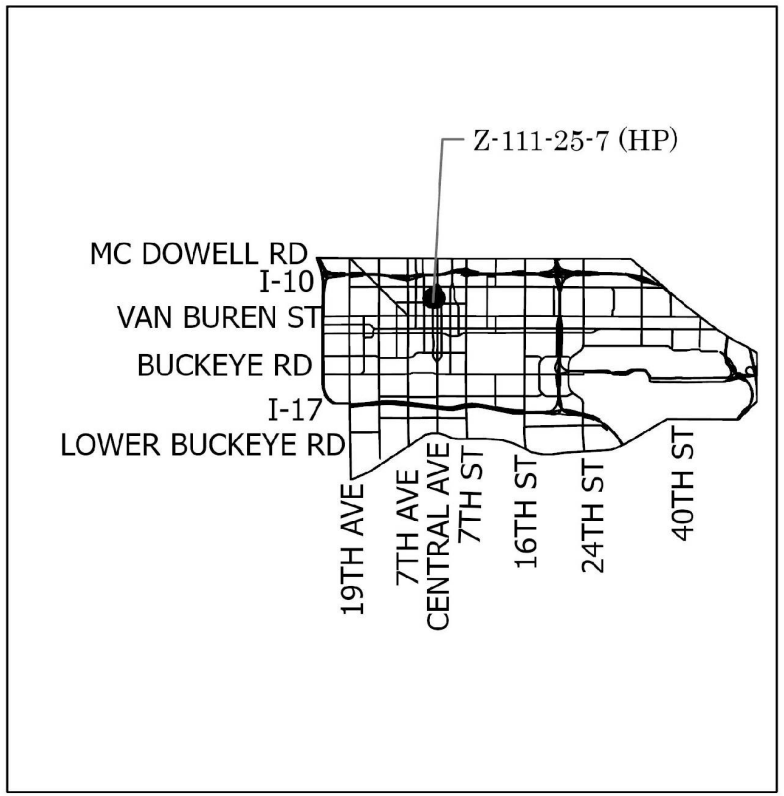
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA:

Zoning Case Number: Z-111-25-7 (HP)
Zoning Overlay: N/A
Planning Village: Central City





NOT TO SCALE

N

Drawn Date: 11/7/2025

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City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 69

Amend City Code - Ordinance Adoption - Rezoning Application Z-68-24-8 (Venue on Washington PUD) - Approximately 220 Feet West of the Northwest Corner of 16th Street and Washington Street (Ordinance G-7457) - District 8

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-68-24-8 and rezone the site from C-3 (General Commercial) to PUD (Planned Unit Development) for an event venue and uses permitted in WU Code T5:5.

Summary

Current Zoning: C-3
Proposed Zoning: PUD
Acreage: 0.76
Proposal: Event venue and uses permitted in WU Code T5:5

Owner: Michael Marlowe, Klondyke Studios, LLC
Applicant/Representative: Wendy Riddell, Berry Riddell, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Information Only: The Central City Village Planning Committee heard this item on October 21, 2024, for information only.
VPC Action: The Central City Village Planning Committee heard this item on October 20, 2025, and recommended approval, per the staff recommendation, by a vote of 12-0-1.
PC Action: The Planning Commission heard this case on November 6, 2025, and recommended approval, per the Central City Village Planning Committee recommendation, by a vote of 8-0.

Location

Approximately 220 feet west of the northwest corner of 16th Street and Washington Street
Council District: 8
Parcel Address: 1520 and 1526 E. Washington Street

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-68-24-8) FROM C-3 (GENERAL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

_____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 0.76 acre site located approximately 220 feet west of the northwest corner of 16th Street and Washington Street in a portion of Section 9, Township 1 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "C-3" (General Commercial) to "PUD" (Planned Unit Development).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

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violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Venue on Washington PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 10, 2025, as modified by the following stipulations:

    a. Front cover: Revise the submittal date information on the bottom to add the following: Hearing draft submittal: October 10, 2025; City Council adopted: [Add adoption date].

    b. Page 14, E. Design Guidelines, Complete Streets, iv. Design for Green Infrastructure: Move the following requirement to the end of the Sustainability Section (Page 14, G. Sustainability):

    "A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented in The Venue on Washington PUD:
    - Utilize permeable pavement to allow stormwater to drain through an aggregate reservoir.
    - Utilize stormwater harvesting basins to collect stormwater and clean it prior to it percolating into the subsurface."

2. All mitigation improvements shall be constructed and/or funded as identified in the accepted Traffic Impact Analysis dated August 8, 2025.

3. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

4. The property owner shall record documents that disclose the existence, and operational characteristics of the Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

5. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

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6. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.

7. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

8. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of December, 2025.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

DRAFT

_____
_____

REVIEWED BY:

_____
Ed Zuercher, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-68-24-8

Within a portion of Section 9, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Lots 17, 18, and 19, Block 9, Collins Addition to the City of Phoenix, according to Book 1 of Maps, page 11, records of Maricopa County, Arizona.

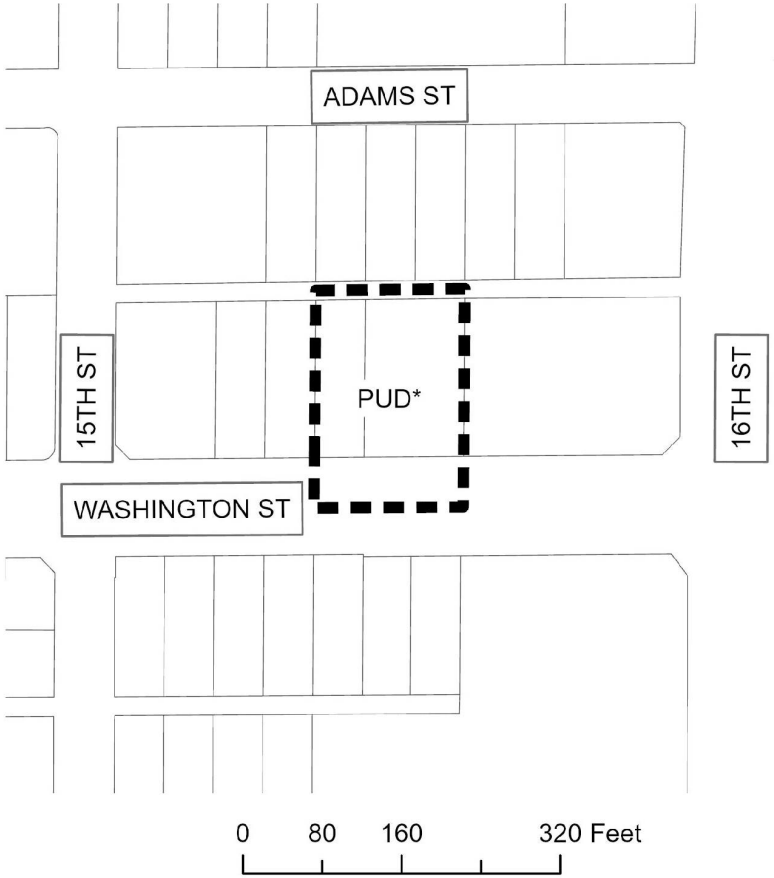
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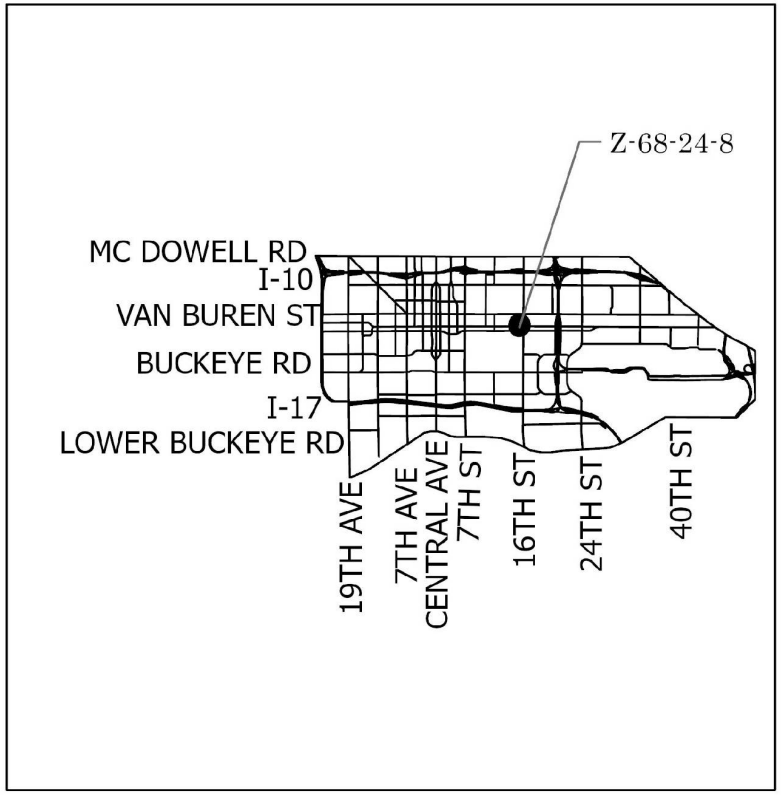
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-68-24-8
Zoning Overlay: N/A
Planning Village: Central City





NOT TO SCALE

N

Drawn Date: 11/7/2025

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City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 70

Amend City Code - Ordinance Adoption - Rezoning Application Z-103-25-8 - Approximately 570 Feet West of the Northwest Corner of 27th Avenue and Baseline Road (Ordinance G-7459) - District 8

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-103-25-8, and rezone the site from S-1 (Ranch or Farm Residence) to C-2 (Intermediate Commercial) to allow commercial uses - bank and restaurant.

Summary

Current Zoning: S-1
Proposed Zoning: C-2
Acreage: 1.89 acres
Proposed Use: Commercial uses - bank and restaurant

Owner: Baseline Land, LLC
Applicant: Tim Rasnake, Archicon Architecture & Interiors, LC
Representative: Mitchell Mastrin, Archicon Architecture & Interiors, LC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Laveen Village Planning Committee heard this item on October 20, 2025, and recommended approval, per the staff recommendation, with a modification and additional stipulations, by a vote of 10-0.
PC Action: The Planning Commission heard this item on November 6, 2025, and recommended approval, per the staff memo dated October 31, 2025, by a vote of 8-0.

Location

Approximately 570 feet west of the northwest corner of 27th Avenue and Baseline Road
Council District: 8
Parcel Address: N/A

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-103-25-8) FROM S-1 (RANCH OR FARM RESIDENCE) TO C-2 (INTERMEDIATE COMMERCIAL).

_____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 1.89-acre property located approximately 570 feet west of the northwest corner of 27th Avenue and Baseline Road in a portion of Section 35, Township 1 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "S-1" (Ranch or Farm Residence) to "C-2" (Intermediate Commercial).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

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violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The development shall be in general conformance with the site plan date stamped October 6, 2025, as modified by the following stipulations and approved by the Planning and Development Department.

2. The development shall be in general conformance with the elevations date stamped October 22, 2025, as modified by the following stipulations and approved by the Planning and Development Department.

3. All perimeter street facing building elevations shall contain architectural features that reflect modern agrarian architecture and shall consist of a minimum 25% non-stucco accent material including, but not limited to, pitched roof elements, variation in window size, overhang canopies and exterior accent materials such as metal, wood, and stone, as approved by the Planning and Development Department.

4. The landscape plan and sign plan shall be presented for review and comment to the Laveen Village Planning Committee prior to preliminary site plan approval.

5. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.

6. A minimum of 25% of uncovered surface parking lot areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.

7. Large canopy evergreen trees shall be planted within the north landscape setbacks, as approved by the Planning and Development Department.

8. The east, north, and west perimeter landscape setbacks shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees planted 20 feet on center, or in equivalent groupings, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

9. Bicycle parking shall be provided, consistent with Section 1307.H of the Phoenix Zoning Ordinance.

10. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along

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Baseline Road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development Department.

11. A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.

12. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the City of Phoenix Businesses Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.

13. A minimum of 10% of the required vehicle parking spaces shall include EV Ready infrastructure.

14. A minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape area shall be constructed on the north side of Baseline Road, and planted as follows:

    a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees, planted 20 feet on center, or in equivalent groupings.

    b. Drought-tolerant shrubs, accents and vegetative groundcovers maintained to a maximum height of 24 inches to achieve a minimum of 75% live coverage.

    Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

15. All mitigation improvements shall be constructed and/or funded as identified in the accepted Traffic Impact Analysis dated May 23, 2025.

16. All existing electrical utilities within the public right-of-way shall be undergrounded, adjacent to the development, or as otherwise approved by the Street Transportation Department and the Planning and Development Department. The developer shall coordinate with the affected utility companies for their review and permitting.

17. Existing SRP facilities along Baseline Road are to be relocated outside of City right-of-way, unless otherwise approved by the Street Transportation Department. Relocations that require additional dedications or land transfer

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require completion prior to obtaining plat and/or civil plan review approval.

18. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.

19. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

20. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

21. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.

22. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

23. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of December, 2025.

DRAFT

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Ed Zuercher, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-103-25-8

THE WEST 300.00 FEET OF THE EAST 870.00 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY ARIZONA.
EXCEPT THE SOUTH 55 FEET THEREOF

DRAFT

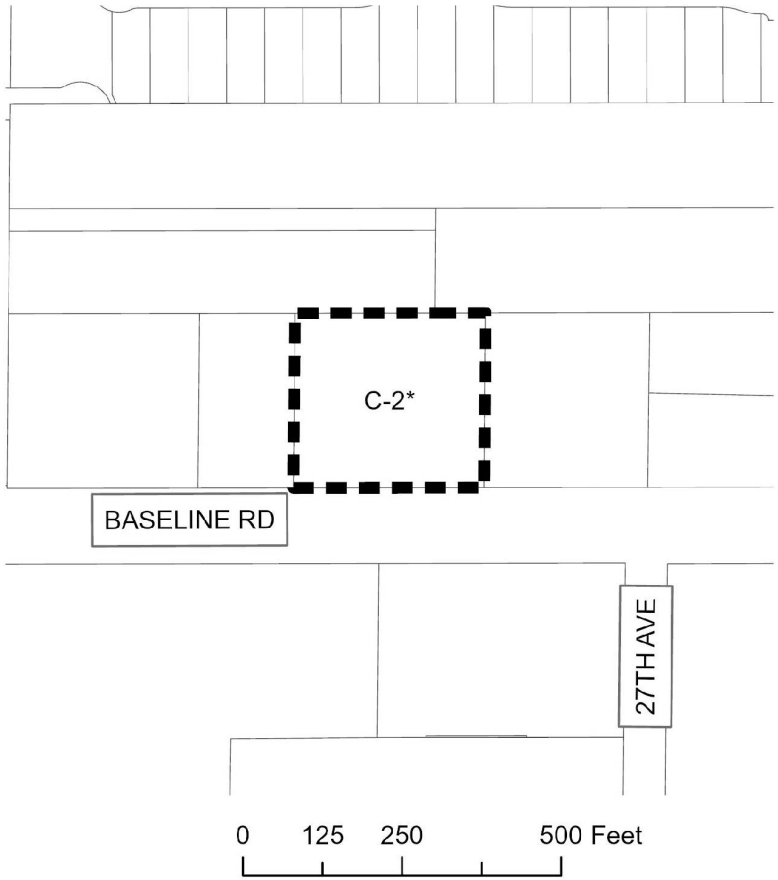
ORDINANCE LOCATION MAP

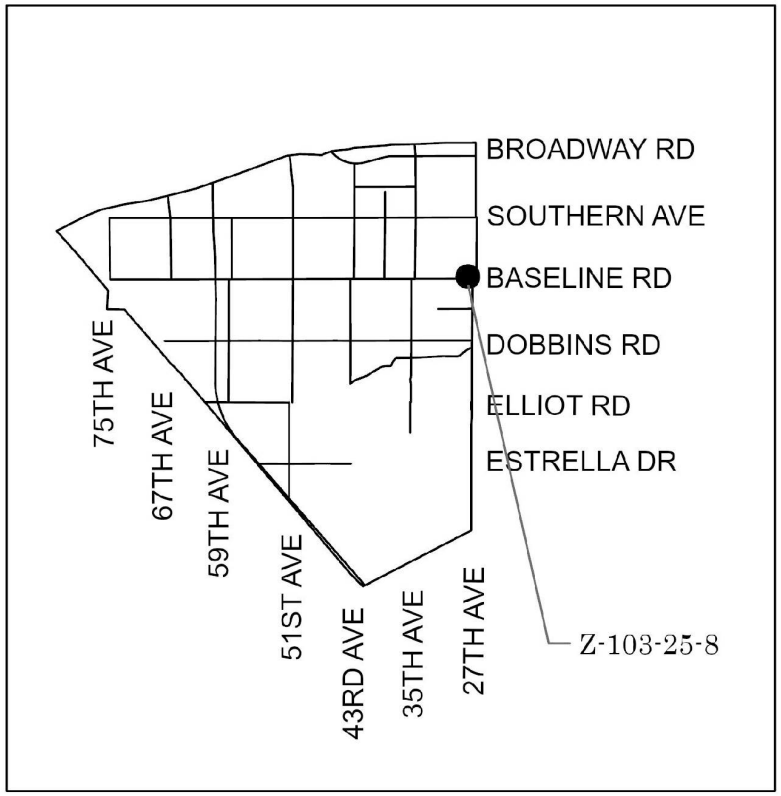
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA:

Zoning Case Number: Z-103-25-8
Zoning Overlay: N/A
Planning Village: Laveen





NOT TO SCALE

N

Drawn Date: 11/7/2025

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2025 Ord\12-3-2025\12-3-2025.aprx

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 71

Public Hearing - Amend City Code - Ordinance Adoption - Administrative Design Review - Z-TA-8-25-Y (Ordinance G-7461) - Citywide

Request to hold a public hearing on a proposed text amendment Z-TA-8-25-Y and to request City Council approval, per the Planning Commission recommendation to amend the Phoenix Zoning Ordinance Chapter 12, Section 1203 (Land Use Matrix, Downtown Code) to allow public utility buildings and facilities to obtain administrative approval from the City when in full compliance with all applicable development regulations of the Downtown Code, including any specific Character Area regulations. Under current ordinance, all public utility buildings and facilities must obtain approval from the Design Review Committee through a public hearing process.

Summary

The intent of the proposed text amendment is to allow administrative personnel to review and approve design review plans without a public hearing to ensure proper compliance with the new state requirements as required by Section 9-500.49, Arizona Revised Statutes.

Applicant: City of Phoenix, Planning Commission
Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval, per the language proposed in Exhibit A, as reflected in the staff report **(Attachment B).**
PC Action: The Planning Commission heard this item on November 6, 2025, and recommended approval, per the language proposed in Exhibit A of the staff report, by a vote of 8-0 **(Attachment C).**

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING PORTIONS OF THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX BY AMENDING SECTION 1203 (LAND USE MATRIX, DOWNTOWN CODE) TO ADDRESS RECENT CHANGES TO STATE STATUTE REGARDING DESIGN REVIEW BASED ON OBJECTIVE STANDARDS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1: That Chapter 12, Section 1203.D (Land Use Matrix), is amended to read as follows:

Section 1203. Land Use Matrix

***

D. *Land Use Conditions.* The following shall apply to uses that are permitted with conditions (pc) OR USE PERMIT (up) as indicated with a number that corresponds with the Land Use Matrix in Section 1203.C:

***

28. Public utility buildings and facilities ~~shall be fully screened and subject to the following:~~ MUST COMPLY WITH ALL DEVELOPMENT REGULATIONS APPLICABLE TO THE PROPOSED SITE AS SET FORTH IN THIS CHAPTER, UNLESS THE APPLICANT REQUESTS THAT THE DESIGN REVIEW COMMITTEE APPROVE A DESIGN ALTERNATIVE APPEAL PER THE PROVISIONS OF SECTION 1224.A AS MODIFIED IN (A) THROUGH (F) BELOW:

DRAFT

a. Mixed use opportunities should be prioritized for locating utility buildings and facilities. The applicant shall submit a written analysis to the Planning and Development Director or his/her designee of possible mixed use opportunities to allow for an integrated development project that minimizes the visual impact of the proposed utility. (R*)

b. All public utility ~~buildings and~~ facilities AND EQUIPMENT SHALL BE FULLY SCREENED FROM ABUTTING STREETS, WITH THE EXCEPTION OF REQUIRED UTILITY POLES ~~subject to the provisions of this land use condition shall be reviewed and acted upon by the Design Review Committee as a design alternative appeal, per the provisions of Section 1224.A~~. (R*)

c. The applicant must hold a public neighborhood meeting and send written notification of the public neighborhood meeting and the DRC hearing date to real property owners and to neighborhood associations registered with the City pursuant to the DRC process handout.

d. The use cannot be located on a light rail street or adjoining Hance Park, or only separated by a street from Hance Park, unless the mixed use opportunity outlined in Section 1203.D.28.a is satisfied.

e. For the required street frontage(s), the Design Review Committee (DRC) may approve one of the following:

(1) A wall designed to mimic the frontage type which meets the intent of both the applicable character area and the streetscape standards, and that appears to be a conforming building as viewed from street.

(2) A creative use or frontage design alternative that surrounds the public utility building and facilities, as determined by the DRC as appropriate for scale of the area.

(3) A micro-park, which shall include at least three of the following elements, as indicated below, and as determined by the DRC as appropriate for scale of the area:

A minimum of two of the following installations:

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(a) Recreational amenities such as but not limited to a single basketball hoop, swing, and/or climbing equipment.

(b) Landscape areas designed to create outdoor rooms or useful spaces, which may include extensive hardscape, decorative paving and/or artificial turf.

(c) Shade trees or shade structures.

(d) Lighting and seating designed to discourage camping.

In addition, a minimum of one of the following more significant scale installations:

(e) A local public art component and/or wall displays for local public arts organizations.

(f) An educational component that describes the history or setting.

(g) Facilities for pop-up retail, restaurant, farmers markets, and/or public events, which may include programming that changes seasonally, if permitted in the character area.

(h) Facilities for pets, which may include water sources, enclosures for off-leash activity, and stations for pet washing.

f. When considering an alternative frontage proposal in accordance with Section 1203.D.28.e, the DRC is authorized to provide relief from other streetscape and frontage zone regulations, including those indicated as (R). TECHNICAL APPEALS CANNOT BE APPROVED BY THE DRC.

***

DRAFT

PASSED by the Council of the City of Phoenix this 3rd day of December, 2025.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

_____
_____

REVIEWED BY:

_____
Ed Zuercher, City Manager

DRAFT

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report
Zoning Ordinance Text Amendment
Z-TA-8-25-Y
October 22, 2025

Application No. Z-TA-8-25-Y: Amend the Phoenix Zoning Ordinance Chapter 12, Section 1203 (Land Use Matrix, Downtown Code) to allow public utility buildings and facilities to obtain administrative approval from the City when in full compliance with all applicable development regulations of the Downtown Code, including any specific Character Area regulations. Under current ordinance, all public utility buildings and facilities must obtain approval from the Design Review Committee through a public hearing process.

Staff recommendation: Staff recommends approval of Z-TA-8-25-Y per the language proposed in Exhibit A.

BACKGROUND AND PURPOSE

This text amendment is a response to HB 2447 and HB 2928, both approved by the Arizona Legislature (2024). HB 2447 revised Section 9-500.49, Arizona Revised Statutes, to change an existing permission to a requirement: specifically, to require municipalities to allow administrative personnel to review and approve design review plans without a public hearing. HB 2928 modified HB 2447 to clarify that the administrative review requirement did not apply to design review plans for properties designated historic, which often require approval through a public hearing.

The purpose of this text amendment is to revise the zoning ordinance to comply with the administrative design review requirements of HB 2447 and HB 2928. Staff have concluded that only one existing review process needs to be modified, that being the requirement for Design Review Committee to approve any public utility building or facility (such as a substation) when zoned Downtown Code.

PROPOSAL

Staff recommends the revision of Section 1203.D.28, to introduce an option for the

public utility building to be administratively approved if designed in compliance with development regulations of the Downtown Code applicable to any other type of building provided on the same site. The process for Design Review Committee approval would still remain as an option for appeal if the proposed facility cannot or will not comply with the otherwise-applicable development regulations.

PROPOSED LANGUAGE
The proposed modified language is attached as Exhibit A.

CONCLUSION
Staff recommends approval of Z-TA-8-25-Y per the language proposed in Exhibit A.

Writer
C. DePerro
October 22, 2025

Team Leader
T. Gomes

Exhibits

A. Proposed Language

Exhibit A

Staff proposed language that may be modified during the public hearing process is as follows:

Amend Section 1203. Land Use Matrix (Downtown Code) to read as follows:

***

Section 1203. Land Use Matrix

***

D. *Land Use Conditions.* The following shall apply to uses that are permitted with conditions (pc) OR USE PERMIT (up) as indicated with a number that corresponds with the Land Use Matrix in Section 1203.C:

***

28. Public utility buildings and facilities ~~shall be fully screened and subject to the following:~~ MUST COMPLY WITH ALL DEVELOPMENT REGULATIONS APPLICABLE TO THE PROPOSED SITE AS SET FORTH IN THIS CHAPTER, UNLESS THE APPLICANT REQUESTS THAT THE DESIGN REVIEW COMMITTEE APPROVE A DESIGN ALTERNATIVE APPEAL PER THE PROVISIONS OF SECTION 1224.A AS MODIFIED IN (A) THROUGH (F) BELOW:

    a. Mixed use opportunities should be prioritized for locating utility buildings and facilities. The applicant shall submit a written analysis to the Planning and Development Director or his/her designee of possible mixed use opportunities to allow for an integrated development project that minimizes the visual impact of the proposed utility. (R*)

b. All public utility ~~buildings and~~ facilities AND EQUIPMENT SHALL BE FULLY SCREENED FROM ABUTTING STREETS, WITH THE EXCEPTION OF REQUIRED UTILITY POLES ~~subject to the provisions of this land use condition shall be reviewed and acted upon by the Design Review Committee as a design alternative appeal, per the provisions of Section 1224.A~~. (R*)

c. The applicant must hold a public neighborhood meeting and send written notification of the public neighborhood meeting and the DRC hearing date to real property owners and to neighborhood associations registered with the City pursuant to the DRC process handout.

d. The use cannot be located on a light rail street or adjoining Hance Park, or only separated by a street from Hance Park, unless the mixed use opportunity outlined in Section 1203.D.28.a is satisfied.

e. For the required street frontage(s), the Design Review Committee (DRC) may approve one of the following:

(1) A wall designed to mimic the frontage type which meets the intent of both the applicable character area and the streetscape standards, and that appears to be a conforming building as viewed from street.

(2) A creative use or frontage design alternative that surrounds the public utility building and facilities, as determined by the DRC as appropriate for scale of the area.

(3) A micro-park, which shall include at least three of the following elements, as indicated below, and as determined by the DRC as appropriate for scale of the area:

A minimum of two of the following installations:

(a) Recreational amenities such as but not limited to a single basketball hoop, swing, and/or climbing equipment.

(b) Landscape areas designed to create outdoor rooms or useful spaces, which may include extensive hardscape, decorative paving and/or artificial turf.

(c) Shade trees or shade structures.

(d) Lighting and seating designed to discourage camping.

In addition, a minimum of one of the following more significant scale installations:

(e) A local public art component and/or wall displays for local public arts organizations.

(f) An educational component that describes the history or setting.

(g) Facilities for pop-up retail, restaurant, farmers markets, and/or public events, which may include programming that changes seasonally, if permitted in the character area.

(h) Facilities for pets, which may include water sources, enclosures for off-leash activity, and stations for pet washing.

f. When considering an alternative frontage proposal in accordance with Section 1203.D.28.e, the DRC is authorized to provide relief from other streetscape and frontage zone regulations, including those indicated as (R). TECHNICAL APPEALS CANNOT BE APPROVED BY THE DRC.

***

ATTACHMENT C

REPORT OF PLANNING COMMISSION ACTION
November 6, 2025

ITEM NO: 3	
	DISTRICT NO.: Citywide
SUBJECT:	
Application #:	**Z-TA-8-25-Y**
Request:	Text amendment to Section 1203 of the Zoning Ordinance to address recent changes to state statutes regarding design review based on objective standards (HB 2447/HB 2928).
Location:	Citywide
Applicant:	City of Phoenix, Planning Commission
Representative:	City of Phoenix, Planning and Development Department

ACTIONS:

Staff Recommendation: Approval, per the language proposed in Exhibit A of the Staff Report.

Village Planning Committee (VPC) Recommendation: N/A

Planning Commission Recommendation: Approval, per the language proposed in Exhibit A of the Staff Report.

Motion Discussion: N/A

Motion details: Vice-Chairman Boyd made a MOTION to approve Z-TA-8-25-Y, per the language proposed in Exhibit A of the Staff Report.

Maker: Boyd
Second: James
Vote: 8-0
Absent: Gorraiz
Opposition Present: No

Findings: The proposal introduces an option for public utility buildings to be administratively approved if designed in compliance with development regulations of the Downtown Code applicable to any other type of building provided on the same site. The process for Design Review Committee approval would still remain as an option for appeal if the proposed facility cannot or will not comply with the otherwise-applicable development regulations.

Proposed Language:

Amend Section 1203. Land Use Matrix (Downtown Code) to read as follows:

***

Section 1203. Land Use Matrix

***

D. *Land Use Conditions.* The following shall apply to uses that are permitted with conditions (pc) OR USE PERMIT (up) as indicated with a number that corresponds with the Land Use Matrix in Section 1203.C:

***

28. Public utility buildings and facilities ~~shall be fully screened and subject to the following:~~ MUST COMPLY WITH ALL DEVELOPMENT REGULATIONS APPLICABLE TO THE PROPOSED SITE AS SET FORTH IN THIS CHAPTER, UNLESS THE APPLICANT REQUESTS THAT THE DESIGN REVIEW COMMITTEE APPROVE A DESIGN ALTERNATIVE APPEAL PER THE PROVISIONS OF SECTION 1224.A AS MODIFIED IN (A) THROUGH (F) BELOW:

    a. Mixed use opportunities should be prioritized for locating utility buildings and facilities. The applicant shall submit a written analysis to the Planning and Development Director or his/her designee of possible mixed use opportunities to allow for an integrated development project that minimizes the visual impact of the proposed utility. (R*)

    b. All public utility ~~buildings and~~ facilities AND EQUIPMENT SHALL BE FULLY SCREENED FROM ABUTTING STREETS, WITH THE EXCEPTION OF REQUIRED UTILITY POLES ~~subject to the provisions of this land use condition shall be reviewed and acted upon by the Design Review Committee as a design alternative appeal, per the provisions of Section 1224.A~~. (R*)

    c. The applicant must hold a public neighborhood meeting and send written notification of the public neighborhood meeting and the DRC hearing date to real property owners and to neighborhood associations registered with the City pursuant to the DRC process handout.

    d. The use cannot be located on a light rail street or adjoining Hance Park, or only separated by a street from Hance Park, unless the mixed use opportunity outlined in Section 1203.D.28.a is satisfied.

    e. For the required street frontage(s), the Design Review Committee (DRC) may approve one of the following:

        (1) A wall designed to mimic the frontage type which meets the intent of both the applicable character area and the streetscape standards, and that appears to be a conforming building as viewed from street.

        (2) A creative use or frontage design alternative that surrounds the public utility building and facilities, as determined by the DRC as appropriate for scale of the area.

        (3) A micro-park, which shall include at least three of the following elements, as indicated below, and as determined by the DRC as appropriate for scale of the area:

            A minimum of two of the following installations:

(a) Recreational amenities such as but not limited to a single basketball hoop, swing, and/or climbing equipment.

(b) Landscape areas designed to create outdoor rooms or useful spaces, which may include extensive hardscape, decorative paving and/or artificial turf.

(c) Shade trees or shade structures.

(d) Lighting and seating designed to discourage camping.

In addition, a minimum of one of the following more significant scale installations:

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(f) An educational component that describes the history or setting.

(g) Facilities for pop-up retail, restaurant, farmers markets, and/or public events, which may include programming that changes seasonally, if permitted in the character area.

(h) Facilities for pets, which may include water sources, enclosures for off-leash activity, and stations for pet washing.

f. When considering an alternative frontage proposal in accordance with Section 1203.D.28.e, the DRC is authorized to provide relief from other streetscape and frontage zone regulations, including those indicated as (R). TECHNICAL APPEALS CANNOT BE APPROVED BY THE DRC.

***

This publication can be made available in alternate format upon request. Please contact Saneeya Mir at 602-686-6461, saneeya.mir@phoenix.gov, TTY: Use 7-1-1.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 72

Public Hearing and Resolution Adoption of the Historic Preservation Plan (PreserveHistoricPHX 2025) (Resolution 22348) - Citywide

This report requests to hold a public hearing and adopt a resolution on the City's historic preservation plan update, PreserveHistoricPHX 2025.

Summary

The City of Phoenix adopted its first comprehensive historic preservation plan, PreserveHistoricPHX, in 2015. PreserveHistoricPHX 2025, a plan update, provides the opportunity to celebrate the achievements made after the original plan adoption, identify challenges, and assess new opportunities to further historic preservation in Phoenix. PreserveHistoricPHX 2025 is intended as a more specific plan to augment PlanPHX 2025 and to protect and promote the historic and archaeological resources of Phoenix.

The plan update initiative began when the City hired a consultant to conduct stakeholder meetings to identify challenges and create a series of recommendations to advance historic preservation in Phoenix based on practices occurring across the country. The City began a public engagement effort based on the findings of this study with a series of public meetings and a publicly posted survey from the fall of 2023 through the summer of 2024. The City Archaeology Office also provided recommendations to the historic preservation office because the protection of archaeological resources is a key component of historic preservation, as reflected in the City's Historic Preservation Ordinance (Chapter 8 of the Zoning Ordinance).

These engagement efforts revealed that the original five goals of the 2015 plan continue to have relevance:

1. Protect Archaeological Resources
2. Protect Historic Resources
3. Explore Preservation Incentives
4. Develop Community Awareness
5. Promote Partnerships

PreserveHistoricPHX 2025 outlines new possible policies, actions, and tools that can be used to achieve these goals over the next decade **(Attachment A-Exhibit A)**.

Concurrence/Previous Action
Staff recommended approval of the PreserveHistoricPHX 2025 plan **(Attachment B)**.

VPC Action: 14 Village Planning Committees (VPCs) considered the request. Two VPCs recommended approval per the staff recommendation and 12 recommended approval per the staff recommendation, with direction, as reflected in **Attachment C.**

HPC Action: The Historic Preservation Commission (HPC) considered the request on July 14, 2025 and recommended approval per the staff recommendation by a vote of 8 -0.

PC Action: In response to recommendations from the VPCs and HPC, staff developed the Addendum A Staff Report **(Attachment D)**. Modifications to the draft plan included additional information regarding the benefits of historic preservation, a revised acknowledgements page, information pertaining to the possible impact of Arizona Revised Statutes Section 9-462.13 (Middle Housing Law) to historic districts, and new tools such as the creation of enhanced design guidelines. The Planning Commission (PC) considered the request on September 4, 2025, and recommended approval per the Addendum A Staff Report, by a vote of 6-0 as reflected in **Attachment E.**

City Council Subcommittee Action: The Transportation, Infrastructure and Planning Subcommittee considered the request on October 15, 2025, and recommended approval per the Planning Commission recommendation by a vote of 4-0.

Responsible Department
This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT THE OFFICIAL COPY OF THE FINAL, ADOPTED RESOLUTION

RESOLUTION

A RESOLUTION ADOPTING
PRESERVEHISTORICPHX 2025,
AN HISTORIC PRESERVATION PLAN FOR
PHOENIX.

_____

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That PreserveHistoricPHX 2025, an Historic Preservation Plan for Phoenix, attached hereto as Attachment A, is hereby approved and adopted.

PASSED by the Council of the City of Phoenix this 19th day of November 2025.

_____
MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ Acting City Attorney

REVIEWED BY:

_____ City Manager

DRAFT

PLANNING & DEVELOPMENT
PRESERVE
SHAPE
BUILD

Preserve HISTORIC PHX



Historic Preservation Plan | 2025


Preserve
HISTORIC
PHX

PLANNING & DEVELOPMENT
PRESERVE
SHAPE
BUILD

Cover images courtesy of Larry Mischler

Acknowledgments

Mayor

Kate Gallego

City Council Members

District 1:

Vice Mayor Ann O'Brien

District 2:

Councilmember Jim Waring

District 3:

Councilmember Deborah Stark

District 4:

Councilmember Laura Pastor

District 5:

Councilmember Betty Guardado

District 6:

Councilmember Kevin Robinson

District 7:

Councilmember Anna Hernandez

District 8:
Councilmember Kesha Hodge Washington

City Manager's Office

Jeffrey Barton, City Manager

Alan Stephenson, Deputy City Manager

Historic Preservation Commission

Tricia Amato, Chair

Francesca Miller, Vice Chair

Dan Garcia

Chad Gestson

Dan Klocke

Christina Noble

Brenda Thomson

Keely Varvel-Hartsell

Planning & Development Department

Joshua Bednarek, Director

Historic Preservation Office

Helana Ruter, Historic Preservation Officer

Kevin Weight, Principal Planner

Jodey Elsner, Planner II

Maura Jackson, Planner II

Emma Collins, Planner I

Cletus Montoya, Planner I

Bridget Collins, Secretary III

City Archaeologist

Christopher Schwartz, Ph.D.

Editing and Layout by City Clerk Department

Printing, Design & Mailing Services

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Archaeological Site Etiquette Guide 106

Land Acknowledgment

The City of Phoenix acknowledges that Phoenix is located within the homeland of the O'Odham and Piipaash peoples and their ancestors, who have inhabited this landscape from time immemorial to present day. The landscape is sacred and reflects cultural values central to the O'Odham and Piipaash way of life and their self-definition. This acknowledgment demonstrates our commitment to work in partnership with the ancestral Indigenous communities to foster understanding, appreciation and respect for this heritage. The Salt River Pima-Maricopa Indian Community (SRPMIC) and the Gila River Indian Community (GRIC) claim aboriginal title (Original Indian Title) to lands exclusively used and occupied by the Akimel O'Odham and Piipaash equaling 3,751,000 acres of South Central Arizona. Ancestral O'Odham settlements are located throughout the entirety of present-day Phoenix. This land continues to be spiritually connected to the O'Odham of the SRPMIC and the GRIC, both of which are confederations of two unique cultures with their own languages, customs, cultures, religions and histories. Both the O'Odham and the Piipaash are oral history cultures and the song culture of these people are specifically tied to tangible places. These places can be natural landforms like the mountains that surround our valleys, but they also include archaeological sites because they are part of a cultural landscape associated with specific historic, cultural and religious values. Those places are tangible reminders to the O'Odham and Piipaash about shared attitudes, goals and practices that characterize who they are, where they belong and how they related to each other in the past, continuing today and into the future. The City of Phoenix has preserved and continues to steward several Ancestral O'Odham sites and landscapes and is committed to honor the vital meaning and intent of this land acknowledgment.



Executive Summary

PreserveHistoricPHX 2025 is an update to the City's first comprehensive historic preservation plan, which was adopted by the Phoenix City Council in 2015. This document builds off the framework of the existing plan while providing space for new ideas and tools to guide the goals and objectives of the City's historic preservation program over the coming decade. PreserveHistoricPHX 2025 pulls the threads from the past through to today to help us connect with our historic and cultural resources as they play a key role in the vision of PlanPHX, the City's 2025 General Plan update, to become *A More Connected Phoenix*.

PreserveHistoricPHX 2025 demonstrates the benefits of historic preservation as they relate to PlanPHX's five core values: create a network of vibrant cores, centers and corridors; connect people and places; strengthen our local economy; celebrate our diverse communities and neighborhoods; and build the most sustainable desert city. This plan gives a summary of the legal basis for historic preservation, a timeline of past preservation efforts in the city and a brief overview of the City's historic preservation program.

PreserveHistoricPHX 2025 provides a summary of accomplishments achieved in historic preservation in Phoenix after the adoption of the 2015 plan, which set the stage for the current planning effort. Through a study completed by the internationally recognized historic preservation consulting firm, PlaceEconomics, titled *Tools, Strategies, Policies, Incentives for Historic Preservation in Phoenix* (see Appendix B), and a new public engagement process with Phoenix residents, it became clear that the five goals identified in the 2015 PreserveHistoricPHX plan are still relevant today. New opportunities to achieve these goals have emerged, and this plan update will propose new tools to move forward to achieve the vision of PreserveHistoricPHX 2025 over the next decade.

Goals

Goal 1



Protect Archaeological Resources

Goal 2



Protect Historic Resources

Goal 3



Explore Preservation Incentives

Goal 4



Develop Community Awareness

Goal 5



Promote Partnerships


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Roland's
SPEED LIMIT 30

Purpose of the Plan

PreserveHistoricPHX 2025 is a long-term vision for the City's historic preservation program, identifying the goals and associated tools for shaping Phoenix's continued growth over the next decade. This plan is a supplement to the General Plan for the City of Phoenix, PlanPHX 2025, and highlights how historic preservation and heritage resources, including buildings, structures, objects, sites, traditional cultural places (TCPs) and districts, are an integral part of the vision and core values of PlanPHX 2025.

Connections to History, Culture, Identity and the Material past are fundamental to the city's vision of creating *A MORE CONNECTED PHOENIX.*

PreserveHistoricPHX 2025 pinpoints the ways in which heritage resources contribute to economic development, the growth of small and legacy-owned business, connectivity, neighborhood diversity, sustainability and building community and civic pride nesting into the five core values of PlanPhx 2025 to:



Create a Network of Vibrant Cores, Centers and Corridors



Connect People & Places



Strengthen our Local Economy



Celebrate our Diverse Communities and Neighborhoods



Build the Most Sustainable Desert City

What does the historic preservation plan do?

PreserveHistoricPHX 2025 does the following:

- Provides the background for historic preservation and the City's historic preservation program.
- Highlights the issues and concerns of residents and professionals regarding the preservation and enhancement of cultural and historic resources.
- Details the City's historic preservation goals.
- Recommends the implementation of specific actions for achieving those goals.
- Guides future historic preservation projects and programs in the city.

1 The term Historic Preservation can be used to encompass the planning and management of cultural resources on a timeline of precontact (prehistoric and protohistoric or ethnohistoric), and historic periods (typology developed by archaeologists). Resources from the prehistoric and protohistoric periods are typically classified as "cultural" where those from the historic period are classified as "historic". The term "heritage resources" is used to refer to both cultural and historic resources.

Public Benefits of Historic Preservation

Historic preservation offers numerous benefits to the people of Phoenix—cultural, economic and environmental. Sustaining our cultural heritage advances public goals including those set forth in the City's General Plan, PlanPHX 2025. These goals and examples of how historic preservation contributes to them[2] are noted below:



Create a Network of Vibrant Cores, Center & Corridors

The historic neighborhoods of Phoenix are **dense**—1,000 people per square mile more dense than residential neighborhoods in the rest of the city.

Commercial areas with a concentration of heritage buildings, such as the historic Grand Avenue or Miracle Mile corridors, are magnets for **small businesses, legacy businesses,** and businesses in the **creative and technology** sectors.

Legacy businesses—those in business for 25 years or longer—make up 12% of businesses in heritage commercial areas, versus 3% in the city overall.



Connect People & Places

Historic places—including buildings, landscapes, archaeological sites, memorials and public art—honor the contributions and experiences of previous generations and contribute to **a sense of place** as well as **unique local cultures and identities.**

Heritage sites, parks and neighborhoods **attract residents and visitors alike**, connecting people to the places that make Phoenix special.

Most of Phoenix's historic neighborhoods and parks are **located along public transit corridors**.

Residents of Phoenix's historic districts live closer to **museums, libraries** and other **cultural institutions** compared to the city overall.

2 The examples are key findings in *Preservation Phoenix Style: A Study of the Impacts of Historic Preservation in Phoenix*, prepared by PlaceEconomics for the City of Phoenix, October 2021.



Strengthen Our Local Economy

During the real estate crisis which accompanied the Great Recession, **foreclosure rates in historic neighborhoods were measurably lower** than the rest of the city, a pattern that has continued in every year since.

Even during recent years of a boom cycle in real estate, **property values in historic districts have outperformed the city as a whole.**

Job growth rates for businesses in the **creative and knowledge sectors**, which prefer to locate in heritage areas and buildings, have all been higher over the past decade in heritage commercial areas than in the city as a whole.

Phoenix's heritage commercial areas are home to **20% of all jobs** in arts, entertainment and recreation.



Celebrate Our Diverse Communities & Neighborhoods

Phoenix's historic neighborhoods are great models of diversity, not only in architectural style or housing unit type, but also in resident demographics.

As a share of housing stock, Phoenix's historic districts have 6% of 2-to-4-unit structures versus 1% for the remainder of the city. A much wider range of housing unit options yields a **diversity of housing and rent prices.**

Historic districts have both a slightly higher share of high income and low-income residents as compared to the city overall reflecting **economic diversity.**

With rapid population growth between 2010 and 2020; Phoenix's historic districts gained fewer white residents and lost fewer residents of other races than the rest of Phoenix, maintaining levels of **population diversity** in these areas.

The city's inventory of **older housing stock is providing affordable housing** largely without subsidy, likely due to its age, condition and smaller unit size.



Build the Most Sustainable Desert City

Phoenix's historic neighborhoods are significantly more **pedestrian, bike and transit friendly** than the city has a whole.

The **tree cover** typically found in historic areas has six times the value of air quality benefits per acre, five times the value of water saved and sequesters five times the carbon dioxide of the rest of the city.

Reusing existing buildings encourages adaptive reuse and **diverts waste from our landfills** while also reducing carbon emissions that result from new construction.

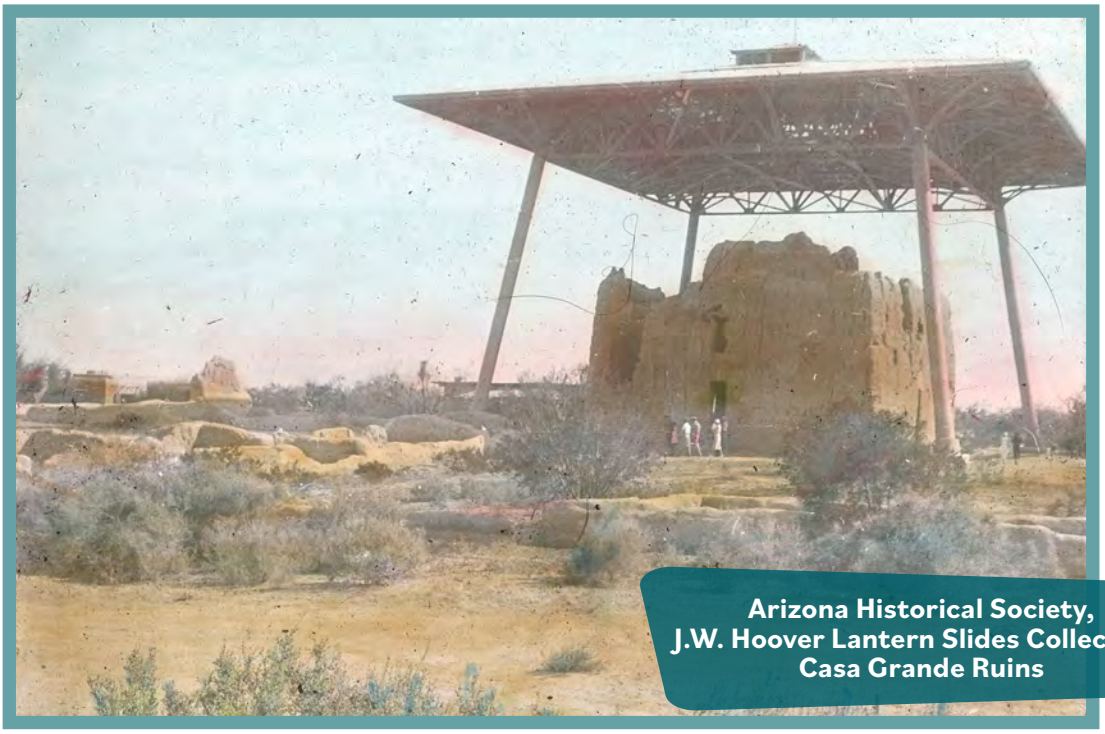
These are only some of the benefits that historic preservation offers to the people of Phoenix, demonstrating the synergy between conserving our heritage and other worthwhile goals like connectivity, economic prosperity, diversity and sustainability.

Legal Basis for Historic Preservation

The legal basis for historic preservation is grounded in federal, state and local policy. Below is a summary of key historic preservation laws and programs that influence the work of the City of Phoenix Office of Historic Preservation.

Federal

1892 Casa Grande Reservation: President Benjamin Harrison proclaimed the 480 acres around Casa Grande (Siwañ Wa'a Ki) a prehistoric and cultural reserve – the first such designation in the United States.



Arizona Historical Society, J.W. Hoover Lantern Slides Collection, Casa Grande Ruins

1906 Antiquities Act: This was one of the first pieces of federal legislation aimed at protecting Precontact Native American sites and artifacts on federal lands in the American West. The act authorized permits for legitimate archaeological investigations and penalties for taking or destroying antiquities without permission. It also authorized the president to proclaim "historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest" as national monuments.

1916 National Park Service Organic Act: Congress created the National Park Service (NPS) with the passage of this law (16 U.S.C. 1 2 3, and 4). A unit of the Department of the Interior, the NPS is the federal agency responsible for administering and implementing the National Historic Preservation Act, (see below). As the lead federal preservation agency, the NPS sets the standards and guidelines for identifying and treating historic and cultural resources, and it maintains the National Register of Historic Places (NRHP) (see below). It also offers technical support and administers grant funding for state and tribal historic preservation offices and Native Hawaiian officials.

1935 Historic Sites Act: This act (Public Law 74-292) declared that "it is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States." The law authorized the NPS to research, survey and document historic and archaeologic sites.

1966 National Historic Preservation Act: President Lyndon B. Johnson signed the National Historic Preservation Act (NHPA) into law on October 15, 1966 (Public Law 89-665). The preamble to the law declared that the historical and cultural past of the nation should be preserved as 'a living part' of community life in order to 'give a sense of orientation to the American people.' The NHPA established the NRHP and led to the creation of state, county and municipal historic preservation programs nationwide. Section 106 of the NHPA ensures historic preservation review of any development project utilizing federal dollars, approval, or land.

1966 Department of Transportation Act: This policy intends to preserve natural and human-made sites along highway routes. Section 4(f) of this act specifies preservation responsibilities of the Secretary of Transportation.

1966 Demonstration Cities and Metropolitan Development Act: This act directs the Secretary of Housing and Urban Development "to assert an interest in historic preservation and reduce its Urban Renewal activities by clearing older buildings." It encourages existing housing to be recycled and reused instead of demolished and replaced.

U.S. Department of the Interior: The Department of the Interior (DOI) is the federal department responsible for establishing professional standards and providing advice on the preservation and protection of all cultural resources listed or eligible for listing in the NRHP. The Secretary of the Interior's Standards for the Treatment of Historic Properties apply to all proposed development involving federal funds and are intended to be applied to a wide variety of resource types, including buildings, sites, structures, objects and districts. Many historic preservation programs across the United States base their state and local design guidelines on these federal standards.

Certified Local Government Program: Amendments to the NHPA in 1980 broadened the federal-state preservation partnership to include local partners (towns, cities and counties), which led to the creation of the national Certified Local Government (CLG) program. This federal program is administered by the NPS, while the CLG is typically a local historic preservation office or planning department. CLGs must have established a preservation ordinance and a formalized means of identifying, registering and protecting cultural resources within their boundaries. These certified governments perform much of the historic property survey work in Arizona. There are 30 cities and one county (Pima) in Arizona with certified historic preservation programs; Phoenix became a CLG in 1988.

Advisory Council on Historic Preservation: The Advisory Council on Historic Preservation (ACHP) is an independent federal agency that "promotes the preservation, enhancement and sustainable use of our nation's diverse historic resources[3] , and advises the President and Congress on national historic preservation policy." The ACHP administers Section 106 of the NHPA, offers trainings and conducts outreach.

State

Arizona State Museum: In 1893, the Arizona Territorial Legislature created the first and largest anthropology museum in the Southwest—the Arizona State Museum. The museum is the state's official permitting agency for archaeological and paleontological projects and the official archaeological repository. It administers the Arizona Antiquities Act and helps state and federal agencies enforce related legislation.

Arizona Antiquities Act: In 1927 the state legislature passed an antiquities act which required that fifty percent of archaeological artifacts or fossils recovered from sites on federal or state land be deposited in a public museum in the state of Arizona and established the requirement for persons or corporations to obtain a permit from the University of Arizona and the relevant county board of supervisors prior to survey or excavation. The legislature amended the act in 1960 giving oversight to the Arizona State Museum which was authorized to create regulations and professional standards for archaeological practice. Further amendments were made to the law in 1973 and 1990.

Arizona State Parks Board: In 1957, preservationists were part of a coalition that successfully lobbied the state legislature to create the Arizona State Parks Board. While the Parks Board focused primarily on acquiring parks and establishing camping, picnicking and other recreational services, prominent Arizona historian and Parks Board member Bert Fireman persuaded the board to include several historic sites among the first state parks.

Arizona State Historic Preservation Office: The NHPA mandated the creation of state historic preservation offices (SHPOs) that would work with the NPS and the ACHP to establish a list of properties important to the nation's history. The act also mandated state historic preservation offices to work with federal agencies on preventing the destruction of these properties and on administering a program of grants-in-aid to ensure the properties' preservation. Arizona Governor Samuel Pearson Goddard, Jr. (1965-1967), appointed Arizona State Parks Director Dennis McCarthy as the first state historic preservation officer.

State Historic Preservation Plan: Preparation of the first statewide historic preservation plan began in 1969. The National Park Service approved Arizona's Interim Plan for Historic Preservation in December 1970, which allowed the state to continue receiving its allocation from the Historic Preservation Fund. This plan established a process for identifying and nominating properties within Arizona to the NRHP.

Arizona Register of Historic Places: The Arizona State Legislature established the Arizona Register of Historic Places in 1974. This is the state's register of historic sites, buildings, structures, objects and districts. The list is administered by the SHPO.

State Historic Property Tax Reclassification Program: This program began in 1979 and encourages preservation in the private sector by reducing tax assessments for owner-occupied residential and income producing properties.

State Historic Preservation Act: This act, signed in 1982, encouraged the preservation of historic resources by state agencies and expanded the role of SHPO to include reviewing plans by state agencies to determine whether such plans would adversely affect historic properties.

Municipal Planning: In Arizona, historic preservation is accomplished through the zoning power, which allows local governments to regulate the use of property. State legislation [Arizona Revised Statutes, Section 9-462.01(A)(10)] enables cities, towns and counties to pass zoning regulations, including for the purpose of establishing districts of historical significance.

Local

Phoenix Historic Preservation Ordinance: In 1984, Mayor Terry Goddard and the City Council created an Ad Hoc Committee on Historic Preservation, which recommended, among other things, the adoption of a city historic preservation ordinance. Adopted in 1985, the preservation ordinance (Chapter 8 of the City's Zoning Ordinance) provided for the establishment of historic preservation overlay zoning and spelled out the duties of the Historic Preservation Commission (HPC) and Historic Preservation Office (HPO).

Historic Preservation Commission: Appointed by the City Council, the HPC is composed of nine individuals with demonstrated special interest, knowledge or experience in historic preservation. At least one member of the commission must fulfill each of the following roles: registered architect, real estate professional, archaeologist, and historian.

Phoenix Historic Property Register: The ordinance also codified the criteria for listing properties, the effects of historic-preservation zoning, the processes for reviewing projects for Certificates of No Effect and Certificates of Appropriateness, and the steps necessary when considering a property for demolition and/or removal from its original site.



Preservation in Phoenix: A Timeline

Phoenix's diverse communities have preserved their history, culture and sacred places in a multitude of ways over time, both within and outside of formal preservation programs. The following is a timeline of key events that have shaped preservation policy in Phoenix today. It is not a comprehensive list of all preservation activities that have occurred within the city. [4]

1924

1924: A group of Phoenicians, with the help of U.S. Senator Carl Hayden, purchases 13,000 acres from the federal government to create what is now known as South Mountain Park and Preserve. The park is home to thousands of petroglyphs created by the Huhugam and their descendants, the ancestral O'Odham.



South Mountain Park & Preserve

1929

1924-1929: The City of Phoenix acquires a Huhugam (Hohokam era) platform mound and the surrounding Park of Four Waters, which contains the remains of major irrigation canals built by the Huhugam on the north side of the Salt River. Opening in 1929 as the Pueblo Grande Museum (now S'ed̲av Va'aki Museum), it is an archaeological site museum and repository open to the public.

1938

1938: Pioneers' Cemetery Association (PCA) forms to preserve the seven historic cemeteries near the State Capitol Complex. The original PCA disbanded at the onset of World War II but was reestablished in 1983.

4 "A comprehensive history of preservation in Phoenix can be found in the 2015 PreserveHistoricPHX plan."

1942

1942: The City of Phoenix and Arizona State Museum initiate the preservation and restoration of an adobe building believed to be the home of Phoenix pioneer Darrell Duppa but was more likely a barn built by subsequent property owner John B. Montgomery to support his farming operations there.

1954

1954: The Camelback Improvement Association forms in opposition to construction on Camelback Mountain.

1966

1966: Congress passes the National Historic Preservation Act, and the Arizona SHPO is established. Pueblo Grande (now S'ed̲av Va'aki) is the first property in Phoenix to be added to the National Register of Historic Places and is designated as a National Historic Landmark.

1968

1968: Camelback Mountain is donated to the City of Phoenix after a successful campaign led by Barry Goldwater and the Save Camelback Mountain Foundation.

1972

1972: Funding to protect urban mountains as parks is allocated through a voter-approved bond.



1976

1976: Heritage Square in downtown Phoenix is established as part of the National Bicentennial Celebration; the Junior League of Phoenix and former Phoenix Mayor John Driggs lead the effort. Arizona: Past & Future Foundation is created in opposition to proposed freeway construction plans and with the purpose of preserving historic and archaeological resources along the route.

1978

1978: The City adopts the Special Conservation District Ordinance, which created a mechanism for neighborhoods to have an organized voice in planning their growth.

1979

1979: The state's first preservation nonprofit organization, the Arizona Preservation Foundation, is established to promote and protect Arizona's historic resources. The Phoenix Historic Building Survey is completed.



1983

1983: The Roosevelt and Encanto-Palmcroft neighborhoods are listed on the National Register, the first residential historic districts to be designated in Phoenix.

1984

1984: Phoenix Mayor Terry Goddard assembles the Phoenix Ad Hoc Committee on Historic Preservation, which spurs the formation of Phoenix's historic preservation program the following year. The Junior League completes the Historic Phoenix Commercial Properties Survey.

1985

1985: City Council adopts a local historic preservation ordinance that establishes the Phoenix Historic Preservation Commission and the Phoenix Historic Properties Register. The Historic Preservation Commission is formed and holds its first meeting. City Council approves a temporary ban on razing historic buildings listed on the National Register.

1986

1986: The City's first Historic Preservation Officer is hired. The first three historic districts (Roosevelt, Coronado and Phoenix Union High School), as well as 15 individual properties, are listed on the Phoenix Historic Properties Register.

1989

1989: City Council passes a provision requiring review of demolition permits for structures older than 50 years old, although it is later removed due to concerns about its impact on private property rights. Voters approve $15 million in bond funds for historic preservation. The funds allow the City to hire new staff members, purchase and stabilize Tovrea Castle and establish new programs to provide grants to owners of historic buildings.



Tovrea Castle

1990

1990: The Phoenix Historic Preservation Office creates the Exterior Rehabilitation Assistance, Demonstration Project and Low-Income Historic Housing Rehabilitation grant programs with remaining bond funds. A voter initiative creates the Arizona State Parks Heritage Fund.

1992

1992: The Arizona Heritage Alliance forms to protect, preserve and enhance Arizona's historic, cultural and natural heritage. Its focus is to protect the Arizona State Parks Heritage Fund.

1993

1993: Historic Homes of Phoenix: An Architectural Guide is published. It wins the 1994 Governor's Award for Historic Preservation in the education category.

1996

1996: The City acquires Phoenix Indian School, a Bureau of Indian Affairs-operated school from 1891 to 1990. Three of the school's 29 structures are spared from demolition during the creation of a 73-acre park known as Steele Indian School Park and are added to the National Register of Historic Places. The same year, the George Washington Carver Museum and Cultural Center is established to honor and share African American heritage, art, and culture in Phoenix.



Steele Indian School Park

1997

1997: The City of Phoenix is presented with a National Preservation Honor Award for its Bond Program, which is recognized as the "largest municipal historic preservation fund in the nation." The Phoenix Historic Neighborhoods Coalition forms, initially meeting as a group of just a few historic neighborhoods and going on to obtain non-profit status in 2013.

2000

2000: The City Council requests that the City Manager appoint a panel of citizens to perform a comprehensive review of the City's Historic Preservation Program, which is now 15 years old. The Ad Hoc Historic Preservation Advisory Panel meets over the course of a year and forwards a set of recommendations to the City Council, 11 of which are formally adopted.

2001

2001: Phoenix voters approve an additional $14.2 million in bond funds for the City's Historic Preservation Program.

2004

2004: City completes a survey of African American historic properties, initiated at the urging of the Ad Hoc Historic Preservation Advisory Panel. Modern Phoenix Neighborhood Network is founded.

2005

2005: A coalition of advocates led by the Arizona Asian American Association fights to save the Sun Mercantile Building, one of the last remaining historic Chinese groceries in downtown Phoenix.

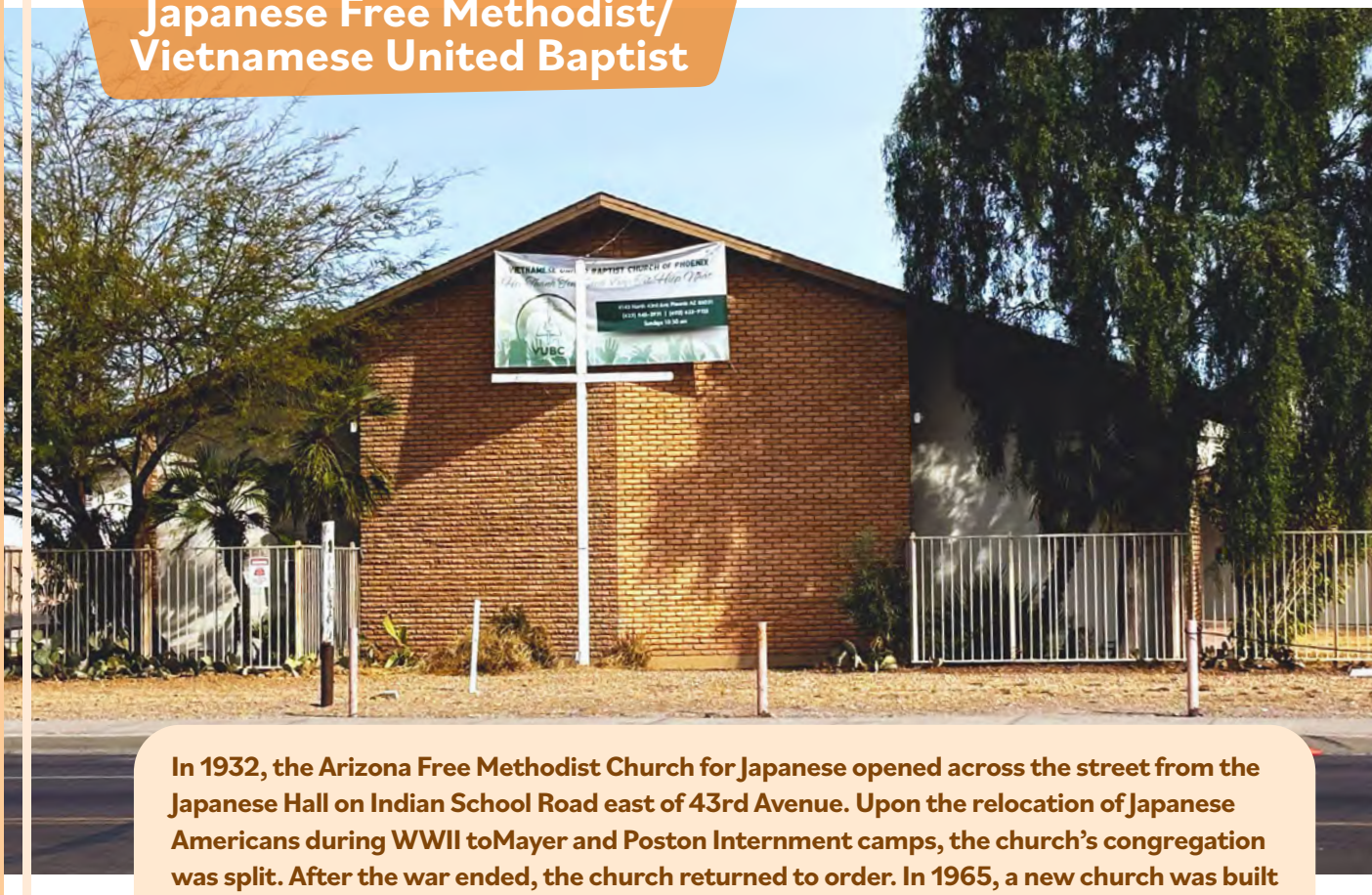
2006

2006: The Hispanic Historic Property Survey is completed. Another round of bond funding is approved, allocating $13.1 million to historic preservation and establishing the Warehouse & Threatened Building grant program. Arizona voters pass Proposition 207, the Private Property Rights Protection Act, which curtailed historic designation activities.

2007

2007: The Historic Preservation Office completes a survey of Asian American historic properties in Phoenix

Japanese Free Methodist/ Vietnamese United Baptist



In 1932, the Arizona Free Methodist Church for Japanese opened across the street from the Japanese Hall on Indian School Road east of 43rd Avenue. Upon the relocation of Japanese Americans during WWII toMayer and Poston Internment camps, the church's congregation was split. After the war ended, the church returned to order. In 1965, a new church was built a block north of its original location. The congregation relocated classrooms and a social hall from their former Indian School location to their new two-acre property at 4143 N 43rd Avenue and constructed a new church sanctuary. The Vietnamese United Baptist Church acquired the property in 2016.

2011: Midcentury Marvels: Commercial Architecture of Phoenix 1945-1975 is published and wins the Governor's Heritage Preservation Grand Honor Award.

2012: Preserve PHX is formed partly due to the urgency created by the threatened demolition of the David and Gladys Wright House. The organization is a grassroots network of advocates for the protection of historic places throughout Phoenix. Members of Modern Phoenix create the Postwar Architecture Task Force of Greater Phoenix.

2015: City Council approves Phoenix's first comprehensive Historic Preservation Plan.

2016: City of Phoenix enacts a citywide 30-day demolition hold for commercial properties 50 years of age or older and for properties previously determined eligible for the Phoenix Register of Historic Places. It is later amended with the 2018 building code adoption to include all properties over 50 years in the Downtown Code Area.

2021: City Council adopts the PlaceEconomics Report Preservation Phoenix Style which documents the historic preservation efforts of the City and the positive impacts that historic preservation has had on the community. City Council also appropriates $200,000 from the General Fund to renew the Exterior Rehabilitation Grant Program.

2022: City Council appropriates $500,000 from the General Fund to renew the Threatened Building Grant Program (renamed the Phil Gordon Threatened Building Grant program in 2023). Rehabilitation begins on Santa Rita Hall, the site of Cesar Chavez's 24-day fast in 1972 during which he protested new anti-union legislation in Arizona, a policy harmful to U.S. farmworkers. The building was listed on the Phoenix Historic Property Register in 2007.

2023: Voters approve an additional $5 million in historic preservation bond funds for capital improvements to City-owned historic buildings and to renew the historic preservation grant programs. Pueblo Grande Museum and Archaeological Park is renamed S'e̱dav Va'aki Museum, which means "Central Vahki" in O'Odham, referring to the large platform mound preserved at the site. The renaming highlights the connection that the site has with both the Ancestral Sonoran Desert People and the native communities that currently live around the Phoenix metropolitan area, including local O'Odham and Piipaash communities.

Phoenix Historic Preservation Program

The Historic Preservation Office (HPO) works to protect and enhance historic neighborhoods, buildings and sites in Phoenix. The HPO works closely with the Historic Preservation Commission (HPC) to identify and designate eligible properties and districts for listing on the Phoenix Historic Property Register (PHPR). Protection is provided to designated properties through City review and approval of exterior alterations to buildings and demolition requests. The HPO also administers Historic Preservation grant funds that support several financial assistance programs for historic properties.

Historic Property Inventory, Surveys and Contexts

As of October 2024, the City of Phoenix's inventory of historic properties consisted of 988 entries, made up of approximately 10,000 individual resources – buildings, structures, sites, objects and districts. The inventory includes properties listed on both the PHPR and the National Register of Historic Places (NRHP). It also includes properties that have been recommended eligible for listing but have not yet been added to a historic register. The inventory is housed in a geodatabase, which is maintained by City staff and available to the public online through Phoenix's My Community Map and Open Data Portal.[5]

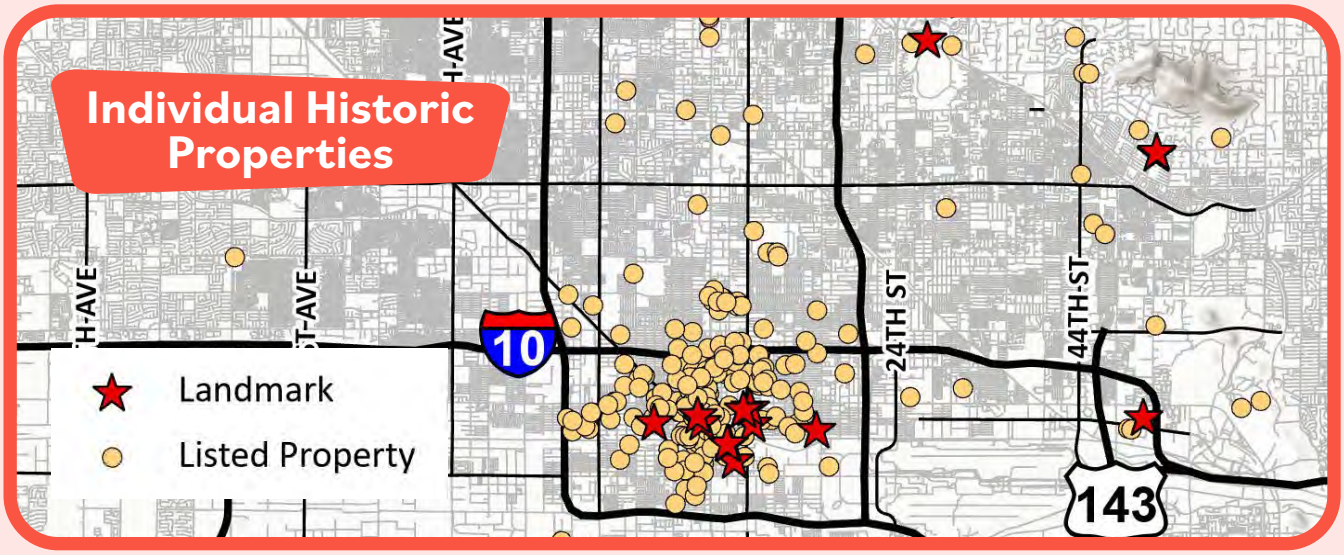
New properties are added to the inventory primarily through the completion of historic property surveys. Depending on the purpose of the survey, it may attempt to identify every eligible historic property in the survey area, or it may focus on the eligibility of properties relating to a particular theme (such as commerce, agriculture, or ethnic heritage). The historic context is a key component to the survey, as it provides the basis for evaluating the significance of properties identified in the survey. Each context is based on a specific theme and the geographical and chronological limits of that theme. Without historic contexts and their accompanying surveys, proper identification and evaluation of historic properties could not take place.

Phoenix Historic Property Register

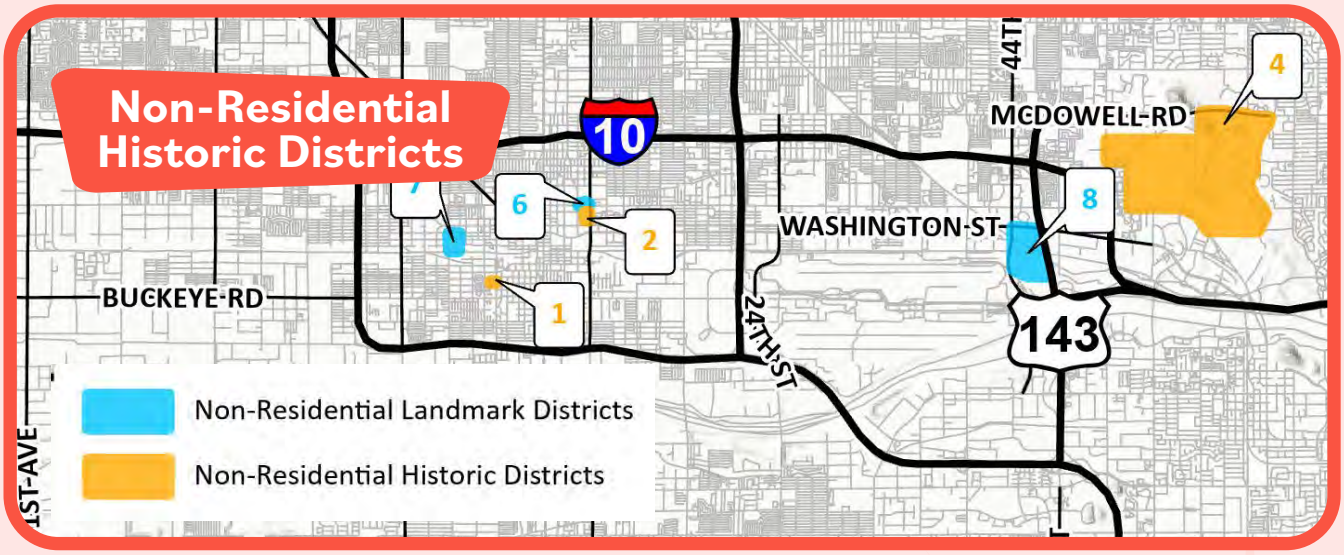
Properties listed on the PHPR are rezoned with a Historic Preservation (HP) or Historic Preservation-Landmark (HP-L) zoning overlay. The landmark designation is used to recognize exceptionally significant historic properties. The procedures to establish an HP or HP-L overlay are described in Sections 807 and 808 of the Phoenix Zoning Ordinance. HP and HP-L rezoning applications are presented to the Historic Preservation Commission, Village Planning Committee, Planning Commission and City Council at public hearings; the City Council makes the final decision to designate properties and list them in the PHPR. Once rezoning is approved, the properties are formally protected through a special permit review process administered by the HPO. These properties are also eligible for financial incentives offered by the City of Phoenix. A total of 36 residential historic districts, 9 non-residential historic districts (4 of which are landmarks) and 232 individually listed properties (12 of which are landmarks) have been listed in the PHPR since 1986.

5 The URL for My Community Map is https://www.phoenix.gov/pdd/mycommunitymap.
The URL for the City of Phoenix Open Data Portal is https://www.phoenixopendata.com.

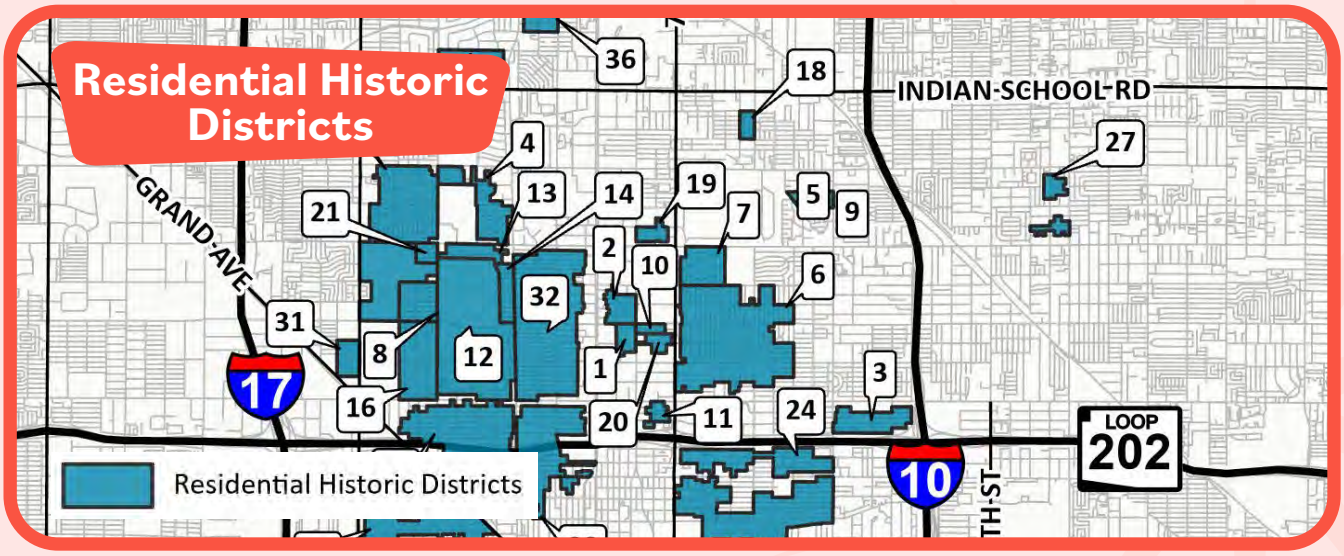
Individual Historic Properties



Non-Residential Historic Districts



Residential Historic Districts



The HPO launched its efforts to identify and set evaluation requirements for post-World War II resources in Phoenix by contracting for a multi-family property historic context covering the period from 1945-1980. The context identified factors that shaped the development of multi-family housing as well as the prominent types of housing, duplex to high rises, and architectural styles. The document provides an analytical framework for the identification and evaluation of historic-age properties for eligibility for designation in the PHPR.



National Register of Historic Places

Properties are listed in the National Register through a nomination process. Information about preparing a National Register nomination is described in the "How to Complete the National Register Registration Form" bulletin published by the National Park Service. Nominations for properties located in the city of Phoenix are reviewed by the City Historic Preservation Office, the State Historic Preservation Office, the Arizona Historic Sites Review Committee, and the Keeper of the NRHP (located in Washington D.C.) The Keeper ultimately determines whether a property is historic and should be listed in the register. Contributors to National Register listed districts and individually listed properties are eligible for the Arizona State Historic Property Tax Reclassification Program.

Design Review

The HPO recognizes that change is inevitable and that some alterations to historic properties can support their viability and longevity. Design review is a critical part of protecting those elements of historic properties and districts that make them unique and important while charting a fair process that allows for sensitive alterations. For properties within a historic preservation overlay district, the HPO reviews all exterior work that requires a building permit. For construction projects, there are two types of approvals: a Certificate of No Effect and a Certificate of Appropriateness.

A Certificate of No Effect may be issued for minor work that does not materially change the historic character of the property and is clearly within the adopted design guidelines for historic properties. These certificates are frequently approved at the time of the initial request.

A Certificate of Appropriateness is required if the proposed work will make material changes that may alter, diminish, eliminate or affect the historic or architectural character of the property in any way. Larger additions and street-visible changes fall into this category. These certificates require a pre-application meeting and a public hearing to determine whether the proposed project meets the "General Design Guidelines for Historic Preservation" and the "Secretary of the Interior's Standards for Rehabilitation" (links in Appendix A).

The HPO also reviews Requests for Demolition as part of its design review responsibilities.

30-Day Demolition Hold

All buildings in the City's inventory of historic properties, all commercial properties at least 50 years old, and all buildings 50 years old or older in the Downtown Code area are subject to a 30-day hold prior to demolition. During the 30-day hold staff conducts research as necessary to make a recommendation of eligibility for historic designation which is circulated to the members of the HPC and historic preservation advocacy organizations.

Technical Advice

The HPO provides information about preserving, rehabilitating and restoring historic buildings. Staff offers technical advice on preservation projects to help identify and determine the best approach for resolving common issues before beginning work. The HPO also publishes guides for historic-property owners on such topics as the appropriate treatment for historic window repairs, masonry cleaning and repointing, paint removal and wood shingle roofs. In addition, the NPS publishes Preservation Briefs that address treatment of various traditional building materials, specific architectural features, the reuse of different building types and broader themes such as how to understand architectural character and make historic buildings accessible.

National Historic Preservation Act, Section 106 Review

Section 106 of the National Historic Preservation Act of 1966 (as amended 2004) requires federal agencies to consider the effects on historic properties of projects they carry out, assist, permit, license or approve (undertakings). The Phoenix HPO completes these assessments to identify and evaluate historic properties, assess the effects of their undertakings on historic properties, and attempt to negotiate an outcome that will balance project needs and historic preservation values. The HPO coordinates with other City departments such as Neighborhood Services, Housing, Street Transportation and Aviation, to complete the reviews to ensure the City's future access to federal funding opportunities and maintain the City's compliance with Section 106.





City Council has set aside $200,000 of general fund monies to fund this program since 2021 with 37 approved applications between 2021 and 2023. The property owner at 1622 W Wilshire Drive was awarded grant funds to assist with the rehabilitation of historic steel casement windows.

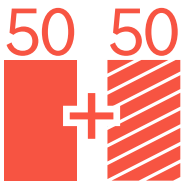
Grants and Incentives

There are several financial incentive programs available to preserve and rehabilitate historic buildings and properties:



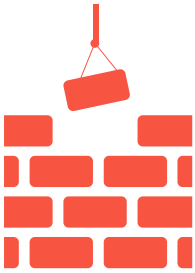
Exterior Rehabilitation Assistance Program

This program helps residents sensitively rehabilitate the exteriors of historic homes while promoting reinvestment in Phoenix's historic neighborhoods. Owners of historic homes, either in City-designated historic districts or individually listed on the Phoenix Historic Property Register, are eligible to apply. The program reimburses owners on a 50/50 matching basis for pre-approved work up to $20,000. In exchange for receiving financial assistance, the owner sells the City a conservation easement to protect the building's exteriors.



Demonstration Project Program

This program encourages the exterior rehabilitation of significant historic properties used for multi-family residential, commercial, or institutional purposes. The program provides funding on a reimbursement basis for exterior work that preserves and rehabilitates historic buildings and supports adaptive use projects that keep a historic building economically viable. The program pays 100 percent for grant-eligible work items, provided that the property owner is funding an equal amount of work for non-grant-eligible work items (such as plumbing, mechanical or electrical repairs). In exchange for financial assistance, the property owner conveys to the City a conservation easement to protect the historic character of the property's exteriors.



Phil Gordon Threatened Building Program

This program helps property owners rehabilitate the exteriors of threatened historic buildings and historic downtown warehouses and to return them to a viable use. Eligible buildings are either historic commercial buildings located in the downtown warehouse overlay district or are City-designated historic buildings located elsewhere in the city that are threatened either by their deteriorated condition or by possible demolition. The program pays 100 percent for grant-eligible work items and no matching funds are required. In exchange for financial assistance, the property owner conveys to the City a conservation easement to protect the historic character of the property's exteriors.



State, Federal and Other Incentives

The state and federal governments as well as public and private foundations have developed incentives to assist in the restoration, maintenance, and rehabilitation of historic resources.



Arizona State Historic Property Tax Reclassification Program

The State of Arizona maintains a property tax reduction program for residential non-income-producing properties listed on the NRHP and a property tax incentive program for income-producing commercial properties listed on the National Register. The SHPO, in conjunction with the county assessors, administers this program.



Arizona Heritage Fund

Restored by the Arizona Legislature in 2020, the Historic Preservation focus of the Arizona Heritage Fund is to provide public funding for preservation planning and rehabilitation projects. The funds are available for resources listed in or determined eligible for listing in the Arizona Register of Historic Places and NRHP. Funds are available when legislatively appropriated.



Federal Historic Preservation Tax Incentive

The NPS administers financial incentive programs for historic buildings in partnership with the AZ SHPO and the Internal Revenue Service. This includes a 20 percent rehabilitation tax credit on federal income taxes for certified historic building rehabilitation projects. For these projects, buildings must be listed or eligible for listing in the NRHP and comply with the Secretary of the Interior's Standards for Rehabilitation.



National Trust for Historic Preservation

The National Trust, through its financial assistance programs, demonstrates that preserving our heritage improves the quality of life in American communities. The National Trust's grant and loan programs have assisted thousands of innovative preservation projects that protect the continuity, diversity and beauty of our communities.

> *Historic buildings are part of what make neighborhoods unique, and preserving these buildings can spur economic activity as developers create jobs to revitalize aging properties*
>
> **- on Historic Tax Credit program - J.P. Morgan Chase**



New Market Tax Credits

The New Markets Tax Credit Program is a federal government program that was established by Congress in 2000 to encourage investments in locating businesses and real estate projects in low-income communities. The program attracts investment capital by permitting individual and corporate investors to receive a tax credit against their federal income tax return in exchange for making equity investments in specialized financial institutions called "community development entities."

Outreach

Outreach is critical to fostering a more informed and engaged community that understands the benefits of preservation and supports the activities and initiatives that result in the protection of our city's resources. HPO outreach efforts include the following:

- Publications on topics in preservation including books, brochures, newsletters and pamphlets.
- Workshops such as proper rehabilitation techniques for a historic home.
- Presence at historic-home tours by staffing a booth at the event.
- Attendance at neighborhood and preservation organization meetings.
- Information on the City website.
- Use of social media such as Facebook, Twitter and Instagram.
- Events and celebrations during National Preservation Month.

Outreach is also achieved through collaborations with partner organizations and the 36 residential historic districts within the city. Such organizations include the Arizona Preservation Foundation, the Phoenix Historic Neighborhood Coalition, Modern Phoenix, the Downtown Voices Coalition, Phoenix Community Alliance, Preserve Phoenix, and the State Historic Preservation Office.

Archaeology

Since 1929, the City of Phoenix has had a City archaeologist. The City Archaeology Office (CAO) is located at the S'eḏav Va'aki Museum and is part of the Arts and Culture Department.

Archaeological investigations are required for development projects in the state of Arizona whenever there is state or federal funding, permitting or licensing involved. In addition, state law (Arizona Revised Statutes, Sections 41-844 and 41-865) strictly regulates the removal and disposition of human remains and funerary objects, both on private and public lands.

The City of Phoenix Zoning Ordinance (Section 802.A) acknowledges the significance of archaeological resources within the city:

> **It is hereby declared as a matter of public policy that the protection, enhancement and preservation of properties and areas of historical, cultural, archaeological and aesthetic significance are in the interests of the health, prosperity and welfare of the people of the City of Phoenix. It is further intended to recognize past needless losses of historic properties which had substantial value to the historical and cultural heritage of the citizens of Phoenix, and to take reasonable measures to prevent similar losses in the future.**

The ordinance also states the following (Section 802.B.2):

> **With respect to archaeological resources:**
>
> **a) To encourage identification of the location of both pre-historic and historic archaeological resources.**
>
> **b) To assist with the preservation of these resources, within developments where appropriate, and with recovery of the resources where applicable.**
>
> **c) To encourage recognition of the fact that archaeological resources found on public land are the property of all citizens, and are not private property. Archaeological resources found on City-owned lands are the property of the City.**

Responsibilities of the CAO are as follows:

- Monthly consultation meetings with the Gila River Indian Community and Salt River Pima-Maricopa Indian Community Tribal Historic Preservation Offices to understand and address the concerns of the O'Odham Tribes, who are culturally connected to the Phoenix area.
- Assessing development projects—those that are City-sponsored, are on City-owned land, or are undergoing planning review (including private development)—for potential impacts on archaeological resources.
- Coordinating the development of treatment plans if archaeological resource impacts are identified; treatment plans may involve excavations to examine and document subsurface deposits.
- Assisting private development projects with the archaeology process required for construction permit stipulations.
- Providing technical oversight for all City-sponsored archaeological projects, including those that involve federal agencies (e.g., Department of Housing and Urban Development, Federal Transit Administration, Federal Highway Administration and Federal Aviation Administration) and state agencies (e.g., Arizona State Land Department).
- Participating in State Historic Preservation Act and Section 106 consultation, providing guidance for the treatment of archaeological resources.
- Reviewing and ensuring the appropriateness of all archaeological fieldwork and technical reports of data recovery results within the City.
- Managing the S'eḍav Va'aki Museum publication series, including Anthropological Papers, Occasional Papers and Technical Reports.
- Coordinating the Arizona Site Steward Program for the City of Phoenix with the assistance of a Cultural Resource Ranger. The stewards document site vandalism, damage and other disturbances, and report it to the City Archaeologist, who then conducts a field visit and takes appropriate actions to prevent further damage.
- Coordinating the S'eḍav Va'aki Museum Platform Mound Stabilization Program. The S'eḍav Va'aki platform mound or va'aki is one of only two such remaining prehistoric structures that are preserved in the Salt River Valley. It is subject to erosion and destruction from wind and rain, and it requires routine stabilization activities that meet the Secretary of the Interior's Standards. These activities are conducted by a team of volunteers.
- Conducting archaeological research for public exhibits and publications and interact with the media. S'eḍav Va'aki Museum produces exhibits and publications that require review, research, and written material from the City Archaeologist.



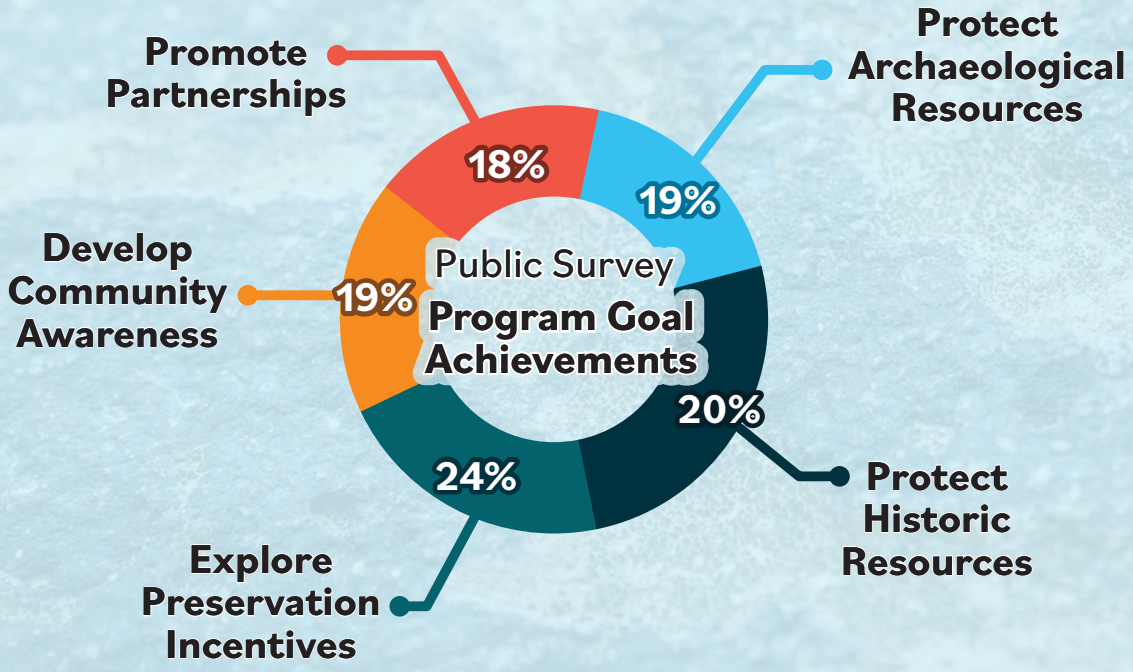
The CAO works closely with descendant Tribes through monthly face to face consultation meetings with the Gila River Indian Community and Salt River Pima-Maricopa Indian Community Tribal Historic Preservation Offices. These meetings began with just City Archaeology and Repatriation compliance discussions and have since expanded to include discussions about museum programming, exhibits, and renaming initiatives. Tribal names are being considered for new housing developments. Several trails in the South Mountain Park and Preserve have been given new O'Odham names to replace inaccurate or offensive names. This collaboration also resulted in the renaming of the Pueblo Grande Museum to S'eḍav Va'aki Museum with museum mural art entitled "Legacy" created by Salt River Pima Maricopa Indian Community (SRPMIC) resident and enrolled Tohono O'odham Nation artist Thomas "Breeze" Marcus with the help of O'odham artists Dwayne Manuel (SRPMIC) and Zachary Justin (Gila River Indian Community).

Plan Accomplishments and Evolution

The 2025 PreserveHistoricPHX plan is an update to the existing historic preservation plan, the first of its kind in Phoenix, which was adopted in 2015 and identified five program goals:

- Protect Archaeological Resources
- Protect Historic Resources
- Explore Preservation Incentives
- Develop Community Awareness
- Promote Partnerships

The City Archaeology Office (CAO), Historic Preservation Office (HPO), Historic Preservation Commission (HPC) and community made substantial headway in achieving aspects of these goals following plan adoption. A recent public survey revealed that the public perceives a nearly even level of successes across the goal categories.





What We've Done Together

Protection of Archaeological Resources

The CAO, in partnership with local tribal cultural resource officers, worked to facilitate a name change for Pueblo Grande, the large prehistoric village site where the CAO and the Pueblo Grande Museum are located. The name S'eḍav Va'aki (and S'eḍav Va'aki Museum), or Central Platform Mound in the O'Odham language, reflects the connection between the Hohokam era occupation of the Salt River Valley and the current O'Odham communities and their lineal relationship. A story map on S'eḍav Va'aki and its connections to the descendent O'Odham Tribes has been completed and is published online. The CAO and City HPO have retained a consultant to develop an ethnohistory and historiography to provide greater understanding of the continuum of indigenous occupation in the Phoenix basin.

CAO commissioned a Geographic Information Systems (GIS) map of all known sites and surveys in South Mountain Park and Preserve and has worked to conduct surveys and cultural overviews for Phoenix Mountain and North Mountain Preserves, places of cultural significance to neighboring tribal communities. CAO has also worked with a group of volunteers to develop the Phoenix Mapping Archaeology Project, a GIS effort to digitize all features and excavations conducted at S'eḍav Va'aki and other large village sites along the Salt River.

City archaeology guidelines were updated in 2020 and a new general citywide Historic Properties Treatment Plan for Archaeology was adopted in 2024. The new Treatment Plan includes an updated media policy, a protocol for obtaining permission to present technical project results at conferences and in publications, and requirements for how to provide GIS data to CAO upon project completion.

Protection of Historic Resources



The HPO, with significant community input, worked with the Planning and Development Department (PDD) leaders in 2016 to establish a 30-day demolition hold for commercial properties over 50 years of age and those properties previously identified eligible for historic designation. The code was revised in 2018 to incorporate all buildings over 50 years of age located within the Downtown Code zoning area. This is a public notification process which provides staff recommendations on designation eligibility of resources to the historic preservation commission and historic preservation advocacy organizations.

In 2018, PDD created the publicly accessible My Community Map which is a geodatabase of property-specific information that identifies historically designated and eligible properties. This map allows residents and real estate professionals to have real time, accurate information to facilitate planning and engagement with the historic preservation office.

The HPO contracted for the preparation of two National Register of Historic Places (NRHP) nominations for commercial historic districts, the Miracle Mile and Grand Avenue Commercial Historic Districts, which provide opportunities for federal, state and local financial incentives for rehabilitation.

The historic preservation commission has prioritized survey and historic context development for post-World War II properties. The office has contracted for the development of post-war multi-family property, religious architecture and commercial building contexts, types of properties identified as threatened through ongoing management of the 30-day demolition hold process.



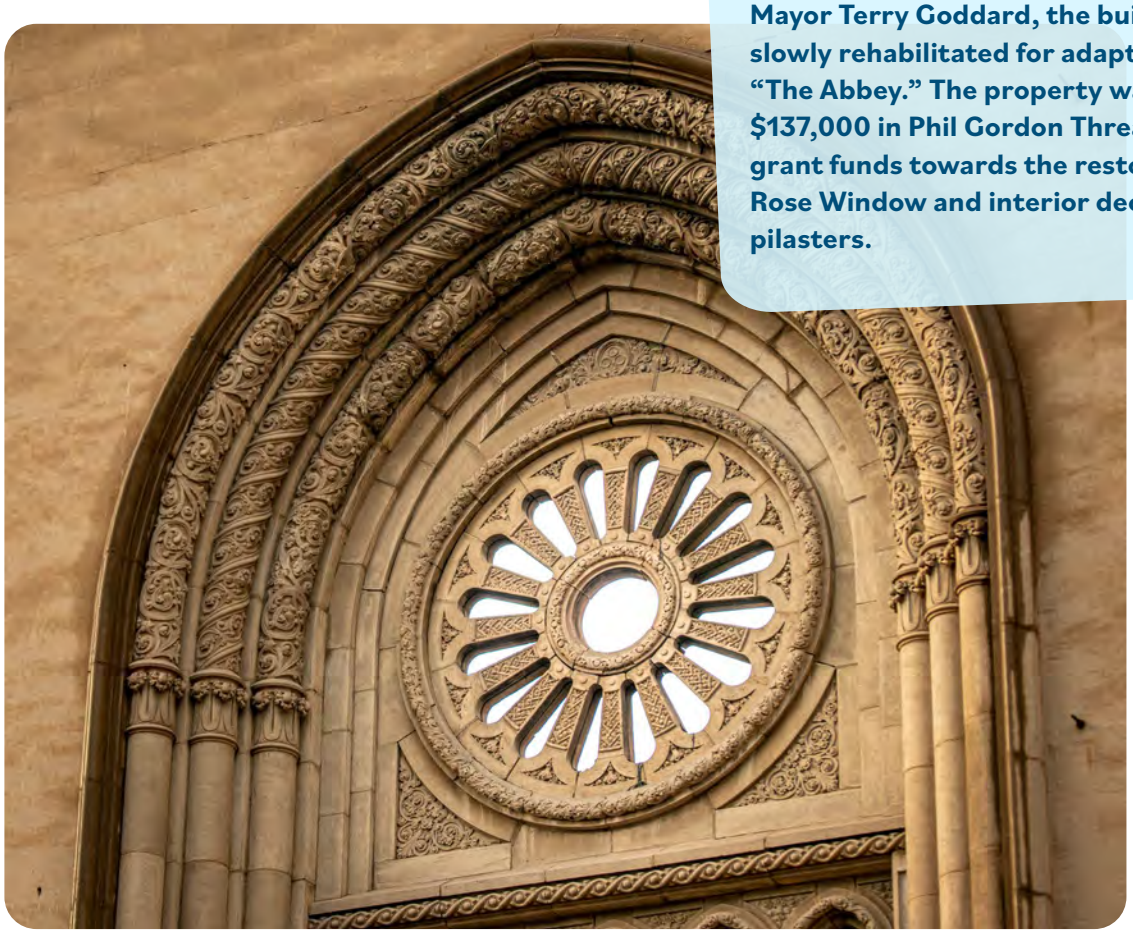
The Grand Avenue Commercial Historic District was listed in the National Register of Historic Places in 2024. The district stretches along Grand Avenue between "Five Points" and "Six Points" and reflects commercial development in Phoenix spanning the period between 1887 and 1975 when commercial development waned upon completion of the Interstate 10.

Explore Preservation Incentives

The HPC advocated to the Mayor, City Council and City Manager's Office for the dedication of general funds to replace the former historic preservation grant programs that had been funded through the 2006 municipal bond. The City Council appropriated $200,000 in funds for a Residential Exterior Rehabilitation Grant Program (offering matching grants up to $20,000) in 2021 and established $500,000 for a Threatened Building Grant Program in 2022, later renamed the Phil Gordon Threatened Building Program. As a result, 37 residential grants have been awarded for scopes of work such as foundation repair, roof replacement and historic window rehabilitation. Phil Gordon Threatened Building grants have been awarded to five different projects for work including masonry rehabilitation, roof replacement and building relocation.

Phoenix citizens voted in the General Obligation Bond Fund election in November of 2023 to allocate $5 million toward a historic preservation program over the next five years to include capital improvement projects for City-owned historic buildings as well as funds to be dedicated towards grants for the rehabilitation of public and privately owned buildings.

The historic First Baptist Church was subject to a massive fire in 1984 and over the next four decades, through the tireless efforts of Mayor Terry Goddard, the building was slowly rehabilitated for adaptive reuse as "The Abbey." The property was awarded $137,000 in Phil Gordon Threatened Building grant funds towards the restoration of the Rose Window and interior decorative stucco pilasters.





The Fuller Paint Company Warehouse rehabilitation, which included the construction of a new hotel, demonstrates the successful partnering of the Government Property Lease Excise Tax (GPLET) program with historic preservation grant funding provided through the Phil Gordon Threatened Building Program. The historic warehouse building was adaptively reused as a lobby and dining area with a connecting element to a new multi-story hotel. This project won a Governor's Heritage Award for historic preservation in 2024.



Develop Community Awareness

The CAO, in partnership with local tribal cultural resource officers, created a land acknowledgement statement to strengthen preservation efforts as well as a homeland map depicting areas of significance to the O'Odham and introducing O'Odham place names for geographic features on the landscape.

The HPO celebrated the 30th anniversary of the first historic designations in the Phoenix Historic Property Register in 2016 in a public event with Mayor Terry Goddard, who facilitated the establishment of the office, as an honored speaker. The last eight years have seen trivia nights, brown bags presentations, a historic neighborhood preservation summit and the development of the groundbreaking Preservation Phoenix Style report prepared by PlaceEconomics, which specifically looked at the impact of historic preservation in Phoenix. This report was adopted by the City Council and serves as a foundational reference work for other City departments.

In 2020 and 2021, staff created three ethnic heritage story maps based on the African American, Hispanic and Asian American historic contexts originally developed between 2004 and 2007. These maps are available online and let the public engage virtually with ethnic heritage resources.[6] These maps won both Governor's Heritage and the Arizona Chapter of the American Planning Association awards. A video series accompanies these maps.

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6 Historic Preservation Story Maps and Videos can be found here: Planning and Development Story Maps (phoenix.gov)



Promote Partnerships

The City of Phoenix HPO works in close partnership with the SHPO to further preservation, protection, and awareness of historic properties. The City successfully applied for a SHPO heritage fund grant for the rehabilitation of the historically designated Seargeant-Oldaker property located in downtown Phoenix, to be relocated and rehabilitated on site to create a restaurant.

Partner advocacy organizations such as Arizona Preservation Foundation, Preserve PHX, Phoenix Historic Neighborhoods Coalition, Downtown Voices Coalition and Phoenix Community Alliance focus on a broad set of issues impacting historic properties and play a vital role in the community advocating for historic preservation issues.

Historic Preservation collaborates with different departments within the City of Phoenix. The Community and Economic Development Department (CED) provides dedicated annual funding towards grants for the rehabilitation of commercial properties. Work with CED has seen advancement of the GPLET for historic preservation adaptive reuse projects which incorporate new development.

There are 36 residential historic districts, the vast majority of which have formal neighborhood organizations. These organizations have served as partners to the HPO in maintaining the historic character of their neighborhoods and promoting preservation and fostering connectedness through newsletters, street festivals and community spaces.





Grand Ave Festival





Current Preservation Planning

Acknowledging there is historic preservation work yet to be done in Phoenix, the City commissioned the firm PlaceEconomics to identify ongoing challenges as well as innovative tools and strategies to further advance historic preservation goals in Phoenix. During focus group interviews in Phoenix, the firm asked the question: What are the challenges to historic preservation in Phoenix? Through the responses, the firm identified the following themes:

- **Lack of Knowledge, Education, and Information**
- **Insufficient Community Engagement**
- **Development Pressure**
- **Existing Regulations**
- **Inadequacy of Existing Tools**

The firm then researched tools and policies used by municipal and non-profit historic preservation organizations across the country to develop a series of recommendations which resulted in the aforementioned report *Tools, Strategies, Policies, Incentives for Historic Preservation in Phoenix*. The recommendations varied in complexity, cost, impact, effectiveness and likely stakeholder acceptance.

This report served as the basis for a public participation process with city residents that included meetings and a public survey to facilitate the historic preservation plan update PreserveHistoricPHX 2025.

Public Participation

Meetings

The HPO kicked off the public participation component of the historic preservation plan update at the first public meeting for the City's 2025 General Plan update. This meeting was held on October 13, 2023, at the George Washington Carver Museum. A standalone historic preservation plan update meeting was held in person at Burton Barr Library on February 24, 2024, followed by a virtual meeting on March 7, 2024. Additional presentations were given on March 9, 2024, to the Downtown Voices Coalition and on April 18, 2024, to the Phoenix Historic Neighborhoods Coalition. Additionally, a virtual "brownbag" presentation on the historic preservation plan update for City employees was held April 9, 2024.

Participants were asked what they saw as the biggest challenges and opportunities for Historic Preservation in Phoenix. Many of the challenges and opportunities identified in the series of public meetings fit within the categories identified by PlaceEconomics.

Challenges

Development Pressure

"New development prioritized over preservation"

Lack of public engagement

"How to create a community story about our historic properties"

Existing Regulations

"Proposition 207"

Inadequacy of Existing Tools

"Lack of significant financial incentives"

Lack of education, knowledge, and information

"Loss of knowledgeable historic tradesmen to maintain buildings"

Opportunities

Improve regulatory / preservation tools

"Prevent buildings from being demolished in violation of code"

"Make ability to transfer development rights to other properties"

"Overturn Proposition 207"

Improve community education, knowledge and public engagement

"Identify role of average citizen and benefit for them"

"Involve schools to promote preservation, promote cultural awareness of communities"

"Communicate via social media"

"Proactive meetings with developers"

Survey

A public survey was drafted and posted on the City of Phoenix website and promoted on social media. The survey garnered 390 responses and began with a whimsical question about what the respondent would do to further historic preservation in Phoenix if they had a magic wand.

Responses included:

> *"Set policies and change codes to make it attractive to do adaptive reuse of established buildings."*

> *"Offering spaces to Local First Arizona businesses in adaptive reuse buildings."*

> *"Retain old store fronts and low rise / midrise buildings for adaptive reuse. Plant more shade trees and return to desert oasis / shade awnings off buildings, no super block buildings."*

> *"Preserve buildings of cultural significance regardless of their grandiose nature. Communities of color historically did not have the resources to have the best or most "advanced" structures, but their history/legacy is also worth saving."*

> *"Launch a concerted effort to highlight and celebrate the historic buildings that are living in plain sight in our city. Education of our community on the historical buildings is important as a start to then communicate the importance of preserving our shared history."*

Survey respondents were then asked to identify the top three challenges or threats facing historic preservation in Phoenix and were provided specific choices as well as a fillable blank space to include other ideas. A breakdown of the responses is below:

Top Three Challenges/Threats to Historic Preservation in Phoenix

253	Redevelopment
233	Historic places perceived as inefficient and expensive to maintain
230	Demolition by neglect
186	Limitations of historic preservation regulatory enforcement
91	Gentrification
63	Limitations of designation under Proposition 207 (Private Property Rights Protection Act)
45	Other

Current real estate market conditions are evident in the top four challenges selected by respondents and for good reason. Demand for housing and increasing real estate prices have placed direct pressure on historic resources. Arguments that existing housing is inefficient or expensive to maintain result in proposals for demolition and redevelopment and continue to lead to the loss of historic buildings in Phoenix. Additionally, some property owners, unaware of historic preservation requirements, or as a result of market conditions, undertake renovation or demolition work without obtaining the necessary plan reviews and permits. Respondents expressed concerns about limited enforcement mechanisms and the resulting difficulty in ensuring compliance with historic preservation requirements.

A new state law, A.R.S. § 9-462.13, related to middle housing has heightened the concern of historic district residents about the impact of market pressures on their neighborhoods. A.R.S. § 9-462.13 requires cities to allow up to four units on single-family zoned lots within one mile of a city's downtown or central business district. In Phoenix, while historic districts make up only 1% of the total land area of the city, they make up 78% of the single-family zoning acreage within the one-mile area of downtown, making them disproportionately impacted by this legislation. The law allows for this additional density, by right, but does not prohibit historic preservation plan review. The City of Phoenix Planning and Development Department will continue to require historic preservation plan review (demolition and/or new construction) on all housing proposals for historically designated properties

As the long-term impacts of A.R.S. § 9-462.13 to historic districts are not yet known, city staff will monitor and collect data on new development in historic districts related to middle housing. A report will be prepared and presented at each annual work session of the Historic Preservation Commission.

Carrying Forward the Five Goals

Tools, Strategies, Policies, Incentives for Historic Preservation in Phoenix focused on identifying challenges and opportunities for historic preservation with built environment (historic) resources. Historic preservation staff consulted with the CAO to identify continuing challenges to cultural resource management. The combination of the data collected by PlaceEconomics, from the CAO and public meetings demonstrated that the original five goals identified in PreserveHistoricPHX 2015 continue to have relevance and value today.

The recommendations from the PlaceEconomics report and the CAO served as the basis for a number of the potential tools queried to respondents in the public survey to help direct the actions the historic preservation office, partners and individuals can carry out to achieve the five goals.

Protection of Archaeological Resources

Respondents were asked to identify two new tools for the Protection of Archaeological Resources which would provide the most benefit in Phoenix. Respondents prioritized the development of new administrative regulations to facilitate the protection of archaeological resources and the formalization of compliance guidelines. Respondents also identified tribal representation on the historic preservation commission as a need, given the close ties between neighboring tribal communities and Phoenix. With just one full-time position in the CAO, respondents also prioritized the creation of permanent cultural resource review staff.

Policies/Tools for Protection of Archaeological Resources

194	Formalize Policies Related to Protection of Archaeological ResourcesHistoric places perceived as inefficient and expensive to maintain
160	Tribal Representation on Historic Preservation Commission
133	Permanent Cultural Resource Review Staff
115	Zoning Ordinance Enhancement
86	Survey and Inventory of City Mountain Preserves
62	Develop Traditional Cultural Property Plan
14	Other

Protection of Historic Resources

Respondents were asked when setting new priorities for the Protection of Historic Resources which two would provide the most benefit. Priority was given to enhancing existing regulations as they relate to demolition and alteration. Amendment of the historic preservation zoning ordinance could include a component to enhance enforcement for unpermitted work on designated properties.

Policies/Tools for Protection of Historic Resources

229	Enhance Enforcement for Illegal Alteration/Demolition of Designated Properties
176	Enhance Demolition Delay Practices for Historically Eligible Properties
118	Explore Historic District Designation under Proposition 207 (Private Property Rights Protection Act)
94	Amend the Historic Preservation Zoning Ordinance
83	Create Formal Survey and Designation Plan
45	Enhance Demolition Notification Practices
21	Other

In public hearings on the draft plan, a primary concern expressed about the potential impact of A.R.S. § 9-462.13 to historic districts relates to the possible demolition of historic dwellings for the construction of new multi-family dwellings on the existing parcel.

While A.R.S. § 9-462.13 grants increased rights, it does not alter the provisions of the Historic Preservation Ordinance, including the authority to impose a one-year stay of demolition for properties with HP overlay zoning. As part of strategies to preserve historic resources, the city may explore amending the Historic Preservation Ordinance to allow for the extension of demolition stays beyond one year. Such a measure could further discourage speculative redevelopment that undermines the historic character of neighborhoods.

Exploring New Historic Preservation Incentives

Respondents were asked to provide their top two priorities for Exploring New Historic Preservation Incentives. The overwhelming response was to build off the existing efforts to provide grant funding through general and bond funds followed by a more proactive means to incorporate historic buildings into new higher density developments.

Policies/Strategies for Historic Preservation Incentives

282	Advocacy for Continued General and Municipal Bond Funding for Historic Preservation Grants
164	Incorporate/adaptively reuse historic commercial buildings as part of new development (code/zoning/cost relief)
143	Encourage Accessory Dwelling Unit (ADU) Development in Residential Historic Districts Through the Creation of a Design Pattern Book for Streamlined Approval.[7]
132	Transferrable Development Rights for Historic Preservation (expansion of Sustainability Bonus structure)[8]
35	Other

In the time since the original public outreach effort prioritized the development of a “pattern book” for Accessory Dwelling units (ADUs) the city has begun an initiative to develop standardized accessory dwelling unit (ADU) plans that will be preapproved and made available free to the public. Specific designs will also be preapproved for historic districts. While noted as “ADU’s” these preapproved plans will expedite the permitting of small, sensitively designed housing units which can add density in districts under A.R.S. § 9-462.13

7 The City adopted an ADU ordinance (November 2023; revised December 2024) to allow for ADUs in single-family zoning.

8 The City has an existing Sustainability Bonus Credit system for properties within the Downtown Code area which allows points to be obtained for rehabilitation or preservation of historic properties to afford things like greater height/density, reduced parking, etc. on a parcel without a historic property (transferrable development right). This program could be expanded outside of the Downtown Code area to encompass other sending/receiving zones.

Developing Community Awareness

In setting new priorities for Developing Community Awareness for Historic Preservation, respondents were asked for their top two selections. Responses weighed heavily toward creating a formal community engagement plan and creating ombudsman staff to assist with rehabilitation and adaptive reuse of historic and historic-age resources.

Strategies/Tools for Developing Community Awareness

222	Develop a Formal Community Engagement Plan
215	Historic Preservation Ombudsman Staff to Educate Property Owners on Opportunities for Property Rehabilitation/Adaptive Reuse
160	Presentations at Neighborhood/Organizational Meetings
124	Website/Social Media Enhancement
33	Brown Bag Lunch/Speaker Series
22	Other

Promote Partnerships

The survey's questions about partnerships centered on how internal improvements within the City can contribute to positive preservation outcomes. Respondents were asked to provide their top two priorities for Promoting Partnerships, and the top priorities identified were to integrate site planning into historic preservation plan reviews and to train building inspectors to ensure that onsite work is being carried out according to approved historic preservation plans. Broader cross training between different departments carrying out plan review was also highlighted.

Strategies/Policies for Promoting City Partnerships

216	Integrate Site Planning into Historic Preservation Plan Reviews
188	Training Building Inspectors for Review of Work at Historic Buildings
168	Cross Training Between Different Departments Within the City Responsible for Plan Review, i.e., Water Services, Street Transportation, Fire, etc.
109	Cross Training Between Different Planning and Development Plan Review Sections
73	Promote use of International Existing Building Code for Plan Reviewers for Designated Properties
14	Other

Information from the public meetings and the survey served as the basis for PreserveHistoricPHX 2025, which will guide historic preservation program goals and objectives for the next 10 years.


Preserve
HISTORIC PHX
MOVING

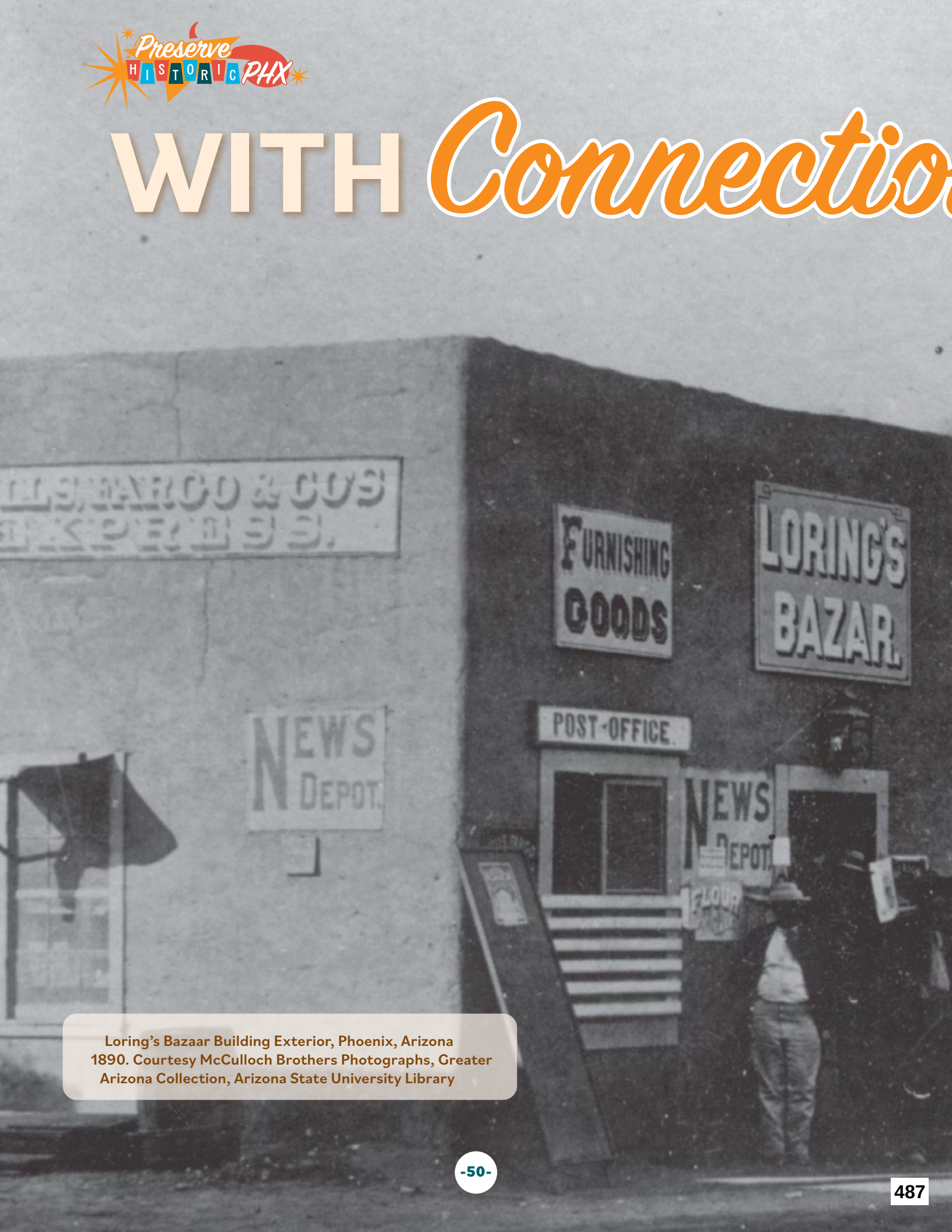


Forward

Vision Statement

Phoenix is a vibrant and dynamic place with many layers of history. Together with PlanPHX's central vision of a "More Connected Phoenix," PreserveHistoricPHX 2025 envisions a city linked by an appreciation for its diverse heritage and a desire to sustain it for the benefit of present and future generations.

WITH Connectio



Loring's Bazaar Building Exterior, Phoenix, Arizona 1890. Courtesy McCulloch Brothers Photographs, Greater Arizona Collection, Arizona State University Library

ns TO THE *Past*

While recognized as a young city, the roots of 21st century Phoenix can be found dating back to the Ancestral O'Odham occupation of the Phoenix basin beginning in the first century AD. The Huhugam farmed and lived in, what would become known as Phoenix, for 1500 years developing an extensive irrigation canal system. As Euro-Americans arrived in the late 1860s and capitalized upon the former irrigation canal networks of the Ancestral O'Odham, the area was reshaped. The half square mile Phoenix townsite was established in 1870 and Phoenix's growth into the early 20th century was tied to its role as a business and banking hub for outlying agricultural enterprises. Floods along the Salt River threatened homes and businesses prior to the establishment of the Roosevelt Dam in 1911. Streetcars facilitated residential development to the north while the railroad tracks to the south served as a functional dividing line between communities of color and the majority white population.

World War II set the stage for new industries to develop in Phoenix resulting in rapid growth in the postwar era, the city physically expanding to 17.1 square miles with a population of 106,818 by 1950. Advocates for racial equality made headway in breaking down color barriers in the 1950s and 1960s which impacted where people could work, live and go to school. Inexpensive land fueled residential developers such as John F. Long to build master planned communities on the outskirts of the city with new shopping centers, schools, and banks to meet the needs of suburban dwellers. The low cost of living and surging workforce also drew technology and industry to Phoenix to capitalize on land and labor. The city now encompasses 519 square miles with a population of 1,674,600.

Through stories and the tangible reminders of Phoenix's past we can maintain connections that are significant to the community as Phoenix continues to grow and change.


Preserve
HISTORIC PHX
MARVIN A. ANDREWS PLAZA
JOIN OUR TEAM!

MISSION Statement

Phoenix works collaboratively with community partners to identify places of historic and archaeological importance and implements strategies for their long-term preservation and sustainability.

The following section summarizes the goals, actions to be taken to achieve the goals, the lead(s) responsible for carrying out the action and the anticipated timeframe for accomplishment. The timeframes for accomplishment are defined as short term (1-3 years), medium term (4-6 years) and long term (7-10 years) to reflect the work anticipated to be carried out before the next major update of the Historic Preservation Plan to be completed by 2035. Recommendations are also included for how Phoenicians can get involved in helping the City meet its goals.

The August annual work session of the Historic Preservation Commission will provide the opportunity for staff to report on plan achievements made the prior year and discuss action items for the coming year.

Goal 1

Protect Archaeological Resources

The Ancestral O'Odham turned the arid lands of the Salt and Gila River valleys and other areas of southern Arizona into lush farmlands and thriving villages by building a highly sophisticated system of irrigation canals. Many of the canals were so well engineered that Euro and Hispanic Americans, arriving in the area in the late 1860s, reused them for their own farming needs. In the Salt River Valley, the Ancestral O'Odham built nearly a thousand miles of canals that conveyed water to large villages, farmsteads and agricultural fields. These resources, as well as petroglyphs and pictographs from Native Americans demonstrate the continuum of human occupation from the Ancestral O'Odham to the descendent O'Odham Tribes with the historic Phoenix townsite reflecting the Euro, Hispanic, Asian, and African American influences on the growth and development of the community.

How to Get Involved

- Volunteer at S'ẹdav Va'aki Museum or as a site steward.
- Support the City Archaeology Office at city budget hearings.

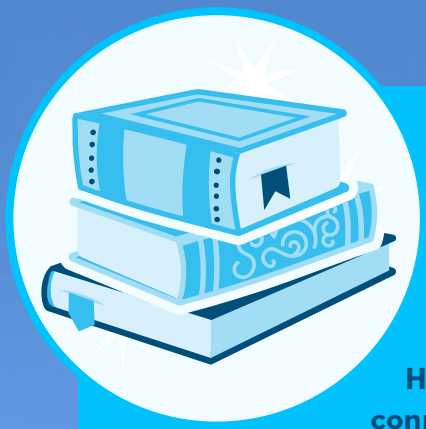
Spotlight

'Onk 'Akimel: An Ethnohistory and Historiography of Land Use on the Lower Salt River

The City contracted with a consultant to prepare a report that documents the history of the Ancestral O'Odham after AD 1450 to provide a greater understanding of the continuum of indigenous occupation of the Phoenix basin following the Hohokam era.

Implementation

Action	Lead(s)	Timeframe
Increase staffing to carry out compliance reviews to meet existing and future workloads.	CAO, Arts and Culture, City Manager's Office	Short term
Investigate zoning ordinance enhancement to include tribal representation on historic preservation commission.	HPO, PDD, Arts and Culture, City Attorney's Office	Short term
Amend Historic Preservation Ordinance for program and process improvements.	HPO, CAO, City Attorney's Office, PDD, Arts and Culture	Short term
Create an Administrative Rule for protection of archaeological resources and compliance guidance.	CAO, City Manager's Office	Medium term
Continue survey and inventory of Mountain Preserves in conjunction with park infrastructure development projects with interpretive signage, traditional cultural inventories and cultural overviews developed as appropriate through tribal consultation.	CAO partnering with consultants and tribal historic preservation programs	Long term
Maintain inventory of archaeological resources.	CAO	Long term



Goal 2

Protect Historic Resources

Historic built environment resources embody Phoenix's past and connect us to our shared heritage. These resources have innumerable community benefits such as historic residential districts reflecting the most densely populated areas with the greatest urban tree canopy and walkability to parks, libraries, and cultural institutions. The majority of the 36 residential historic districts have neighborhood associations that sponsor community events and have connective elements, such as community gardens. Heritage commercial buildings provide ideal incubator space as well as unique accommodations for new small businesses in the creative and knowledge sectors and serve as popular locations for legacy owned businesses. These buildings, which are often part of the downtown, support the city's cultural identity and create a unique character, contributing to a vibrant downtown. Historic-age housing also plays a significant role in existing housing affordability. Finally, the "greenest building is the one that is already built," and retaining these resources reduces local landfill waste and the city's carbon footprint.

How to Get Involved

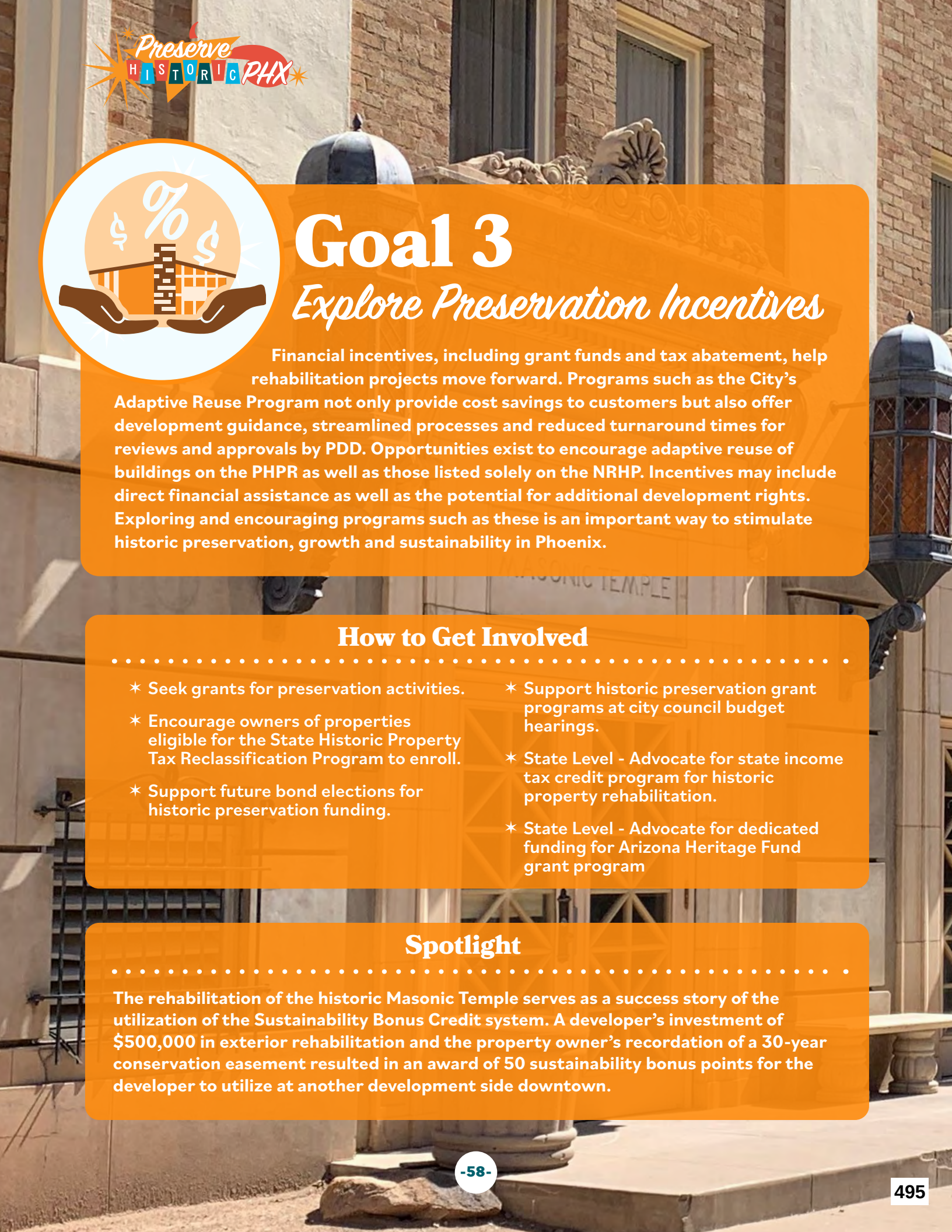
- Patronize businesses located in historic buildings
- Repair rather than replace historic windows and other character-defining features
- Support the HPO at city budget hearings
- Attend HPC meetings

Spotlight

With the national trend of declining church membership, post-World War II historic-age religious properties, particularly those with significant acreage, have been under increasing development pressure. As demolition applications for religious properties have increased, the City contracted a consultant to complete a post-war religious architecture survey and NRHP Multiple Property Documentation Form to assist with the identification of significant properties and facilitate designation and preservation of significant architecture.

Implementation

Action	Lead(s)	Timeframe
Explore demolition delay practices for properties identified as eligible for historic designation.	HPO, PDD	Short term
Amend Historic Preservation Ordinance for program and process improvements.	HPO, City Attorney's Office, PDD	Short term
Create a survey and designation program for ethnic heritage properties.	HPO, HP Commission	Short term
Complete context development and surveys of post-World War II property types.	HPO partnering with consultants	Short to medium term
Explore creation of honorific Heritage Property/District classification.	HPO, PDD	Short to medium term
Strengthen enforcement for unpermitted alteration and/or demolition of designated properties.	HPO, City Attorney's Office, PDD, Neighborhood Services Department	Medium term
Investigate ways to mitigate Proposition 207 concerns when designating historic districts.	HPO, City Attorney's Office, PDD	Medium term
Create enhanced design guidelines	HPO partnering with consultants	Medium to long term



Goal 3

Explore Preservation Incentives

Financial incentives, including grant funds and tax abatement, help rehabilitation projects move forward. Programs such as the City's Adaptive Reuse Program not only provide cost savings to customers but also offer development guidance, streamlined processes and reduced turnaround times for reviews and approvals by PDD. Opportunities exist to encourage adaptive reuse of buildings on the PHPR as well as those listed solely on the NRHP. Incentives may include direct financial assistance as well as the potential for additional development rights. Exploring and encouraging programs such as these is an important way to stimulate historic preservation, growth and sustainability in Phoenix.

How to Get Involved

- Seek grants for preservation activities.
- Encourage owners of properties eligible for the State Historic Property Tax Reclassification Program to enroll.
- Support future bond elections for historic preservation funding.
- Support historic preservation grant programs at city council budget hearings.
- State Level - Advocate for state income tax credit program for historic property rehabilitation.
- State Level - Advocate for dedicated funding for Arizona Heritage Fund grant program

Spotlight

The rehabilitation of the historic Masonic Temple serves as a success story of the utilization of the Sustainability Bonus Credit system. A developer's investment of $500,000 in exterior rehabilitation and the property owner's recordation of a 30-year conservation easement resulted in an award of 50 sustainability bonus points for the developer to utilize at another development side downtown.

Implementation

Action	Lead(s)	Timeframe
Encourage sensitively designed ADUs in residential historic districts through the creation of standardized plans.	HPO, PDD	Short term
Explore expansion of sustainability bonus credits along light rail corridors and other locations outside of Downtown Code area.	HPO, PDD	Short to medium term
Develop tools that encourage and facilitate the rehabilitation and adaptive reuse of historic buildings and potential heritage commercial buildings.	HPO, PDD, HPC, City Council	Medium to long term



Goal 4

Develop Community Awareness

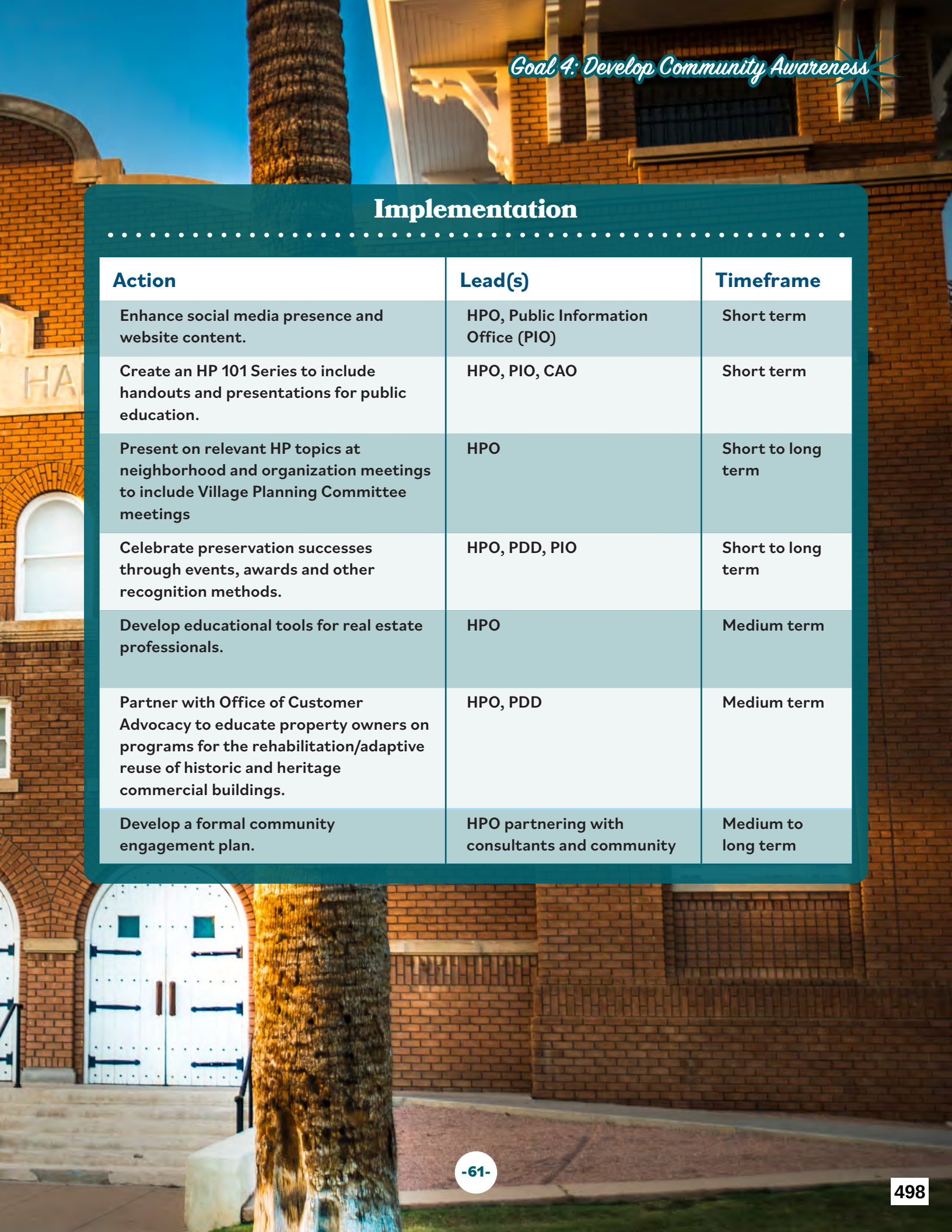
Developing community awareness of heritage resources serves to connect residents to Phoenix's past, broadens understanding of the economic, environmental, social and cultural benefits of these resources and assists property owners with an understanding of the requirements of owning a historic property. Educating policy makers, property owners, architects, other City departments, contractors, real estate professionals and others is essential when maintaining a historic preservation program. The City of Phoenix needs to empower its residents with the tools and information to stimulate more historic preservation projects.

How to Get Involved

- Attend neighborhood tours and events at city historic parks
- Investigate the history of a historic property or neighborhood
- Learn about rehabilitating a historic property
- Share information with the public on the benefits of historic preservation to gain support to address Proposition 207

Spotlight

In honor of Historic Preservation Month, the Historic Preservation Office has hosted a Phoenix History Trivia Night for three years. This lively and popular event engages folks who are interested in Phoenix History and historic buildings. Some come to seriously compete and others come to enjoy the festivities, all experience a connection with the stories of Phoenix's past. The 2024 trivia night took place at Memorial Hall at Steele Indian School Park (the site of the historic Phoenix Indian School).



Implementation

Action	Lead(s)	Timeframe
Enhance social media presence and website content.	HPO, Public Information Office (PIO)	Short term
Create an HP 101 Series to include handouts and presentations for public education.	HPO, PIO, CAO	Short term
Present on relevant HP topics at neighborhood and organization meetings to include Village Planning Committee meetings	HPO	Short to long term
Celebrate preservation successes through events, awards and other recognition methods.	HPO, PDD, PIO	Short to long term
Develop educational tools for real estate professionals.	HPO	Medium term
Partner with Office of Customer Advocacy to educate property owners on programs for the rehabilitation/adaptive reuse of historic and heritage commercial buildings.	HPO, PDD	Medium term
Develop a formal community engagement plan.	HPO partnering with consultants and community	Medium to long term



Goal 5

Promote Partnerships

Historic preservation, when it is most effective, is the work of all parts of the community and all divisions of government. Neighborhood groups, historic-home owners, educators, public officials and historic preservation professionals and advocates join together to develop priorities, list historic properties and preserve the history of Phoenix for future generations. City of Phoenix departments and sections work together to prioritize and facilitate the protection and adaptive reuse of heritage resources.

How to Get Involved

- Attend events sponsored by preservation organizations
- Volunteer at a historic park or event
- Attend the meeting of a historic neighborhood association or other historic preservation organization or serve on the board

Spotlight

The leadership of the Sunnyslope Historical Society has become actively engaged in the identification of properties within the Sunnyslope area of Phoenix that are eligible for historic designation and working with properties owners to seek listing in the Phoenix Historic Property Register. The Thompson (also known as Sunnyslope) Rock Garden is one such property. Grover Cleveland Thompson acquired the property in 1954 and began the development of this rock garden which he continued to work on over the next two decades of his life. This unique folk-art environment includes free-form concrete and mortar, statuary, native rock and cast concrete pieces with tile mosaics that emulate people, places, and buildings. The property and art have continued to be cared for by the current property owner who acquired it in 1978.



Implementation

Action	Lead(s)	Timeframe
Integrate site plan reviews into historic preservation plan reviews.	HPO, PDD	Short term
Develop cross training program between building inspectors and historic preservation planners.	HPO, PDD	Short term
Partner with tribal historic preservation offices (THPOs) to better understand and promote the protection of cultural resources.	CAO, THPOs	Short to long term
Partner with community organizations and preservation professionals to better protect historic and cultural resources.	HPO, community organizations	Short to long term
Increase dialogue with other City departments to ensure historic preservation goals and objectives are reflected in the goals and objectives of those departments.	HPO, PDD, Streets, Water Services	Medium term
Explore opportunities to form a City-affiliated historic preservation non-profit.	HPO, PDD, City Attorney's Office	Long term

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TOOLS STRATEGIES POLICIES INCENTIVES *for Historic Preservation in* PHOENIX

COMPLETED BY PLACEECONOMICS FOR THE CITY OF PHOENIX | DECEMBER 2023

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INTRODUCTION

In 2021, PlaceEconomics conducted a study on the economic impact of historic districts in Phoenix for the City's Historic Preservation Office. That study outlined the ways in which historic districts in Phoenix contribute to the economic vitality of the city. This report presents practical ways forward, outlining a suite of challenges facing historic preservation in Phoenix, followed by recommendations for how to address them.

To help PlaceEconomics better understand the local context and identify specific challenges to preservation in Phoenix, a series of small group meetings were held with local stakeholders including real estate experts, developers, neighborhood advocates, housing advocates, preservationists, city council members, city staff, and others (see appendix for a full list). Stakeholders were asked to identify obstacles to historic preservation and possible strategies to address those obstacles.

At a subsequent meeting with the same stakeholders, PlaceEconomics presented a list of what had been learned in previous sessions for either confirmation, clarification, or correction. With the help of these conversations, PlaceEconomics has prepared this report. The report presents preservation challenges taken directly from our stakeholder conversations, which are followed by recommendations to address the challenge. Each recommendation also includes examples from other cities that might serve as useful models and inspiration.

The preservation challenges and recommendations presented in this report are framed by the **following realities:**

- After the passage of Arizona Proposition 207, a ballot measure introduced in 2006 also known as the Private Property Rights Protection Act, municipalities are limited in their ability to designate new local historic districts. As a result, the basic tools for protecting historic assets used by virtually every other large city in America are severely limited.
- Phoenix City Council has established a high priority for "sustainability," and sustainability in Phoenix should not be restricted to shade and water concerns. The reuse of existing buildings, historic or otherwise, is an important aspect of a comprehensive sustainability strategy.
- Most of the rules, regulations, perspectives, and code applications of Phoenix's city government are focused on creating new and big development, not prioritizing support for existing sites and structures. This skew in priorities has a large carbon impact.
- Finally, as in every growing city, housing affordability is a big issue. New construction is one aspect of addressing this but keeping, maintaining, and reusing existing older housing is more cost-effective and should be a priority for the City.

While presenting recommendations for addressing a range of historic preservation challenges, this report is not meant to be a critique of existing tools (i.e. grants, residential property tax abatement, easements, adaptive reuse ordinance, bond funding, others) that the City's Historic Preservation Office has used very successfully. Rather, this is a recognition that more tools, strategies, policies, and incentives are needed, and some of the existing tools need modification. It should also be noted that some of the challenges identified result from inadequate resources in the Historic Preservation Office, not an absence of effort or thought on the part of preservation staff, the Historic Preservation Commission, and other relevant City personnel.

RECOMMENDATIONS

As stated in the Introduction, the below recommendations were derived from a series of meetings with engaged stakeholders. Their insight and local knowledge were critical to PlaceEconomics' understanding of the issues and opportunities for improving the historic preservation efforts in Phoenix.

Based on these conversations, the following have been identified as the overarching challenges to historic preservation in Phoenix:

- **A LACK OF KNOWLEDGE, EDUCATION, AND INFORMATION AND INSUFFICIENT COMMUNITY ENGAGEMENT**
- **DEVELOPMENT PRESSURE**
- **EXISTING REGULATIONS AND INADEQUACY OF EXISTING PRESERVATION TOOLS**
- **PROCESSES AND PROCEDURES OF HISTORIC PRESERVATION COMMISSION**

Within these four broad categories of challenges, recommendations have been identified to address specific components of each challenge. While there are actions that the City can take to address these issues, not all of the recommendations listed below are the responsibility of the Historic Preservation Office or of the City of Phoenix. Some recommendations would require action by another department within the City, at the State level, or by non-governmental organizations.

Each recommendation is structured in a parallel fashion. At the beginning of each recommendation, the challenge being addressed will be identified, followed by an overview of the action required to enact the recommendation, a brief assessment of the impact(s) of adopting the recommendation, and a general rating on four criteria: Complexity of implementation, Cost to the City, Likely effectiveness of the recommendation and Likely acceptance of the recommendation by stakeholders.

In some cases, two or three recommendations are combined as they are largely addressing the same challenge and could be implemented together. In other instances, particularly for more complex responses, the recommendation will be a single initiative.

RECOMMENDATIONS TO IMPROVE COMMUNITY ENGAGEMENT AND ENHANCE KNOWLEDGE, EDUCATION, AND INFORMATION

Citywide Survey of Historic Resources

- ***Challenge Addressed:*** *There is no comprehensive survey of Phoenix's historic resources*
- ***Action Required:*** *City Administrative*
- ***Impact(s):*** *Improved community engagement, Improved information environment*
- ***Complexity:*** *Medium*
- ***Cost:*** *High*
- ***Effectiveness:*** *High*
- ***Likely Acceptance by Stakeholders:*** *Very High*

A citywide survey of historic resources provides a critical baseline of information that can aid in a number of different planning objectives and regulatory processes. In this report, the concept of a survey ties into other recommendations in this report.

Surveys are important because, often, developers get far into the development process without knowing that a building might have historic significance. Additionally, historic preservation advocates and community members don't become aware of threatened buildings or sites until it is too late to intervene. A publicly available list of surveyed buildings--created and maintained by the City or a heritage partner--would provide an important starting place for various forms of advocacy or protection. Advocates could monitor the list for permit activity, market the list to developers for rehabilitation, or begin outreach with the property owner about heritage incentives or designation. Public access to this list of eligible properties would provide heritage advocates with an opportunity to intervene early in the development process to express concerns or offer suggestions for appropriate treatment of heritage buildings. The survey process itself is a wonderful opportunity for community engagement, both broadly about the process, and in specific neighborhoods that are being surveyed.

A CITYWIDE SURVEY OF HISTORIC RESOURCES PROVIDES A CRITICAL BASELINE OF INFORMATION THAT CAN AID IN A NUMBER OF DIFFERENT PLANNING OBJECTIVES AND REGULATORY PROCESSES.

How to do it: To launch a full-city, comprehensive windshield survey, the City would enlist a planning or Cultural Resource Management (CRM) firm to undertake and oversee the survey. Stakeholders indicated that funding for survey work has recently been approved. The field work could be conducted by community volunteers who have undergone training and are overseen by qualified historic preservation professionals. Further community engagement could come in the form of a listening session with

community members in which the City and CRM firm explain the process and its importance in the planning process, perhaps as a part of the Brown Bag Lunch Series and Speaker Series recommended in this report. The City and the consulting firm can also use this as an opportunity to gather information about what resources the community deems significant.

Resources being surveyed should be organized into a tiered categorization system. For instance, buildings that are already designated should be categorized as Grade I, resources that are not designated but demonstrate architectural merit or cultural significance should be categorized as Grade II, and so on. This will help distinguish resources during regulatory and planning processes. Finally, it is important that this survey be updated periodically–every 10 years is a good practice–so that future decisions are informed by good data.

IT IS IMPORTANT THAT THIS SURVEY BE UPDATED PERIODICALLY—EVERY 10 YEARS IS A GOOD PRACTICE—SO THAT FUTURE DECISIONS ARE INFORMED BY GOOD DATA.

Resources & Examples:

- **Survey LA, City of Los Angeles and Getty Conservation Institute**
  Survey LA was a citywide comprehensive survey undertaken in partnership with the City of Los Angeles and the J. Paul Getty Trust. The surveys and resource evaluations were completed by consultant teams meeting professional qualification standards in historic preservation under the supervision of the Office of Historic Resources. The findings were presented on HistoricPlacesLA, the City's online historic resource inventory and management system. HistoricPlacesLA uses Arches, an open-source, geospatial, and web-based software built as a platform for documenting and cataloging cultural heritage places worldwide. Surveyed resources were categorized into the California Historic Resources Status Codes framework.
  https://planning.lacity.org/preservation-design/historic-resources-survey

Create a Historic Preservation Community Engagement Staff Position and Appoint a Preservation Ombudsman

- ***Challenge Addressed:*** *Lack of community engagement*
- ***Action Required****: City Administrative*
- ***Impact(s):*** *Improved community engagement*
- ***Complexity****: Low*
- ***Cost:*** *Medium*
- ***Effectiveness:*** *High*
- ***Likely Acceptance by Stakeholders:*** *Very High*

In a rapidly growing city, the pace of change often limits timely and meaningful community engagement, although that is when it is most often needed. Citizens can be quickly overwhelmed by all that is happening or be deterred by processes that feel overly opaque and bureaucratic. Providing access to

those involved at the city level who can help them understand how to participate in the development and preservation processes would help clarify modes of participation and boost community engagement.

Most citizens want to have a better idea of their options for engaging with developers and city staff in a positive manner. We heard from both neighborhood interests and developers that citizens often do not know what is happening in their neighborhood, and some do not know the rules that may apply to designated historic properties. This can lead to misunderstanding and, at worst, acrimony. Developing a system for sharing information and staffing public-facing positions that can help residents navigate these complex processes would improve community engagement and communication.

How to do it: To facilitate better and more timely community involvement, the City should create a staff position for a full-time community engagement person within the Historic Preservation Office. Having a person dedicated to community engagement within the HPO will allow the office to be more timely in its response to citizen and developer concerns. This person will not only be responsive to citizen questions but should also do proactive outreach work in neighborhoods that will be impacted by preservation and development initiatives.

The City should also create a Preservation Ombudsman position in the Historic Preservation Office. The role of an ombudsman is to act as a neutral representative to help individuals or groups resolve concerns or issues, in this case, relating to the conservation and rehabilitation of historic properties. The Ombudsman would also be a point source for where to go for help or to get questions answered. We understand that the Planning and Development Department already has Ombudsmen, and the Office of Customer Advocacy has an Ombudsman for adaptive reuse projects; possibly one of them should have a preservation focus.

Resources & Examples:

- **Community Engagement Specialist: Preservation Resource Center of New Orleans, LA**
  The Preservation Resource Center of New Orleans has a Community Engagement Specialist on staff whose role is to work specifically with the city's multicultural communities. The Specialist works with neighborhoods across the city, helping residents understand preservation tools, gathering feedback, developing partnerships, and learning directly from residents about ways that they would like to see preservation serve their community.
  https://prcno.org/hiring-community-engagement-specialist/

- **Housing Provider Ombudsman: Washington, DC**
  Washington DC's Department of Housing and Community Development has a Housing Provider Ombudsman that helps small housing providers better understand the District of Columbia's housing laws. They may explain HRA notices, provide technical assistance on rent control, tenant opportunity to purchase (TOPA) processes, or offer other education and outreach.
  https://dhcd.dc.gov/service/housing-provider-ombudsman

Improve Small Business and Property Owner Knowledge of Historic Preservation Designation

- ***Challenge Addressed**: Small business/property owners do not understand the historic designation process*
- ***Action Required:** City Administrative, HPO Administrative*
- ***Impact(s):** Better understanding of designation process and better buy-in from key constituent groups*
- ***Complexity:** Medium*
- ***Cost:** Medium*
- ***Effectiveness:** High*
- ***Likely Acceptance by Stakeholders:** High*

People often aren't familiar with the historic designation application process unless they've been through it, which means it's ripe for misunderstanding. Assumptions are often made about what one can or cannot do with their property once it has been designated as "historic," which leads to an overall distrust and unease around the process. Providing access to clear and easily understood information about historic designation—how it can benefit property owners and clear illustrations of what can and cannot be done to designated properties—would help reduce misunderstanding and may also encourage additional designation applications.

How to do it: Increased outreach and education through the methods outlined in the previous recommendation would also help address this challenge. The Preservation Ombudsman position would also be of value here. An ombudsman's primary role may be facilitating conversations between and among competing interests, but they can also be a reference point for information on preservation in general and designation, specifically. Business and/or property owners uncertain about the potential effects of historic designation could go to the Preservation Ombudsman with questions and get answers or directions to sources of information. The Preservation Ombudsman could also provide technical assistance with city grant applications and coordinate with the State Historic Preservation Office on state and federal tax incentives.

PROVIDING ACCESS TO CLEAR AND EASILY UNDERSTOOD INFORMATION ABOUT HISTORIC DESIGNATION—HOW IT CAN BENEFIT PROPERTY OWNERS AND CLEAR ILLUSTRATIONS OF WHAT CAN AND CANNOT BE DONE TO DESIGNATED PROPERTIES—WOULD HELP REDUCE MISUNDERSTANDING AND MAY ALSO ENCOURAGE ADDITIONAL DESIGNATION APPLICATIONS.

The City should also utilize its "Brown Bag Lunch" series (see recommendation below) to directly address the pros and cons of historic designation for small business and property owners.

Expand the Brown Bag Lunch and Speaker Series

- ***Challenge Addressed:*** *Lack of education about historic preservation, heritage, and local history*
- ***Action Required:*** *HPO Administrative*
- ***Impact(s):*** *Improve Information Environment*
- ***Complexity:*** *Low*
- ***Cost:*** *Low*
- ***Effectiveness****: Medium*
- ***Likely Acceptance by Stakeholders:*** *High*

Stakeholders expressed interest in seeing the Historic Preservation Office revive the Brown Bag Lunch series offered across the City's departments. The lunches hosted by the Historic Preservation Office featured speakers on different facets of Phoenix's architectural history and current issues in historic preservation. Many people, whether they are new to Phoenix or longtime residents, enjoy the opportunity to learn about its history and heritage. The series would also be a great way to increase the general public's understanding about preservation, more generally, increase community engagement, and provide an opportunity to educate residents on the benefits of historic preservation for Phoenix. It could also serve as an opportunity for cross-departmental engagement.

This is also an opportunity to increase mutual understanding between communities and developers. Citizens are not routinely engaged in development and are unlikely to understand the many variables that are part of that process, either from the private or public side. When development is being considered in their neighborhood without proper community engagement, that lack of understanding often leads to suspicion and concern, and sometimes active resistance. Knowledge about development, the development process, and city management tools for working with development is important when change seems to happen on a daily basis. A well-informed public will be better equipped to engage constructively in conversations about city growth and change.

How to do it: The Historic Preservation Office, or the Urban Design Center (see recommendation below) should it be created, should continue and expand the "Brown Bag Lunches" where local experts could present information on the history and heritage of the area, or on special topics related to heritage preservation.

For more formal presentations or topics needing more depth, the Historic Preservation Office, or Urban Design Center, should establish an annual "Speaker Series." People could be invited to the city to talk about a broad range of heritage, preservation, or urban design topics.

Both series could include content about development, the development process and financing, and city oversight, and invite the public and developers to attend with a goal of increasing mutual understanding of their positions. The Speaker Series should be utilized for more in-depth presentations and community conversations about development. The Brown Bag Lunch Series should offer shorter, more tightly focused overviews of timely issues. This could be a function under the Urban Design Center or through city planning.

Resources & Examples:

- **People+Place, LA Conservancy**
  LA Conservancy's People+Places is a virtual conversation series that brings together advocates, experts, and community members to address topics that intersect with preservation, heritage, and identity in an approachable and open-ended way.
  https://www.laconservancy.org/people-places-virtual-conversation-series

- **Timely Connections Lecture Series, City of Raleigh Museum, Raleigh, NC**
  Timely Connections is a lecture series that focuses on North Carolina history and culture.
  https://raleighnc.gov/parks/timely-connections-lecture-series-cor-museum

- **The Raleigh Historic Development Commission (RHDC)** serves as the City Council's official historic preservation advisory body to identify, preserve, protect, and promote Raleigh's historic resources.
  https://raleighnc.gov/planning-and-development/raleigh-historic-development-commission
  https://rhdc.org/

Create an Urban Design Center

- ***Challenge Addressed:*** *No urban design advocacy*
- ***Action Required:*** *City Legislative, City Administrative*
- ***Impact(s):*** *Improved public awareness of good design*
- ***Complexity:*** *High*
- ***Cost:*** *High*
- ***Effectiveness:*** *High*
- ***Likely Acceptance by Stakeholders:*** *High*

In Phoenix, there is no urban design center, public or private, where good design solutions can be discussed and promoted or where a design vision for the city could be debated and created. The lack of such a center limits the opportunity for developers, designers, planners, and interested citizens to discuss urban design and the built environment of Phoenix. Any advocacy for good urban design that does occur is scattered, lacking a central voice or coherent vision.

How to do it: Establish an urban design center within City Hall. Many cities have created urban design centers to help frame the city's design vision. An urban design center can be tasked with identifying target areas for redevelopment, where public funds are used to set the baseline for city improvements, in addition to demonstration or pilot projects in partnership with developers to showcase good design practices. They can also provide opportunities for broader public education through lecture series featuring designers who can share work that exemplifies the city's design goals. Urban design centers can promote advocacy and education to improve the city's overall built environment, and by extension, influence the quality of private investment in the city.



Resources & Examples:

- **Planning, Design, & Development Department, Charlotte, North Carolina**
  The Planning, Design & Development Department formed an Urban Design Center in 2016 to "advance the quality of Charlotte's built environment and bring public awareness to the importance of urban design."
  https://charlottenc.gov/planning/urbandesign/Pages/default.aspx

- **Civic Design Center, Nashville, Tennessee**
  The Civic Design Center's mission is "to advocate for civic design visions and actionable change in communities to improve quality of life for all."
  https://www.civicdesigncenter.org/our-purpose/mission

- **Building Our City speaker series, Asheville, North Carolina**
  The Building Our City speaker series is a free ongoing series featuring national experts on urban design, planning, placemaking, transportation and other community development topics. Building Our City facilitates "deep-dive" community conversations dedicated to creating a better understanding about the role design plays in Asheville's growth. The goal is to help create conversations by hosting professionals from outside the region, who will bring innovative ideas as well as examples of other communities' successes and failures.
  https://mountainx.com/blogwire/building-our-city-buffalo-bernice-radle/

Develop a City-Affiliated Nonprofit

- ***Challenge Addressed:*** *There is currently no full-time, staffed preservation advocacy organization in Phoenix*
- ***Action Required:*** *City Legislative, City Administrative, HPO Administrative*
- ***Impact(s):*** *Improve Information Environment*
- ***Complexity:*** *High*
- ***Cost:*** *High*
- ***Effectiveness:*** *High*
- ***Likely Acceptance by Stakeholders:*** *Very High*

Of the 10 largest US cities, Phoenix is the only one that does not have at least one staffed nonprofit historic preservation advocacy organization. Locally, Preserve PHX is an existing Historic Preservation Advocacy Organization with an all-volunteer board. Advocacy groups play an important role in public outreach and policy development and can also expand the capacity of the public staff by contributing to public outreach efforts, spearheading research initiatives, and advocating at public meetings and hearings. Nonprofits are also able to take on roles that the city preservation staff are unable to, such as hosting preservation celebrations and raising funds for heritage protection.

OF THE 10 LARGEST US CITIES, PHOENIX IS THE ONLY ONE THAT DOES NOT HAVE AT LEAST ONE STAFFED NONPROFIT HISTORIC PRESERVATION ADVOCACY ORGANIZATION.

How to do it: It is not the responsibility of the City of Phoenix to create a historic preservation advocacy organization. However, other cities have found it useful to develop a city-affiliated non-profit organization that is imbued with powers to educate and fundraise around issues of historic preservation. San Antonio and Nashville both have developed city-affiliated nonprofits, described below. Such an organization does not replace a staffed advocacy organization, and nor should it. However, in the absence of an active, non-profit advocacy organization, a city-affiliated nonprofit can fill a critical educational gap. This organization can host educational events, raise money for educational events or capital campaigns, and acquire property for preservation or resell.

Resources & Examples:

- **Metro Historical Commission and Metro Historical Commission Foundation - Nashville**
  Like Phoenix, Nashville does not have a fully staffed historic preservation nonprofit advocacy organization. Instead, two commissions exist within Nashville's Historic Preservation Department: the Metropolitan Historic Zoning Commission and the Metropolitan Historical Commission. The Metropolitan Historic Zoning Commission reviews applications to create new historic overlay districts and reviews and approves preservation permits in historic and conservation districts for new construction, alterations, additions, repair and demolition. The Metro Historical Commission performs functions similar to a non-profit organization. The Metropolitan Historical Commission is a municipal historic preservation agency working to document history, save and reuse buildings, and make the public more aware of the necessity

and advantages of preservation in Nashville and Davidson County, Tennessee. Created in 1966, the commission consists of fifteen citizens appointed by the mayor. Other responsibilities that fall under the Metropolitan Historical Commission include: locating, collecting and preserving historical material that it may consider relevant to the history of Davidson County; making appropriate arrangements for the purchase, preservation, promotion and use of any material; receiving and expending any money allocated to it by the Metropolitan Government; ascertaining and certifying any evaluation of gifts, bequests and devices where requested and whenever possible; sponsoring lectures, tours, exhibits and displays; sponsoring the preparation and publication of histories, guidebooks and similar material; and to take any other actions which it considers necessary and proper. The Metropolitan Historical Commission Foundation is an organization focused on history-based place, education, community outreach, and modernizing the ways in which the public can navigate local history in a mobile and interactive world. It is a 501(c)(3) nonprofit friends group which assists the Metropolitan Historical Commission in its efforts to identify, protect, study and interpret the rich history of Nashville. The MHC Foundation funds Nashville Sites, a major educational platform that hosts virtual tours of historic Nashville. https://www.nashville.gov/departments/historic-preservation

IT IS NOT THE RESPONSIBILITY OF THE CITY OF PHOENIX TO CREATE A HISTORIC PRESERVATION ADVOCACY ORGANIZATION. HOWEVER, OTHER CITIES HAVE FOUND IT USEFUL TO DEVELOP A CITY-AFFILIATED NON-PROFIT ORGANIZATION THAT IS IMBUED WITH POWERS TO EDUCATE AND FUNDRAISE AROUND ISSUES OF HISTORIC PRESERVATION.

- **Power of Preservation Foundation - San Antonio**
  The Power of Preservation (PoP) Foundation is a coalition of advocates, businesses, neighborhoods, and agencies that value sense of place, community preservation, and economic development. Proceeds raised by PoP support the hands-on preservation programs of the City of San Antonio Historic Preservation Office, including Rehabber Club workshops, REHABARAMA, Students Together Achieving Revitalization (S.T.A.R.), and the Living Heritage Trades Academy (LHTA). In 2018, PoP acquired the Kelso House through a donation, and have since partnered with the University of Texas at San Antonio to use the site as a learning lab for a hands-on component of the Construction Science curriculum. Through a partnership with Lake|Flato, PoP are pursuing San Antonio's first-ever residential Zero Carbon Certification from the International Living Future Institute at the Kelso House to demonstrate the intersection of carbon neutrality with historic preservation in practice.
  https://powerofpreservation.org/mission

RECOMMENDATIONS TO RESPOND TO DEVELOPMENT PRESSURE

Actively Encourage use of Accessory Dwelling Units (ADUs) in Historic and Older Neighborhoods

- ***Specific Challenge Addressed:*** *Older homes on large lots zoned for multifamily*
- ***Action Required:*** *HPO Administrative*
- ***Impact(s):*** *Ease development pressures, add density*
- ***Complexity:*** *Medium*
- ***Cost:*** *Medium*
- ***Effectiveness:*** *High*
- ***Likely Acceptance by Stakeholders:*** *Medium*

Many of Phoenix's older homes are situated on large lots and many of them are zoned for multi-family use. With the need for additional housing units, encouraging ADU construction on larger parcels containing historic properties makes sense. Older neighborhoods tend to be closer to downtown with better proximity to transit, in desirable areas. Older properties on larger lots may be under significant development pressure to raze the existing structure and replace it with apartments or condominiums. ADUs offer a way to boost density and add additional housing units while still retaining older building stock. Phoenix City Council recently passed an ADU (Accessory Dwelling Unit) ordinance, and this option should be strongly encouraged as a way to both increase needed density, but also retain architecturally and culturally important housing.

MANY OF PHOENIX'S OLDER HOMES ARE SITUATED ON LARGE LOTS AND MANY OF THEM ARE ZONED FOR MULTI-FAMILY USE, SO ENCOURAGING ADU CONSTRUCTION IN HISTORIC DISTRICTS MAKES SENSE.

How to do it: The use of ADUs should be actively encouraged both in designated historic districts and in potentially eligible areas. Create pattern book for ADUs in historic districts. This does not dictate the design for a homeowner but would provide ten or twelve examples of appropriate design that, if chosen by the property owner, would effectively fast track the approval process through the Historic Preservation Office.

Resources & Examples:

- **Denver Single Family + Initiative**
  Denver has created the West Denver Single Family + initiative to encourage the construction of ADUs. They have created a pattern book of appropriate designs for the neighborhood.
  https://www.mywdrc.org/s/WDRC-ADU-Unit-Plans-All-Combined.pdf

Modified By-right Zoning for Commercial Historic Properties

- ***Specific Challenge Addressed:*** *Development pressure on lower-scale commercial neighborhoods*
- ***Action Required:*** *City Legislative, City Administrative, HPO Administrative*
- ***Impact(s):*** *Increase income; Improve investment environment, increase density*
- ***Complexity:*** *High*
- ***Cost:*** *Low*
- ***Effectiveness:*** *Medium*
- ***Likely Acceptance by Stakeholders:*** *Medium*

IT IS OFTEN THESE SMALLER BUILDINGS THAT ARE HOME TO SMALL, LOCALLY OWNED BUSINESSES. AT THE SAME TIME, COMMERCIAL ZONING CAN CREATE A SPECULATIVE PREMIUM FOR THE LAND THAT ENCOURAGES DEMOLITION OF SMALLER STRUCTURES.

Small scale buildings in commercially zoned areas in Phoenix are frequently targets for acquisition and subsequent demolition of existing buildings in order to replace them with buildings both higher in stories and, inevitably, in rents. It is often these smaller buildings that are home to small, locally owned businesses. In fact, they often serve as incubators for start-up businesses. At the same time, commercial zoning can create a speculative premium for the land that encourages demolition of smaller structures. All of this is exacerbated by a property tax appraisal approach whereby land is assessed at its "highest and best use as if vacant." If a parcel of land is zoned, for example, for an eight-story structure but is currently occupied by a one-story building, the property taxes on the land can add to the incentive to demolish and develop to the full extent the zoning ordinance allows. Finally, the lot coverage of these small buildings may be significantly less than the entire lot reflecting, again, unused development potential. Very few small-scale commercial properties in Phoenix have any protections through local historic districts or individual designation.

How to do it: Commercial properties that are designated historic or identified as eligible for historic designation should be allowed to more fully capture the development potential of the site if the historic building is appropriately incorporated into the overall design scheme. The approval of the Historic Preservation Office would determine if the proposal appropriately incorporated the historic building(s) but would include consideration of visibility from the street, accessibility, etc. If approved, the site could be developed to the maximum density permitted under current zoning for the land not occupied by the historic building. In some cases, it might be permitted to demolish rear portions of the building when they do not include significant architectural features.

Resources & Examples:

- **Washington, DC, Commercial Historic District Design Guidelines**
  Washington, DC, has a wealth of historic buildings of monumental scale. But it's also home to dozens of neighborhood commercial areas with more modest buildings which are still important in the city's culture and history. Because of the constraints imposed by the District's boundaries, additional development cannot be obtained through annexation of adjacent land. There is also a scarcity of vacant land that is not in public use, such as parkland and related uses. Therefore, new development needs to be accommodated within existing buildings, including those designated

and protected as historic. The design guidelines for historic commercial buildings emphasize maintaining character defining features but also allow new development, both as infill construction of vacant lots but also in the form of additions to existing historic buildings.
https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/HPO_commercial_guidelines_revis_08_2010.pdf

- **Washington, DC, Mixed Use Neighborhood Design Guidelines**
  For some DC historic districts, design guidelines are created at the neighborhood level to reflect any nuances and special circumstances of the area. One such example is the George Washington University historic district. This is a mixed-use area that includes residential, commercial, and institutional buildings and uses. It is also an area where additional new construction is anticipated. Buildings within the area have been assigned a grade based on their respective importance to the district, including non-contributing status. The appropriateness of additions, permitted demolition, and new construction are based in part on the level of historic building that is being affected by the proposal.
  https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/GW%2520Weset%2520End%2520Design%2520Guidelines_2.pdf&sa=U&ved=2ahUKEwjZvJucoYT_AhW1D1kFHRt-BnQQFnoECAYQAQ&usg=AOvVaw1a7gO8FxXOvwJPFbkM7onz

Enhance Protection of Commercial Corridors – Commercial Community Land Trusts

- ***Challenge Addressed:*** *Development pressure on smaller scale commercial districts*
- ***Action Required:*** *City Legislative, City Administrative*
- ***Impact(s):*** *Reduce development pressure on commercial corridors*
- ***Complexity:*** *High*
- ***Cost:*** *High*
- ***Effectiveness:*** *High*
- ***Likely Acceptance by Stakeholders:*** *Medium*

Beyond development pressure on individual older commercial buildings, there is also significant pressure on older commercial corridors. In the earlier PlaceEconomics study, six commercial corridors with a concentration of older and potentially historic commercial structures were identified. These districts included: Uptown District, Melrose District, Grand Avenue District, Miracle Mile District, West Van Buren District, and the Warehouse District. Some of the historic buildings in these districts are protected through preservation easements which were often negotiated as part of a grant or other incentive program. However, most easements are only in place for five to twenty years. None of these districts has the protection provided by a local historic district.

A COMMERCIAL COMMUNITY LAND TRUST MAY ACHIEVE GOALS OF BOTH PRESERVATION AND MAINTAINING AFFORDABLE COMMERCIAL RENTS.

How to do it: Fortunately, there are viable options available for protecting historic commercial corridors, including creating a Commercial Community Land Trust. While this option is more complex than most of the recommendations in this report, its ability to have a positive impact on preservation and affordability means it should at least merit consideration.

Community Land Trusts (CLTs) are usually created to provide affordable housing. PRIDE (Phoenix Residential Investment Development Effort) is a local example that focuses on affordable housing. The Arizona Community Land Trust addresses affordable housing as well, but also acquires community gardens and agricultural properties. But the basic CLT model can be applied to commercial property.

> *A Community Land Trust (CLT) acquires land and maintains long-term ownership. Commercial CLT structures can include lease models, ownership models, or other models, such as cooperatives or co-working spaces. With a lease model, the CLT owns both the land and building and leases both to commercial tenants. An ownership model allows tenants to purchase their commercial space through various mechanisms, such as a long-term ground lease or lease-to-own option. A ground lease typically includes provisions that restrict the building sale price so it remains affordable. In a cooperative structure, business owners buy shares that entitle them to partial ownership with variable stakes of a property. With a co-working model, members pay to use shared space provided by the CLT.* (https://antidisplacement.org/tool/community-land-trust/)

An owner committed both to preserving historic buildings, but also affordable commercial rents could convey at or below market value commercial properties to a CCLT which could be either newly created or one of the existing organizations. Additionally, the City could acquire and reconvey to the CCLT properties at risk of demolition, properties in weaker neighborhoods, and foreclosed properties that lenders may be eager to dispose of during economic downturns. During the Great Recession, Phoenix acquired some 450 foreclosed residential properties as part of a comprehensive affordable and workforce housing initiative. If historic preservation, small business, and affordable commercial rents are policy priorities for the City, a Commercial Community Land Trust could be an effective way to address all three.

Resources & Examples:

- **The Crescent City Community Land Trust, New Orleans**
  CCCLT expanded upon the traditional CLT model to include permanently affordable residential rental and commercial.
  https://www.ccclt.org

- **A number of cities around the country have assisted with the establishment of Commercial Community Land Trusts, including:**
  Anchorage, AK: https://anchoragelandtrust.org
  Saint Paul, MN: https://rondoclt.org
  Oakland, CA: https://oakclt.org

- For general discussion of CCLTs see article in *ShelterForce*

Enhance Protection of Commercial Corridors – Transferable Development Rights (TDR)

- ***Challenge Addressed:*** *Development pressure on smaller scale commercial districts*
- ***Action Required:*** *City Legislative, City Administrative*
- ***Impact(s):*** *Reduce development pressure on commercial corridors*
- ***Complexity:*** *High*
- ***Cost:*** *Medium*
- ***Effectiveness:*** *Medium*
- ***Likely Acceptance by Stakeholders:*** *Medium*

Another way to encourage the protection of undesignated, historic commercial corridors is through transferable development rights. TDRs allow property owners to benefit from developable space that they technically own by trading the right to develop on their parcels containing historic structures to another location that is better suited to higher density development.

How to do it: Many cities have created Transferable Development Rights (TDR) programs. Under a TDR there is an area designated for protection as a "sending area" and a "receiving area" where the enhanced rights (e.g., increased height, lot coverage, reduced parking) can be applied. There are around twenty-five cities in the US that have enacted historic-preservation-specific TDRs. While these have had mixed results, given the right parameters, a TDR for designated heritage properties along the historic corridors could be effective. The city already has a modified program in downtown Phoenix, which could be expanded along the prime arterials.

TDR PROGRAMS HAVE BEEN INSTITUTED THROUGHOUT THE COUNTRY FOR HISTORIC PRESERVATION WITH MIXED SUCCESS.

PlaceEconomics has reviewed nearly all of the preservation-based TDR programs. Those that are successful seem to share common characteristics:

- A strong real estate market with significant development pressures.
- "Receiving zones" that are not limited to properties abutting the sending property.
- Existing zoning that creates a supply of space that is less than demand, thereby creating a market for additional development rights.

Conversely, the vast majority of programs that have not been particularly successful are usually characterized by one or more of the following:

- Ample amounts of "by-right" development capacity.
- Other incentive programs are easier, faster, and/or cheaper to use, thereby reducing the value (and subsequent use) of the TDR program.
- Low market demand.
- Lack of understanding in the marketplace.

To make this work the City should look at publicly owned land as a receiving site for the enhanced development rights forfeited by the heritage properties. Additionally, the City should encourage new development on sites with surface parking lots and in one-story strip developments that are not historically significant. A list of identified vacant lots or non-heritage sites appropriate for redevelopment provided by the City would help developers select projects that do not threaten historic buildings. Directing development to vacant lots eliminates demolition costs and may streamline permitting processes. Above all, prioritizing the development of vacant lots or non-heritage sites would both accommodate development and promote the conservation of significant historic resources.

Resources & Examples:

- **Transfer of Development Rights enabling legislation, Arizona**
  In 2020 the State of Arizona updated legislation authorizing Transferable Development Rights.
  https://law.justia.com/codes/arizona/2020/title-11/section-11-817/

- **Transfer of Development Rights, Arlington, VA**
  Arlington, Virginia, is experiencing strong growth and development pressure. Arlington has a TDR program for historic preservation and affordable housing with a specific receiving zone being a commercial corridor, Clarendon.
  https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/31/2014/03/Clarendon-SectorPlan06.pdf

- **Transfer of Development Rights, San Francisco, CA**
  The City of San Francisco is one of the most successful preservation-based TDR ordinances.
  https://sfplanning.org/sites/default/files/forms/TDREligibility_SupplementalApplication.pdf

Increase the Demolition Notification and Delay Time and Support Deconstruction Efforts

- ***Challenges Addressed:*** *The current thirty-day hold on demolition is not enough time to find alternatives; demolition debris in landfills.*
- ***Action Required:*** *City Legislative, City Administrative, HPO Administrative*
- ***Impact(s):*** *Deconstruction of eligible properties*
- ***Complexity:*** *Low*
- ***Cost:*** *Low*
- ***Effectiveness:*** *Medium*
- ***Likely Acceptance by Stakeholders:*** *Medium*

Stakeholders consistently indicated that the 30-day hold on demolition did not provide staff sufficient time to research and disseminate a recommendation of eligibility or allow advocates to identify options that might save the heritage structures. Providing earlier notice of proposed demolition and an increase in the delay for register-eligible properties may allow property owners and advocates more time to develop alternatives to demolition, which could include materials recycling via deconstruction.

STAKEHOLDERS CONSISTENTLY INDICATED THAT THE 30-DAY DEMOLITION HOLD IS INSUFFICIENT.

How to do it: Create a notification system to alert stakeholders when the 30-day hold for a property has begun. Change the demolition delay to 60 days for properties determined "eligible" for listing in the National Register-through comprehensive survey-or for contributing properties located within a National Register Historic District. The City should continue to pursue a deconstruction program, which can be coordinated with demolition review to incorporate deconstruction as a possible alternative. Any designated building should be deconstructed to the greatest extent possible.

Resources & Examples:

- **City of Portland Deconstruction Ordinance**
  Portland, Oregon was the first city in the US to legally require deconstruction and recycling of building materials. Portland City Council adopted its deconstruction ordinance in 2016, which requires that projects meeting certain requirements and seeking demolition permits must be deconstructed rather than mechanically demolished. The ordinance was amended in 2019 to raise the year-built threshold from 1916 to 1940. Single family homes and duplexes are subject to the ordinance if they were built in 1940 or earlier, or if they are designated a historic resource.
  https://www.portland.gov/bps/climate-action/decon/deconstruction-requirements

- **CALGreen Construction and Demolition Recycling**
  In California, qualifying projects must recycle or salvage a minimum of 65% of nonhazardous construction and demolition waste or meet local standards if they are more stringent.
  https://calrecycle.ca.gov/lgcentral/library/canddmodel/instruction/newstructures/

Simplify the State Property Tax Program for Income Producing Property Rehabilitation

- ***Challenge Addressed:*** *The commercial rehabilitation tax incentive is difficult to use and only works for large projects.*
- ***Action Required:*** *State legislation, County Assessor Administrative*
- ***Impact(s):*** *Reduce operating costs, encourage rehabilitation*
- ***Complexity:*** *Very High*
- ***Cost:*** *High*
- ***Effectiveness:*** *High*
- ***Likely Acceptance by Stakeholders:*** *Very high*

Arizona currently has a property tax incentive for both commercial and residential properties. The residential program seems to be working well, but the commercial version is not. As described by the State Historic Preservation Office,

> THE STATE PROPERTY TAX PROGRAM FOR THE REHABILITATION OF INCOME PRODUCING PROPERTIES, AS STRUCTURED, DOES NOT ACHIEVE ITS GOAL OF ENCOURAGING ADDITIONAL COMMERCIAL REHABILITATION.

Upon entering the program, the County Assessor's Office will do an assessment of the property as is. Over the next 10 years, improvements are taxed at 1% instead of the normal commercial rate. Without a substantial amount of rehabilitation, this program will have little or no effect upon a building's property tax. As with the ITC program, all work must conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and be preapproved by SHPO. Unlike the ITC, properties must already be listed on the National Register of Historic Places in order to be admitted into the program.

Many states have similar programs, but the provision for "County Assessor's Office will do an assessment of the property as is…." adds an unnecessary complication.

How to do it: The County Assessor's Office assigns a "Full Cash Value" to every taxable property in the county. This number represents an approximation of the market value of the property. Based on formulas in state statute, a "Limited Value" is established. It is this Limited Value to which an assessment rate is applied, resulting in how much property tax is owed. When a property is rehabilitated, the assessor would typically reappraise the property for its new Full Cash Value and resulting Limited Value. To simplify the program, the ten-year reduced tax rate is simply applied to the difference between the "before rehabilitation" and "after rehabilitation" Limited Value. This is the approach that most states take when there is a property tax incentive for historic properties.

Resources & Examples:

- **Historic Preservation Special Tax Valuation, Seattle, WA**
  In 1985, the Washington State Legislature passed a law allowing "special valuation" for certain historic properties. This "special valuation" revises the assessed value of a historic property, subtracting, for up to 10 years, those rehabilitation costs that are approved by the local review board. For the purposes of the Special Valuation of Property Act, the Seattle Landmarks Preservation Board acts as the Local Review Board. The primary benefit of the law is that, during the 10-year special valuation period, property taxes will not reflect substantial improvements made to the historic property.
  https://www.seattle.gov/neighborhoods/historic-preservation/preservation-incentives#stateandlocalincentives

  THE EXISTENCE OF AN EFFECTIVE STATE HISTORIC TAX CREDIT CAN INCREASE USE OF THE FEDERAL HISTORIC TAX CREDIT BETWEEN 40-60%.

- **Bailey Bill, Columbia, SC**
  The Bailey Bill was passed by the state legislature in 1992 to give local governments the option of granting property tax abatement to encourage the rehabilitation of historic properties. Following amended state legislation in 2004, Columbia's City Council also adopted a local amended version of the bill in July of 2007. If you invest a minimum of 20% of your building's assessed value back into the building, and the work is *eligible and approved*, then the assessed value of your property is abated for the next 20 years (i.e., the value of your property may increase over time, but you will continue to be taxed at the pre-rehabilitation assessed valuation for 20 years).
  https://planninganddevelopment.columbiasc.gov/historic-incentives/

- **Mills Act, California**
  Enacted at the state level in 1972, the Mills Act legislation grants participating local governments the authority to enter into contracts with owners of qualified historic properties who actively participate in the restoration and maintenance of their historic properties while receiving property tax relief. Each local government establishes their own criteria and determines how many contracts they will allow in their jurisdiction.
  https://ohp.parks.ca.gov/?page_id=21412

Develop a Stronger Demolition by Neglect Ordinance

- ***Challenge Addressed:*** *Demolition by neglect*
- ***Action Required:*** *City Legislative*
- ***Impact(s):*** *Reduce loss of historic properties*
- ***Complexity:*** *Very High*
- ***Cost:*** *High*
- ***Effectiveness:*** *High*
- ***Likely Acceptance by Stakeholders:*** Medium

Buildings that are not maintained and are left to the elements will eventually deteriorate to the point that they become a hazard and demolition becomes the only option. This is referred to as "demolition by neglect." Structures, commercial or residential, that have deteriorated to the point that their preservation is no longer possible, will need to be addressed, ideally before they reach that state.

How to do it: Rather than allow properties, commercial or residential, to reach a state where demolition is deemed the best choice, the City should develop a robust demolition by neglect ordinance. Under such an ordinance the City will have the option to direct the property owner to fix any public health and safety issues, or the City will do them and put a lien on the property.

When a property owner requests a demolition permit, there needs to be a city inspector to review the property to assess its status and to see if deconstruction should be required. Any City-mandated building removal should require deconstruction and materials recycling to the greatest extent possible.

Resources & Examples:

- **Knoxville, TN**
  The City of Knoxville has an effective Demolition by Neglect ordinance, that includes the opportunity for citizens to suggest historic properties that may fit the demolition by neglect definitions to the City.
  https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server_109478/File/Neighborhoods/Resources/Demolition_by_Neglect.pdf

- **Preventing Demolition by Neglect: Strategies for Arizona**
  A 2021 white paper by former Arizona Deputy SHPO Christopher Cody titled Preventing Demolition by Neglect: Strategies for Arizona explores options for addressing demolition by neglect, including demolition by neglect ordinances:
  https://www.preservationmaryland.org/wp-content/uploads/2021/10/PreventingDemoByNeglectinAZ.CCODY_.2021.pdf

- **"Demolition by Neglect: Where Are We Now,"** Rachel Ann Hildebrandt, master's thesis, University of Pennsylvania, 2012
  https://repository.upenn.edu/cgi/viewcontent.cgi?article=1190&context=hp_theses

Increase the Penalty for Illegal Demolition and Alteration of Designated Properties

- ***Challenge Addressed:*** *Illegal demolitions and illegal alterations*
- ***Action Required:*** *City legislative, City administrative*
- ***Impact(s):*** *Reduce demolition*
- ***Complexity:*** *Low*
- ***Cost:*** *Medium*
- ***Effectiveness:*** *High*
- ***Likely Acceptance by Stakeholders:*** *High*

Like many other cities, Phoenix has an established process for reviewing and permitting the demolition of historic structures. While this is beneficial, there are instances in which owners either choose not to follow these procedures or are not aware that they exist. Ideally, a city's preservation ordinance includes unambiguous language regarding the consequences incurred by undertaking illegal demolition or demolition by neglect. However, the current penalties seem inadequate to meaningfully deter illegal demolition. In many cities, illegal and unpermitted demolition is a serious issue and modest fines and fees aren't a strong enough deterrent.

IN MANY CITIES, ILLEGAL AND UNPERMITTED DEMOLITION IS A SERIOUS ISSUE AND MODEST FINES AND FEES AREN'T A STRONG ENOUGH DETERRENT.

How to do it: Significantly increase the penalty for illegal demolition and alteration of designated properties. Currently, the fines and fees associated with unpermitted demolition in Phoenix vary depending on the building and permit type, but typically don't exceed $10,000, with no stay on the issuance of new permits for a site where a structure has been illegally demolished. Other US cities have adopted much more stringent requirements including fines and stays or required rebuilding of unlawfully demolished historic buildings.

Resources & Examples:

- **Virginia § 15.2-819. Demolition of historic structures; civil penalty.**
  Virginia law allows penalties up to the assessed value of the property for the illegal demolition of historic properties.
  https://law.lis.virginia.gov/vacode/title15.2/chapter8/section15.2-819/

- **"Just Fine? Rethinking penalties for illegal demolition in local historic districts," Preservation Resource Center, white paper.**
  The Preservation Resource Center in New Orleans published a whitepaper on trends in illegal demolition ordinances. Among the strongest cited was Laguna Beach, California that can impose fines up to $100,000 plus a five-year moratorium on any permits to develop the site.
  https://prcno.org/just-fine-rethinking-penalties-illegal-demolition-local-historic-districts/

RECOMMENDATIONS TO IMPROVE EXISTING REGULATIONS AND PRESERVATION TOOLS

Better Promote the International Existing Building Code (IEBC)

- ***Challenge Addressed:*** *The IEBC and its potential impact for historic buildings is not widely understood.*
- ***Action Required:*** *City administrative, HPO administrative*
- ***Impact(s):*** *Simplify rehabilitation of historic structures*
- ***Complexity:*** *Low*
- ***Cost:*** *Low*
- ***Effectiveness****: High*
- ***Likely Acceptance by Stakeholders:*** *High*

Building codes are critical in protecting life and safety of building users. However, in many cities, as building materials have standardized, building codes are designed with new construction as the baseline. It can be extremely challenging to retrofit older buildings to meet modern codes because they simply don't recognize the properties of historic materials and construction methods. That does not mean that historic buildings are unsafe, but rather that standards of safety change over time. Codes need to remain relevant and easy to navigate, so they tend to favor current construction materials and methods. Fortunately, the International Existing Building Code (IEBC) was developed to address this issue.

In 2018, Phoenix adopted the International Existing Building Code. The IEBC encourages the use and reuse of existing buildings and gives greater flexibility to historic buildings. The intent is to allow the historic character of the building to remain while ensuring that life-safety and accessibility is provided to the maximum extent feasible. Section 12 of the IEBC specifically addresses historic buildings.

Many jurisdictions, including Phoenix, have adopted the IEBC in lieu of several existing building codes used in different areas of the country. In the past, codes for new construction, existing buildings, and historic buildings were combined, leaving little room for flexibility. In response, IBC is more "performance-based" in its approach, as opposed to "prescriptive," and evaluates each building on its individual merits. This allows greater cost savings and further protection of historic resources. Many states and localities are adopting individual rehabilitation sub-codes specific to historic buildings. Greater flexibility, cost savings and protection of historic resources are experienced in states with these codes. This is beneficial because IBC's section on historic buildings is more compatible with the Secretary of the Interior's Standards.

Resources & Examples

- A straightforward explanation of the International Existing Building Code was presented at the Pennsylvania Building Officials Conference in 2022 and includes numerous examples of the application of the IEBC to historic structures.

Train Building Inspectors in Historic Buildings

- ***Challenge Addressed:*** *It is not well known among inspectors that the International Existing Building Code exists and what it means for historic buildings.*
- ***Action Required:*** *City administrative*
- ***Impact(s):*** *Improve Information Environment*
- ***Complexity:*** *Medium*
- ***Cost:*** *Low*
- ***Effectiveness:*** *High*
- ***Likely Acceptance by Stakeholders:*** Medium

Often, there is a gap in the technical knowledge for building inspectors when it comes to heritage buildings. While the adoption of the International Existing Building Code (noted in the recommendation above) is an important step toward streamlining and supporting the rehabilitation of historic buildings, the code alone is only as effective as its implementation. If building inspectors are unfamiliar with the implications of the IEBC, specifically Chapter 12 on Historic Buildings, then the code cannot have its intended effect. It is important that building inspectors be knowledgeable on historic building systems, the IEBC's implications for existing and historic buildings, and empowered to apply the IEBC's code relief for historic buildings where appropriate.

How to do it: The City should establish a training program for building inspectors, zoning administrators, and area architects and builders on the 2018 International Existing Building Code (IEBC), especially Chapter 12, Historic Buildings. This would likely require a significant investment of time and resources to develop. Alternatively, the City could sponsor inspectors to take a training offered by an organization specializing in historic building inspection. The Historic Building Inspectors' Association (HBIA) provides resources for its members to improve and increase their knowledge of historic preservation. The City of Phoenix might engage the HBIA to provide training or a speaker session with one of their experts.

Resources & Examples:

- **Historic Building Inspectors' Association (HBIA)**
  The Historic Building Inspectors' Association (HBIA) is a US-based membership organization for licensed building inspectors that provides resources for its members to improve and increase their knowledge of historic preservation.
  https://inspecthistoric.org/

The Challenges of Site Plan Review in Older and Historic Properties

Site plan review is an important aspect of City oversight on development, but it can be very costly, especially when required for small projects or projects where only modest changes are being proposed. While site plan reviews can be valuable when there are boundary questions raised by a project, requiring new site surveys can add additional and possibly unnecessary expense when there may already be a recent survey on record.

Developers of historic buildings expressed frustration that any change of use triggers site plan review. Often a modest rehabilitation of a small historic building will trigger much more costly processes, like sidewalk review or replacing significant portions of pavement on the street. However, in PlaceEconomics' second round of interviews with stakeholders, several participants expressed hesitation about making exceptions to site plan review. Some stakeholders voiced concern that community members would feel site plan review exemptions would result in too little oversight over the development in their neighborhoods.

This topic requires further study. Therefore, PlaceEconomics is not proposing recommendations to provide site plan review relief. However, the City should devote time to explore this issue more fully.

The City's Adaptive Reuse Program could be a useful vehicle for these conversations to take place. The Program already offers personalized assistance with the development process, streamlined permitting, regulatory relief, incentives and waivers. Once an adaptive reuse project is submitted for review, an advocate is assigned to serve as the applicant's contact until project completion. This contact assists in coordinating with other city departments should any issues arise. These advocates understand the usual challenges that adaptive reuse projects face, including burdensome site plan review.

Boulder, Colorado has a provision for site plan review waivers. There, Site Plan Review (SPR) regulations allow a waiver for minor projects that are likely to have minimal impact from the full SPR process. According to the provision, "these projects are eligible for an expedited review called the "Site Plan Review Waiver (SPRW)," during which the SPR standards are analyzed in a shorter time frame (2 weeks)."

Adopt Standards for Historic Building Relocation

- ***Challenge Addressed:*** *If you move a listed building it loses its heritage designation and is no longer protected*
- ***Action Required:*** *HPO Administrative*
- ***Impact(s):*** *Facilitates moving historic structures as a last resort*
- ***Complexity:*** *Low*
- ***Cost:*** *Low*
- ***Effectiveness:*** *Medium*
- ***Likely Acceptance by Stakeholders:*** *Medium*

Moving a historic building is sometimes the only way to save that structure from demolition. Stakeholders expressed concern that, under current practice, when designated historic structures are moved they may lose their heritage designation, precluding access to tax credits and other preservation incentives, and may put the property at risk. It also puts the property at risk of placement in an inappropriate setting. While any building necessarily loses its historic context when it is relocated, there are steps that can be taken to ensure that the site chosen as the building's new location is appropriate. Considerations include the relationship of the building to its setting, the orientation of the building to the street, and the shape, mass, and scale of adjacent structures.

How to do it: The City of Phoenix should adopt standards for historic building relocation and a policy stating that when a designated property is relocated consistent with these standards, historic designation status should be maintained.

Resources & Examples:

- **"Moving Historic Buildings,"** John Obed Curtis, Technical Preservation Services, US Department of the Interior
  http://npshistory.com/publications/preservation/moving-hist-bldgs.pdf

- **Policy Statement and Design Guidelines for Evaluating Historic Buildings, Newport, RI**
  The City of Newport, Rhode Island has specifically included provisions in their design guidelines for the treatment of historic buildings that have to be moved.
  https://www.cityofnewport.com/CityOfNewport/media/City-Hall/Boards-Commissions/Commissions/Historic%20District%20Commission/HDC-Policy-Statement-Design-Guidelines-for-Elevating-Historic-Buildings-Jan-21-2020-APPROVED.pdf

Modifications to Adaptive Reuse Program

- ***Challenge Addressed:*** *Costs required to receive adaptive reuse code benefits*
- ***Action Required:*** *City Administrative*
- ***Impact(s):*** *Increase use of Adaptive Reuse Program*
- ***Complexity:*** *Low*
- ***Cost:*** *High*
- ***Effectiveness:*** *Very High*
- ***Likely Acceptance by Stakeholders:*** *Very High*

Phoenix has adopted an Adaptive Reuse Program (ARP). Its specific intent is "to revitalize existing buildings to preserve our history, contribute to economic vitality by promoting small business, and create more vibrant neighborhoods." The intent of the program is highly commendable. Unfortunately, it is not as effective as it could be, particularly for smaller older and historic buildings. The underperformance of the program was described by those who have used it or who have tried to use the ARP as a result of additional costs imposed on a property for compliance and infrastructure provisions. Having to comply with parking and water retention requirements, particularly on a small lot, is often simply not feasible. Additionally, a property owner attempting to use the ARP is frequently assessed for the costs of water and sewer line expansions disproportionate to the size of the structure.

How to do it: There will be significant costs to the City if these recommendations are adopted. But if "revitalizing existing buildings, preserving history, promoting small business, and creating vibrant neighborhoods" are truly worthy public policy goals, direct or indirect expenditures will be necessary. Changes to the Adaptive Reuse Ordinance should include: 1) waiving of requirements for parking, water retention, etc. 2) 100% of fees waived for designated historic properties; 3) 50% of fees waived for properties identified as eligible but not designated; 4) a proportional charge on water and sewer line expansions based on the size of the building.

Resources & Examples:

- **Adaptive Reuse Ordinance, Los Angeles**
  The Adaptive Reuse Ordinance that has been most successful in bringing back to life not just older buildings, but entire neighborhoods, is the program in Los Angeles. It may be useful to compare the provisions of that program with the ARP in Phoenix to see if there are additional areas of program modification that would make adaptive reuse an even better alternative.
  https://www.ladbs.org/services/core-services/plan-check-permit/plan-check-permit-special-assistance/adaptive-reuse-projects

Explore Historic District Designation Under Proposition 207

- ***Challenge Addressed:*** *Due to Proposition 207, historic district designation is nearly impossible in Arizona.*
- ***Action Required:*** *City Administrative*
- ***Impact(s):*** *Increase the number of protected structures in Phoenix.*
- ***Complexity:*** *Medium*
- ***Cost:*** *Medium*
- ***Effectiveness:*** *Very High*
- ***Likely Acceptance by Stakeholders:*** *High*

Since the 2006 passage of Arizona Proposition 207, also known as the Private Property Rights Protection Act, municipalities have been limited in their ability to designate new local historic districts. Proposition 207 requires local governments to compensate a private property owner if the value of a person's property is reduced by the enactment of a land use law, including historic designation. As a result, the basic tools for protecting historic assets used by virtually every other large city in America are severely limited. Property owners must either waive their entitlements voluntarily or be compensated for the reduction in value of their property. Compensation is an expensive option for local governments in many cases, and so municipalities have been justifiably hesitant to trigger Prop 207 by enacting new land use laws.

However, numerous studies across the country have demonstrated that historic designation does not have an adverse impact on property values. In fact, quite the opposite has been proven: property values in designated local historic districts increase at a greater rate than properties in the rest of the city. Historic district designation also has a stabilizing impact on property values in times of economic downturn--historic districts across the country saw their property values dip less and recover faster than properties in the rest of the city during the 2008 recession. In fact, the previous study on the impact of historic preservation in Phoenix completed in 2021 by PlaceEconomics found that not only do homes in historic districts have higher values per square foot than the rest of the city, but the rate of increase in value per square foot for houses in historic districts is greater than the rest of the Phoenix.

How to do it: The City of Phoenix should attempt to designate new neighborhoods as historic districts. There is nothing in the Prop 207 legislation that prevents the City of Phoenix or local partners from working with property owners to voluntarily waive their claims for diminution. If there is strong citizen desire for a historic district within a neighborhood, the City can work with the unwilling few to achieve a resolution. Alternatively, the City might opt to exempt property owners that object from the historic district entirely. A historic neighborhood with 75% protection is certainly better than forgoing designation altogether. As stated in the Act:

> *"Nothing in this section prohibits this State or any political subdivision of this State from reaching an agreement with a private property owner to waive a claim for diminution in value regarding any proposed action by this state or a political subdivision of this state or action requested by the property owner."*



Moreover, property owners have a three-year window in which they can legally request compensation for a diminution in value because of a historic district designation.

> *"An action for just compensation based on diminution in value must be made or forever barred within **three years** of the effective date of the land use law, or of the first date the reduction of the existing rights to use, divide, sell or possess property applies to the owner's parcel, whichever is later."*

Historic designation is an important tool that supports vibrant neighborhoods and economic development. In Phoenix, far fewer properties are designated than ought to be the case. Only 1% of Phoenix's land area is protected by historic districts. This is a disservice to the heritage of Phoenix, particularly from the Post-War era. Phoenix should explore designating historic districts again.



RECOMMENDATIONS ON PRESERVATION PROCESSES

PlaceEconomics was commissioned to conduct this analysis and make recommendations based on our experience in tools, strategies, and incentives for historic preservation. It will most likely be the staff of the Historic Preservation Office and the members of the Historic Preservation Commission who decide which of the recommendations that require only Historic Preservation Office administrative action should be implemented. It will also be the staff and Commissioners who decide which recommendations should be forwarded to the City Manager and the Council for their consideration. Whichever recommendations are ultimately implemented will no doubt add responsibilities to both staff and Commissioners.

Perhaps this is an opportunity to examine internally the policies and procedures that guide the actions of the staff and Commissioners. This could entail both a review of roles and responsibilities of staff positions, but also how the Commission conducts its business. Issues such as term lengths and lengths, qualifications of Commissioners, and attendance requirements might require changes to City ordinances. Other issues such as setting the agenda, use of meeting times for which there is no business to conduct, etc. can be decided at the commission level. Because PlaceEconomics claims no expertise in the operation of Historic Preservation Commissions, we have no specific recommendations on the above issues, other than to suggest that it is useful to periodically review practices and procedures of any such both.

Training for Commissioners

With both the increased complexity of the issues coming before the commission and the legal liability that a public commission bears, it is important that long-time commissioners–but particularly those new to the body–are well trained in the issues, procedures, and policies that the position entails. The most effective focused training for preservation commissioners is provided by the National Alliance of Preservation Commissions through their Commission Assistance and Mentoring Program (CAMP) workshops. Attendance at a CAMP training should be mandatory for new commission Members and encouraged among longer term members.

It may also be useful to prepare a handbook/guidebook for Historic Preservation Commissioners. An example of an excellent and comprehensive handbook was prepared for preservation commissions in Connecticut.

The members of the Phoenix Historic Preservation Commission devote considerable unpaid time to protect and enhance the city's wealth of heritage resources. They deserve to be as well informed and prepared as possible.

Resources & Examples:

- **Commission Assistance & Mentorship Program, National Alliance of Preservation Commissions**
  https://www.napcommissions.org/camp

- **Handbook for Historic District Commissions and Historic Property Commissions in Connecticut**
  http://lhdct.org/documents/Handbook%20for%20Historic%20District%20Commissions%20in%20CT.pdf

CONCLUSIONS

For a young city, Phoenix has demonstrated a strong commitment to historic preservation. Despite the constraints imposed by Proposition 207, Phoenix has made effective use of the tools available to protect and enhance its historic resources, and the recent voter approved bond reflects an ongoing commitment. The recommendations contained in this report should not be read as a critique of existing efforts or tools, but rather a menu of possibilities to expand the role that historic buildings could play in the economic, social, environmental, and cultural life of the Phoenix.

There is one final recommendation that cannot be enacted by the City of Phoenix. It is included here, however, to encourage the readers and users of this report to take action to encourage the Arizona Legislature to pass and the Governor to sign a bill creating the Arizona Historic Preservation Tax Credit. Some 35 States have historic tax credits and are being effectively used to attract investment into heritage buildings. Almost every one of the recommendations above would work better if they were accompanied with an effective state historic tax credit.

The adoption of a state historic tax credit and the implementation of the recommendations above can help in continuing preservation efforts in the Phoenix Style.


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Samantha Keating, Deputy Director - City of Phoenix Housing Department

Cindy Stotler, Housing Director - Phoenix IDA

Spencer Self, Director - City of Phoenix Neighborhood Services Department

Kevin Weight, Principal Planner - City of Phoenix Historic Preservation Office

Sherry Rampy, Realtor - Former City of Phoenix Historic Preservation Commission Chair

Dan Klocke, Development Project Manager - Gorman & Company, Former City of Phoenix Historic Preservation, Commission Chair

GG George, President - Phoenix Historic Neighborhoods Coalition

Ashley Harder, President - Harder Development, Board Member, Preserve Phoenix

Robert Warnicke, Attorney - Warnicke Law and Vice President, Phoenix Historic Neighborhoods Coalition

Donna Reiner, Board Member - Preserve Phoenix and Arizona Preservation Foundation

Robert Graham, Historic Architect

Debra W. Stark, Phoenix City Councilwoman

Grady Gammage, Jr., Attorney - Gammage and Burnham

Michelle Dodds, Retired City of Phoenix Historic Preservation Officer

Laura Pastor, Phoenix City Councilwoman

Jim McPherson, President - Arizona Preservation Foundation

Kathryn Leonard, Arizona State Historic Preservation Officer

Lorenzo Perez, Cofounder, - Venue Projects

Kevin Rille, President - KLMN Properties

Chuckie Duff, Farnam Equus

TOOLS STRATEGIES POLICIES INCENTIVES *for Historic Preservation in* PHOENIX

COMPLETED BY PLACEECONOMICS FOR THE CITY OF PHOENIX | DECEMBER 2023

City of Phoenix

PlaceEconomics

Archaeological Site Etiquette Guide

Help Preserve Archaeological Sites



Artifacts, in context (where they lie), tell a story. Once they are moved, a piece of the past is destroyed forever. Digging, removing artifacts, or piling them up changes what can be learned from these pieces of the past.



Walls are fragile and continually deteriorating. Climbing, sitting or standing on walls can damage them. Picking up or moving rocks alters the walls forever.



Fragile desert plants and soils that are part of archaeological sites are destroyed when you stray from the trail. Please stay on trails...they are there for your protection.



Fire destroys prehistoric organic materials, impairs the potential for chronometric dating, and damages or even destroys rock art by covering it with soot. Absolutely no fires, candles, or smoking should occur at archaeological sites.



Oils from even the cleanest hands can cause deterioration of prehistoric drawings and destroy the dating potential for future scientists trying to unravel the meaning of symbols painted and pecked on stone. Please refrain from touching rock art.



Graffiti (drawing, painting, scratching and carving) is destructive and can destroy rock art, as well as deface wood and stone buildings. Graffiti destroys rock art and architecture.



Pets can damage sites by digging, or depositing their waste in them. Please do not bring pets into archaeological sites.

Camping and Driving



Avoid driving or riding your bicycle through sites; pitching your camp in a site; dismantling historic buildings for firewood or any other use; and camping or making campfires in any historic building.

Archaeological Protection Laws



All archaeological sites on federal and tribal lands in Arizona are protected by the Archaeological Resources Protection Act and archaeological sites on state lands are protected by the Arizona Antiquities Act. These laws prohibit digging, removing artifacts, damaging, and/or defacing archaeological resources and provide for related felony and misdemeanor prosecution with imprisonment and fines.

Vandalism



If you see people vandalizing sites, please report it as soon as possible by calling **1-800-VANDALS.** Obtain as much information about the people without putting yourself in danger. Do not confront them! They may be dangerous.

By following these simple guidelines, you can help preserve these unique and fragile remnants of our American heritage. Thanks for your cooperation, and we hope you enjoy visiting archaeological sites in Arizona!

Archaeological sites are non-renewable resources.
Help us preserve America's cultural heritage!
For more information on site etiquette, becoming a site steward and Arizona's historic places, visit Arizona State Parks State Historic Preservation Office [azstateparks.com/SHPO/index.html] website.


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City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT
HISTORIC PRESERVATION OFFICE

Staff Report: Historic Preservation Plan – *PreserveHistoricPHX2025*
May 22, 2025

INTRODUCTION

The first comprehensive plan for historic preservation in the city of Phoenix was adopted in 2015. *PreserveHistoricPHX2025* provides the opportunity to assess the achievements made after the adoption of the original plan, new challenges as well as new opportunities to advance historic preservation in Phoenix. A copy of the draft version of *PreserveHistoricPHX2025* can be accessed here*: PreserveHistoricPHX | City of Phoenix*.

STAFF REQUEST

Staff requests that the Village Planning Committees review and provide comments regarding the draft Historic Preservation Plan, *PreserveHistoricPHX2025,* and recommend its approval.

BACKGROUND

The city commissioned the preeminent historic preservation data analysis firm PlaceEconomics to conduct stakeholder meetings to identify challenges and create a series of recommendations to advance historic preservation in Phoenix based on practices occurring across the country. The city began a public engagement effort based on the findings of this PlaceEconomics study with a series of public meetings and a publicly posted survey from fall of 2023 through summer of 2024 to evaluate the relevancy of the original 2015 goals and to set priorities for the next decade.

The City Archaeology Office played an important role in developing recommendations for *PreserveHistoricPHX2025* because archaeology is a key component of historic preservation. The city of Phoenix Historic Preservation Ordinance – Chapter 8 of the Zoning Ordinance – mandates the identification and preservation of archaeological resources and the recognition that “archaeological resources found on public land are the property of all citizens and are not private property. Archaeological resources found on City-owned lands are the property of the City.” (§802.B.2(c))

These engagement efforts revealed that the original five goals of the 2015 plan continue to have relevance:

1. Protect Archaeological Resources
2. Protect Historic Resources
3. Explore Preservation Incentives
4. Develop Community Awareness

5. Promote Partnerships

Stakeholders helped prioritize the potential tools and incentives to help achieve the five goals for the creation of the *PreserveHistoricPHX2025* draft plan. The goals and tools can be found starting on page 54 of the draft plan.

PreserveHistoricPHX2025 is intended as a more specific plan to augment PlanPHX2025 and to protect and promote the historic and archaeological resources of Phoenix.

PROJECT TIMELINE

Below is the tentative timeline set for *PreserveHistoricPHX2025*.

	DATE
Encanto Village Planning Committee	6/2/2025
Paradise Valley Village Planning Committee	6/2/2025
Camelback East Village Planning Committee	6/3/2025
Desert View Village Planning Committee	6/3/2025
Central City Village Planning Committee	6/9/2025
Laveen Village Planning Committee	6/9/2025
Rio Vista Village Planning Committee	6/10/2025
South Mountain Village Planning Committee	6/10/2025
Maryvale Village Planning Committee	6/11/2025
North Gateway Village Planning Committee	6/12/2025
Deer Valley Village Planning Committee	6/17/2025
Estrella Village Planning Committee	6/17/2025
North Mountain Village Planning Committee	6/18/2025
Ahwatukee Foothills Village Planning Committee	6/23/2025
Alhambra Village Planning Committee	6/24/2025
Historic Preservation Committee Meeting	7/21/2025
Planning Commission	8/7/2025
CC Subcommittee (Transportation, Infrastructure & Planning)	9/17/2025
City Council Meeting	10/15/2025

CONCLUSION

Staff requests that the Village Planning Committees review and provide comments regarding the attached draft of *PreserveHistoricPHX* and recommend its approval.

WRITER/TEAM LEADER

Helana Ruter
5/22/2025

ATTACHMENT C

PreserveHistoricPHX 2025: Historic Preservation Plan Update
Village Planning Committee Summary Results

Village	Recommendation Date	Recommendation	Vote
Ahwatukee Foothills	6/23/25	Approval with direction	10-0
Alhambra	7/22/25	No quorum	-
Camelback East	6/3/25	Approval with direction	17-0
Central City	6/9/25	Approval with direction	8-0
Deer Valley	6/17/25	Approval with direction	10-0
Desert View	6/3/25	Approval	12-0
Encanto	6/2/25	Approval with direction	14-0
Estrella	6/17/25	Approval with direction	5-0
Laveen	6/9/25	Approval with direction	10-0
Maryvale	6/11/25	Approval with direction	13-0
North Gateway	6/12/25	Approval with direction	9-0
North Mountain	6/18/25	Approval with direction	9-0
Paradise Valley	6/2/25	Approval	14-0
Rio Vista	6/10/25	Approval with direction	5-0
South Mountain	7/8/25	Approval with direction	14-0

Ahwatukee Foothills
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 23, 2025
Request	Request to adopt the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Approval, per the staff recommendation, with direction
VPC Vote	10-0

VPC DISCUSSION:

One member of the public registered to speak on this item.

STAFF PRESENTATION
Helana Ruter, the City of Phoenix Historic Preservation Officer, provided a presentation regarding the draft Historic Preservation Plan update, highlighting the public outreach, the plan goals, and next steps, and asking the Committee to provide any final comments and make a formal recommendation.

QUESTIONS FROM COMMITTEE
Committee Member Broberg asked about archeological resources in the village. **Ms. Ruter** replied with examples, including those found at South Mountain, noting that preservation of archeological resources is required by ordinance.

Committee Member Blackman asked about the limits on development resulting from historic designation. **Ms. Ruter** replied that HP designation is a zoning overlay and requires that any exterior renovation must be reviewed by the Historic Preservation Office for design review. **Ms. Blackman** followed up with a question about windows. **Ms. Ruter** replied that windows only require review when the size is changed.

Committee Member Jain asked if there will be changes to address the state legislation. **Ms. Ruter** replied that the City cannot supersede state law, and the task is to figure out how to allow the mandated density while adhering to the design review.

Chair Gasparro asked about the incentives for historic preservation. **Ms. Ruter** noted standardized plans for ADUs and that the City is looking to make HP compatible ones, and highlighted the incentive program in downtown code and grant programs funded through the recently approved bond.

Committee Member Maloney asked how an HP designation starts. **Ms. Ruter** stated that it needs to be community driven because of Proposition 207, noting that the City wants at least 80% of property owners to sign waivers in order to consider HP designation and that the City is looking at an honorific designation to avoid the Proposition 207 concerns.

Chair Gasparro asked about tax incentives. **Ms. Ruter** replied that non-income producing properties on the National Register qualify for a reduction in property taxes.

Vice Chair Mager asked about the implications and enforcement of HP designation. **Ms. Ruter** replied that HP properties have a stay of demolition, but then a building can still be demolished, noting creative solutions are achieved such as a house downtown being moved in order to preserve it and allow development.

Committee Member Barua commended the Historic Preservation Office and the vision they have looking to the past and to the future.

Committee Member Fisher asked about the reason behind historic designation beyond simply looking at age, noting that a neighborhood of a certain age isn't necessarily interesting. **Ms. Ruter** stated that age is only one component and that 50-years is a standard benchmark used around the country, reviewing the details of the other two factors for determining designation, which are significance and integrity. **Mr. Fisher** noted that a 50-year time span today is not as significant as it was in the past and we should be looking for something unique or significant.

Vice Chair Mager commented about looking at today's development as creating the historic districts of the future.

Committee Member Broberg stated that the City of Phoenix owns land that could be used for developments that are more unique, which could stand out in the future, particularly noting that land is being used to house the un-housed population. **Ms. Blackman** noted that it would require an architect who wanted to leave a legacy.

PUBLIC COMMENTS

Eric Gilmore introduced himself and spoke about concerns with the recently passed state legislation addressing missing middle housing, noting that it would significantly impact 22 historic neighborhoods within one mile of downtown and asking the VPC to vote to approve with direction to add an analysis of the impact of the legislation on historic neighborhoods.

Committee Member Broberg asked about the purpose of the analysis. **Mr. Gilmore** stated we cannot change the state law, but there should be analysis done of the impact of it. **Vice Chair Mager** noted that it could be beneficial to at least put the impact on the record. **Mr. Fisher** asked if staff has a position on the suggested motion. **Ms. Ruter** stated that the City doesn't have any concerns with adding the language to the plan, noting that they will be doing annual reporting as well.

Chair Gasparro asked if the analysis would be done in-house. **Ms. Ruter** replied that it would likely be done in-house.

Committee Member Jain asked if the Historic Preservation Office will be able to review permits for new homes built under this legislation. **Ms. Ruter** stated that there would still be a design review.

Committee Member Strem asked about determining what meets the criteria for designation. **Mr. Gilmore** replied that it is an analysis of the history of a building while understanding the need for new housing.

Chair Gasparro suggested looking at the original plats for any restrictions, which might be a practical solution to the issue.

COMMITTEE DISCUSSION
Committee Member Jain stated a concern with the proposed motion from Mr. Gilmore, noting the cost of doing the analysis.

Committee Member Blackman stated that without the ability to control historic preservation, the historic areas will be lost.

Committee Member Broberg stated that this could be something that happens in Ahwatukee in the future.

MOTION
Darin Fisher made a motion to recommend approval of the Historic Preservation Plan update, per the staff recommendation, with direction that staff amend the report to include an assessment and analysis of how the Missing Middle Housing Law (A.R.S. Section 9-462.13, HB 2721) will impact historic districts within one mile of Phoenix's Central Business District. **Toni Broberg** seconded the motion.

VOTE
10-0; motion to recommend approval of the Historic Preservation Plan update, per the staff recommendation, with direction passed; Committee Members Barua, Blackman, Broberg, Fisher, Golden, Jain, Maloney, Strem, Mager, and Gasparro in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has no comments.

Camelback East
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 3, 2025
Request	Request to adopt the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Approval, per the staff recommendation, with direction
VPC Vote	17-0

VPC DISCUSSION:

No members of the public registered to speak on this item.

Helana Ruter, the City of Phoenix Historic Preservation Officer, provided a presentation regarding the draft Historic Preservation Plan update, highlighting the public outreach, the plan goals, and next steps, and asking the Committee to provide any final comments and make a formal recommendation.

Committee Member Whitesell asked if the plan has language relative to the impact of state legislation on historic preservation, noting a concern with the House Bill to expand the boundaries of the Central Business District. **Ms. Ruter** stated that the City is aware of the issues and that the plan must be approved by the end of the year.

MOTION:
Committee Member Whitesell made a motion to recommend approval of the Historic Preservation Plan update, per the staff recommendation, with direction that considerations of the actions of the State Legislature be reflected in the report. **Committee Member Williams** seconded the motion.

VOTE:
17-0; motion to recommend approval of the Historic Preservation Plan update, per the staff recommendation, with direction passed; Committee Members Abbott, Augusta, Beckerleg Thraen, Eichelkraut, Garcia, Langmade, McClelland, Noel, Schmieder, Sharaby, Siegel, Swart, Todd, Whitesell, Williams, Paceley, and Fischbach in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has no comments.

Central City
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 9, 2025
Request	Request to adopt the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Approval, per the staff recommendation, with direction
VPC Vote	8-0

VPC DISCUSSION:

One member of the public registered to speak on this item and did not indicate support or opposition.

STAFF PRESENTATION

Helana Ruter, staff, provided a presentation regarding the Historic Preservation Plan Update. Ms. Ruter introduced the project timeline, described the plan's five goals, described studies conducted on the impact and challenges of preservation, shared the results from a public survey, and explained that her team is coordinating with the City's Archaeology Department. Ms. Ruter requested final comments from the Committee, asked for a recommendation of approval, and stated that the plan will be ultimately adopted by City Council.

QUESTIONS FROM THE COMMITTEE

Committee Member Jordan Greenman asked about mechanisms for historic preservation similar to those available for adaptive reuse and asked whether the Historic Preservation Office is exploring incentives beyond the existing framework. **Ms. Ruter** explained that the Downtown Code includes a sustainability bonus that may be applicable in certain situations, stated that her office is interested in expanding these types of tools, stated that rehabilitation grants are available, and expressed a goal to build stronger partnerships with the Office of Customer Advocacy.

Committee Member Greenman asked if there are specific areas the Historic Preservation Office is targeting for designation. **Ms. Ruter** stated that there are no

geographic priority areas at this time and explained that the office is supportive of efforts such as the National Register nomination for Grand Avenue the Miracle Mile corridor. Ms. Ruter explained that staffing and funding resources were significantly reduced after the recession, stated that capacity is gradually returning, and explained that the office generally responds to community-initiated requests.

Chair Cyndy Gaughan asked whether properties eligible for historic designation have a defined path to being listed and recommended that a timeline be established to guide those efforts. **Ms. Ruter** stated that her office develops a survey designation plan each year, explained that there has been a focus in recent cycles on postwar-era properties, and stated that updates are underway for the City's ethnic heritage survey. Chair Gaughan asked whether community-based resources are being leveraged to support this work and help lighten the load. Ms. Ruter stated that this was a valuable comment.

Vice Chair Darlene Martinez asked how information about the City's rehabilitation programs is being shared with the public. Ms. Ruter responded that outreach is being coordinated with the City's Public Information Office and explained that efforts include posts on social media, updates to the department webpage, neighborhood outreach, and the development of online tutorial content. **Chair Gaughan** stated that City Council offices distribute information regarding historic preservation programs through their regular email newsletters.

Chair Gaughan asked about the proposal to extend the 30-day demolition hold. **Ms. Ruter** stated that the current policy applies to commercial properties over 50 years old that are either eligible for historic designation or located within areas covered by the Downtown Code and explained that the plan proposes increasing the hold period to 60 days.

PUBLIC COMMENT

Opal Wagner introduced herself, stated that she serves on the Encanto Village Planning Committee (VPC), and explained that the Encanto VPC considered the plan at a recent meeting. Ms. Wagner explained the Encanto VPC voted to recommend approval with the condition that the plan includes an analysis of the impact of the Missing Middle Housing Bill. Ms. Wagner stated that the state legislation will allow multifamily housing on properties currently zoned for single-family use and will enable further subdivision of lots, expressed concern that the Bill will incentivize demolitions in historic neighborhoods, and explained that the Bill is not addressed in the draft Historic Preservation Plan.

STAFF RESPONSE

Ms. Ruter thanked Ms. Wagner for her comments, stated that the Encanto Village has a large number of residential historic districts, stated that similar concerns have been raised in other villages, and confirmed that the impact of the Missing Middle Housing Bill on historic properties will be incorporated into the Historic Preservation Plan.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

Committee Member Edward Vargas asked for clarification on the specific concern. **Ms. Ruter** explained that under the new legislation the R1-6 zoning district would allow up to four dwelling units per lot, stated there are concerns that the Bill will encourage demolition of existing historic homes, and explained that there is a one-year demolition stay for properties with official historic designation.

Committee Member Janey Pearl Starks asked whether the legislation limits the number of stories that can be built. **Ms. Wagner** stated that the Bill allows for a maximum height of two stories.

Motion:
Committee Member Zach Burns made a motion to recommend approval of the Historic Preservation Plan, per the staff recommendation, with direction that staff amend the Historic Preservation Plan to include an assessment and analysis of how the Missing Middle Housing Law (ARS Section 9-462.13, HB2721) will impact historic districts within one mile of Phoenix's Central Business District. **Vice Chair Darlene Martinez** seconded the motion.

Vote:
8-0, motion to recommend approval the Historic Preservation Plan, per the staff recommendation, with direction that staff amend the Historic Preservation Plan to include an assessment and analysis of how the Missing Middle Housing Law (ARS Section 9-462.13, HB2721) will impact historic districts within one mile of Phoenix's Central Business District passed, with Committee Members Ban, Burns, Greenman, Johnson, Starks, Vargas, Martinez, and Gaughan in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Deer Valley
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 17, 2025
Request	Adoption of the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Approval, per the staff recommendation, with direction
VPC Vote	10-0

VPC DISCUSSION:

One member of the public registered to speak on this item.

Staff Presentation:
Kevin Weight, staff, gave a presentation regarding the update to the city's Historic Preservation Plan. Mr. Weight stated that the city's first comprehensive Historic Preservation Plan was adopted in 2015 and the current update was the result of a collaborative effort that began with two consultant studies in 2021 and 2024, both of which included focus groups and outreach, the results of which were incorporated into the plan update. Mr. Weight stated the plan update supports and expands upon the historic preservation goals outlined in the recently adopted general plan update, and details the public benefits of historic preservation, while providing a legal and historical background for preservation both nationally and in Phoenix. Mr. Weight stated that the plan update includes a timeline of historic preservation activities in Phoenix over the last 100+ years and outlines the functions of the City of Phoenix Historic Preservation Commission, Historic Preservation Office, and City Archaeology Office, as well as listing the city's accomplishments since the adoption of the 2015 plan. Mr. Weight added that the plan update includes five goals, those being to protect archaeological resources, protect historic resources, explore preservation incentives, develop community awareness, and promote partnerships. Mr. Weight summarized the timeline for approval stating that the Historic Preservation Office has been presenting to the various villages with the intent of seeking a recommendation from each village. Mr. Weight summarized the upcoming Historic Preservation Committee meeting, Planning Commission, City Council Sub-Committee meetings, and City Council formal sessions, with final approval to occur in October of this year and an effective date in January 2026. Mr. Weight asked for input from the Village Planning Committee and that the Committee recommend approval of the plan update.

Questions from the Committee:

Chair Gregory Freeman asked if there were any historic districts in the Deer Valley Village. **Mr. Weight** stated there were no historic districts but there are some individually eligible properties in addition to the Deer Valley Rock Art Center and some early 20th Century buildings. Mr. Weight stated it is a shifting 50-year mark and that more properties will surface over time.

Committee Member Ricardo Romero asked about community engagement. **Mr. Weight** stated they had presented to the Historic Preservation Commission, which is a nine-member body appointed by the City Council. Mr. Weight stated that the Historic Preservation Commission has committed to being more active. Mr. Weight stated they have had a presence at certain activities and community events and have been working their way north into areas that have not had much activity in the past. Mr. Weight stated they have been working to establish partnerships with non-profit groups.

Committee Member Trilese DiLeo asked about the criteria needed to receive Historic status. **Mr. Weight** stated that the city's criteria mirrors that of the National Park Service and the State of Arizona, which requires the site to be at least 50 years old, with some exceptions, that the site be significant in terms of local, state or national history, and that the site retain its integrity with respect to location, materials, design, and workmanship.

Committee Member Gerrald Adams asked about the presence of archeological sites. **Mr. Weight** stated that Historic Preservation and Archeology are separate entities within the city and that he is not a trained archeologist but that there are locations in the area such as the Deer Valley Rock Art Center. Mr. Weight stated there are state laws in place that protect archeological sites and that if a site is known to have archeological significance, then monitoring of the site would be required during the development of the site to allow documentation of any findings. Mr. Weight stated that such findings do not necessarily stop the development of a site but allow the site to be managed in a way that is sensitive to the archeological resources, so they are not lost. Mr. Weight stated that some sites might be so significant that they are listed on the Register, which does protect the site. Mr. Weight stated that if human remains are found, the tribes are notified and the remains preserved per tribal customs. Committee Member Adams asked about time limits associated with the findings of human remains. Mr. Weight referenced a project at Tovrea Castle where a human body was discovered during clearing activities related to the caretaker's quarters and police were called in to investigate a crime.

Public Comments:

Tom Doescher identified himself as a member of the Encanto Village Planning Committee. Mr. Doescher stated that a couple weeks prior, the Encanto Village Planning Committee voted to approve the proposed Historic Preservation Plan update with direction to require the plan to include an analysis of the effects the Missing Middle Housing Bill would have on Historic Preservation efforts within the City of

Phoenix. Mr. Doescher stated that the bill was passed in late 2024 with an effective date of January 1st, 2026 and that the bill affects cities with greater than 75,000 population, allowing duplexes, triplexes, and fourplexes up to two stories in height in and within one-mile of the city's Central Business District. Mr. Doescher stated that 22 of the 33 historic districts in Phoenix are located within that one-mile border. Mr. Doescher stated that the bill will have devastating effects on historic neighborhoods. Mr. Doescher stated that he resided in the Willo District, which received historic status in 1986 under a conservation plan, prior to the Historic Preservation Ordinance having taken effect. Mr. Doescher stated that the first house in the district was constructed in 1913. Mr. Doescher stated that under the new Bill, a developer could buy a property, let it sit for a year, then tear it down to build affordable housing. Mr. Doescher stated that the Willo District was designated largely as single-family homes, with two multifamily exceptions. Mr. Doescher reiterated that the bill will have a devastating effect on the neighborhood and will not provide affordable housing. Mr. Doescher gave two examples of projects in the area that were constructed in a manner that was out of character with the neighborhood. Mr. Doescher stated that the Encanto Village Planning Committee has received a consensus among the other Village Planning Committees to give direction that the plan update include an analysis of the effects that House Bill 2721 would have on historic neighborhoods in Phoenix. Mr. Doescher stated that other cities within the state that have historic neighborhoods will also be affected by the bill and that the City of Tucson prepared a 77-page analysis on the subject. Mr. Doescher stated that the Willo District tried to get an amendment to the bill, but it was too late in the legislative session and that they would seek changes to the bill during the next legislative session. Mr. Doescher reiterated his request to the Village Planning Committee.

Committee Member James Sutphen asked what can be done if the law has already been passed. **Mr. Doescher** stated that the Committee could give direction to staff to look at what can be done to exempt historic districts from this law. Mr. Doescher stated that he understands that this might be perceived as being against affordable housing but also stated that the Willo District and others were supportive of the law concerning accessory dwelling units, citing examples of garage conversions that had taken place over time. Mr. Doescher stated they were not opposed to affordable housing but did not believe that House Bill 2721 will have any effect on a statewide housing shortage when applied to historic neighborhoods. Mr. Doescher stated that the city must have an ordinance adopted by January 1, 2026.

Committee Member Sandra Hoffman asked if they had looked at placing deed restrictions on the properties. **Mr. Doescher** stated that they all have restrictions and are looking at Proposition 207.

Staff Response:
Mr. Weight stated that the other Village Planning Committees were in agreement that the effects of House Bill 2721 present a challenge that needs to be addressed in the plan update, and that staff is in support. Mr. Weight stated that the process of updating the plan began prior to the passage of House Bill 2721 and that a Text

Amendment to implement that bill is in progress. Mr. Weight stated that other municipalities such as Tucson have already begun working on the issue.

Discussion:
Committee Member Trilese DiLeo asked who wrote the Missing Middle Housing Bill. **Chair Freeman** stated that it was the State Legislature that wrote the bill. Committee Member DiLeo asked how a building could get torn down and if there would be any sort of rezoning process. **Mr. Weight** stated that if the property is listed, the Historic Preservation Office can delay the demolition of the building for a period of one year, during which time alternatives to the demolition of the building would be identified. Mr. Weight stated that under the current ordinance, the owner can propose a suitable replacement, which would be evaluated based on its density and character; however, under the new law, that density could be dramatically different than the adjacent neighborhood. Committee Member Dileo asked for clarification that if any home was to be destroyed by fire, could the owner come back with a fourplex as opposed to like-for-like as currently written in the ordinance. Mr. Weight clarified that would be the case within the Central Business District and within a one-mile radius of that district. Mr. Weight stated that it does not currently affect the Deer Valley Village but it does affect about two-thirds of the historic districts, primary those that are south of Thomas Road.

Committee Member Adams asked about rezoning the property. **Mr. Kuhfuss**, staff, stated that any property owner would have the right to file a rezoning application but that granting the rezoning request is not a foregone conclusion. **Chair Freeman** summarized that the new law prevents the city from stopping this type of development from occurring within this area. **Committee Member DiLeo** asked for confirmation of the maximum number of units. **Mr. Weight** stated the maximum number of units is four.

Mr. Weight stated that other recent changes to state law such as accessory dwelling units have been implemented fairly well within the historic districts, but that House Bill 2721 allows the replacement of relatively small buildings with much more density. Mr. Weight stated that he would appreciate the Committee's support and that if the Committee wanted to take into account Mr. Doescher's request to include an analysis on the effects of House Bill 2721, they would gladly comply.

MOTION:
Committee Member Trilese DiLeo motioned to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025), per the staff recommendation, with direction for staff to include an analysis of the effects of House Bill 2721 in the plan update. **Committee Member Ricardo Romero** seconded the motion.

Additional Discussion:

Committee Member Hoffman stated that she wanted the analysis to include both the positive and negative aspects of House Bill 2721.

VOTE:
10-0, motion to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025), per the staff recommendation, with direction for staff to include an analysis of the effects of House Bill 2721 in the plan update passes with Committee Members Adams, Clark, Davenport, DiLeo, Herber, Hoffman, Hoover, Romero, Sutphen and Freeman in favor and none opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 3, 2025
Request	Request to adopt the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	12-0

VPC DISCUSSION:

Committee Member Michelle Santoro returned, bringing the quorum to 12 members.

No members of the public registered to speak on this item.

Staff Presentation:
Kevin Weight, with the City of Phoenix Historic Preservation Office, introduced himself and provided an overview of the Historic Preservation Plan update (PreserveHistoricPHX 2025). Mr. Weight discussed what the update includes and its collaborative effort. Mr. Weight shared the goals and the vision statement of the PreserveHistoricPHX 2025 plan. Mr. Weight concluded with the public hearing schedule and stated that staff recommends the Village Planning Committee provide any final comments and take action to recommend formal City Council approval of the plan.

Questions from Committee:
None.

Public Comments:
None.

Staff Response:
None.

Discussion:
Chair Steven Bowser stated that Phoenix is in its infancy of historic preservation. Chair Bowser complemented the picture on the cover of the PreserveHistoricPHX 2025 plan of a historic building on Central Avenue and Osborn Road.

Committee Member George Birchby concurred.

Committee Member Reginald Younger asked who the Arizona Veterans Memorial Coliseum is owned by. **Mr. Weight** responded that it is owned by the State and is part of the Arizona State Fairgrounds. Mr. Weight added that they have been working with the Arizona State Historic Preservation Office to encourage the Fairgrounds to preserve it. Mr. Weight stated that they have been somewhat non-committal, but they have not demolished it, which is good. Mr. Weight stated that it is on their list of significant historic properties for the post-World War II era.

Chair Bowser stated that there are interesting resources available about historic properties and historic preservation.

MOTION:
Committee Member Gary Kirkilas made a motion to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025), per the staff recommendation. **Committee Member Jason Israel** seconded the motion.

VOTE:
12-0; the motion to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025) per the staff recommendation passes with Committee Members Barto, Birchby, Carlucci, Israel, Kirkilas, Kollar, Nowell, Reynolds, Santoro, Younger, Lagrave and Bowser in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has no comments.

Encanto
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary

Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 2, 2025
Request	Adoption of the Historic Preservation Plan update (PreserveHIstoricPHX 2025)
VPC Recommendation	Approval, per staff recommendation, with direction
VPC Vote	14-0

VPC DISCUSSION:

One member of the public registered to speak on this item in opposition.

STAFF PRESENTATION:

Helana Ruter, Historic Preservation Officer for the City of Phoenix, provided an overview of the Preserve Phoenix 2025 Plan and its current progress and noted that this is the City's first comprehensive, citywide historic preservation plan, which was originally adopted by the Phoenix City Council in 2016. Ms. Ruter stated that the planning process began with a consultant study which included focus groups and identified both challenges and opportunities in historic preservation. Mr. Ruter stated with this foundation, staff initiated a public engagement process to refine and prioritize preservation goals and strategies. Ms. Ruter said that Preserve Phoenix 2025 is a supplement to the City's General Plan and supports its vision and core values by highlighting the role of historic preservation and heritage resources in shaping Phoenix's future. Ms. Ruter stated the updated plan builds on the previous 2015 efforts and considers emerging tools, policies, and actions to address current needs. Ms. Ruter acknowledged that the process has evolved over the last 18 months, especially in response to recent state legislation focused on housing and new laws have introduced challenges by limiting local zoning and design review authority, which affects how Phoenix can enforce overlays and guidelines that protect the character of historic properties and neighborhoods. Ms. Ruter stated that language addressing these challenges will be included in the updated draft plan and the plan includes updated tools and policy recommendations that will require extensive public engagement to address

evolving issues. Ms. Ruter stated the importance of balancing growth with the preservation of Phoenix's unique historic character and that not everything can be preserved, and the city must be strategic about what and how it preserves. Ms. Ruter stated the Historic Preservation Commission is a nine-member advisory body that will review the progress during its annual work session in August and in that session, it will help assess achievements, identify gaps, and plan future actions. Ms. Ruter stated the city's continued commitment to protecting historic resources within the constraints of new legislative limitations and that the final draft of the plan will reflect public comments and, upon completion, will be presented to the Phoenix City Council. Ms. Ruter stated once adopted, the updated plan will not only guide staff efforts but also serve to elevate public awareness and reaffirm the city's dedication to historic preservation.

QUESTIONS FROM THE COMMITTEE:

Committee Member Warnicke stated that they understood federal funding for the State Historic Preservation Office (SHPO) may be ending, and it was unclear what alternative funding options might exist for the SHPO. Committee Member Warnicke asked how the SHPO's inability to operate effectively would impact the City's ability to protect historic resources and fulfill the objectives of the Preserve Phoenix 2025 plan. **Ms. Ruter** responded that while the City's Historic Preservation Program is somewhat insulated due to being city funded, the city is still facing broader budget challenges. Ms. Ruter stated that the city does not directly receive federal funds for its preservation program, but it does regularly consult with the SHPO and noted that grants for privately owned historic properties often flow through the SHPO and they are crucial in the federal compliance process. Ms. Ruter said if the SHPO were unable to operate, all required consultations would have to go directly to the Advisory Council on Historic Preservation, creating delays and complications. Ms. Ruter stated that the city's Government Affairs Office is aware of the issue and is working to advocate for the continuation of SHPO funding.

Committee Member Wagner thanked Ms. Ruter for the presentation and asked whether any changes had been made to the draft plan since the previous presentation in April and if it remained the same. **Ms. Ruter** responded that there had been some updates, particularly related to how the plan addresses legal and policy challenges stemming from new state legislation. Ms. Ruter stated that she has been working closely with the City's Law Department to carefully craft language that explains these challenges, especially those posed by the missing middle housing law without drawing unwanted attention or concern from the legislature. Ms. Ruter explained that while the city aims to continue its current design review processes, there are specific provisions in the new law, such as limitations on restricting building heights to two stories, that require careful legal interpretation, and these considerations are still being refined for inclusion in the final draft of the plan.

Committee Member Kleinman asked if the draft version is currently available is intended to be the final version presented for adoption, or if a more complete version will be developed. Committee Member Kleinman expressed concern that, while a draft had been made available, it may not yet reflect all relevant updates, particularly given recent developments, and asked for clarification on the timing for a finalized version. **Ms. Ruter** responded that a draft version of the plan has been available since April and that it included a link for public review and comment and noted that beyond recent updates related to state legislation, no significant additional comments had been received to date. Ms. Ruter stated that she is actively working on incorporating further comments as they are submitted by Village Planning Committees. Ms. Ruter stated the Planning Commission will receive the plan as an information item this month in June, and it is scheduled to return in August for a formal recommendation and the goal is to compile all feedback into a final draft by then.

Committee Member Wagner asked why a recommendation was being requested at this stage when key information especially regarding the impact of recent state legislation had not yet been fully incorporated. Committee Member Wagner questioned asked if there was a compelling reason to move the plan forward now rather than delaying it until all outstanding issues could be addressed and if there was a specific funding-related deadline or another reason for moving forward. **Joshua Bednarek**, Director of the Planning and Development Department, responded that staff would welcome a recommendation from the committee, including direction to address state legislation as part of that recommendation. Mr. Bednarek stated that due to the political sensitivity surrounding recent laws passed by the state legislature, staff have been advised to proceed cautiously in how that language will be incorporated. Mr. Bednarek stated that while the legislation affects only a small portion of the plan, the overall significance of Preserve Phoenix 2025 lies in its reaffirmation of the city's and the community's commitment to historic preservation. Mr. Bednarek encouraged the committee to make a recommendation on the plan while also providing guidance on how to address legislative challenges in the final draft.

Committee Member Kleinman asked for clarification, inquiring whether staff was requesting the committee to submit language that would be legally binding, or whether this would be more of a policy recommendation. **Mr. Bednarek** responded that the committee could choose to recommend approval of the plan along with direction to staff to incorporate language addressing the challenges posed by recent state legislation. Mr. Bednarek stated that this would not be legally binding but would serve as policy guidance and that such a recommendation would help emphasize the importance of the issue as the City Council considers the plan.

Committee Member Perez asked whether previous public feedback submitted prior to the most recent legislative changes had been incorporated into the draft. Committee

Member Perez expressed concern that while the committee was being asked to comment on the new legislative language, it was unclear whether earlier feedback had already been addressed and asked how the committee could confirm that their prior input had been meaningfully considered. **Mr. Bednarek** responded that in addition to incorporating forthcoming comments on state legislative language, any feedback already submitted apart from the new legal concerns has been reviewed. Mr. Bednarek encouraged committee members to notify staff if there are any previously submitted comments that appear to be missing from the updated draft. Mr. Bednarek emphasized that comments about the legal and practical impacts of state legislation are being addressed in collaboration with the Law Department and will be reflected in future revisions.

Committee Member Wagner stated that the only comments previously provided appeared to be focused on the missing middle housing legislation. **Mr. Bednarek** confirmed that those legal concerns have been received and that staff are working with the City's Law Department to find appropriate language to incorporate into the plan. Mr. Bednarek invited any additional input and reassured the committee that the issue is being taken seriously.

Committee Member George asked what the overall expectation was for the committee in relation to the proposed plan. **Mr. Bednarek** responded that it is important to support the goals and strategies outlined in the plan and that staff recommends forwarding a recommendation of approval to the City Council, along with any additional direction the committee may wish to provide, especially regarding recent state legislation.

Committee Member Procaccini asked whether property taxes are addressed in the proposed plan. **Mr. Bednarek** responded that he did not believe the plan addresses property taxes and could not speak with certainty on whether such provisions were included in any associated legislation.

PUBLIC COMMENT:

Mr. Eric Gilmore introduced himself as a resident of a historic neighborhood and addressed the committee, expressing concern about the state legislation and the status of the Historic Phoenix Plan. Mr. Gilmore noted that while the plan includes technical details, it could benefit from additional emphasis on the cultural and demographic aspects of historic preservation. Mr. Gilmore recommended incorporating more data on demographics such as older adults, youth, and marginalized communities and emphasized the importance of preserving the city's cultural fabric. Mr. Gilmore also referenced prior reporting and urged staff to ensure that findings from earlier studies are adequately reflected in the updated plan.

Committee Member Wagner stated that there are remaining comments and questions, noting that while the legal issues had not been discussed in detail, it was important to

clarify that under the new legislation, developers could potentially demolish existing historic homes on single-family lots and construct multi-family units of up to four dwellings. Committee Member Wagner asked whether this interpretation was accurate, emphasizing its potential to significantly alter the character of historic neighborhoods. **Mr. Bednarek** responded that staff is preparing a text amendment to bring the City into compliance with the newly enacted state law. Mr. Bednarek cautioned the committee against engaging in detailed discussion on the forthcoming amendment, as it would return to the committee as a formal agenda item and asked committee members to submit questions in advance to help facilitate a productive discussion when the text amendment is presented. Mr. Bednarek reiterated that the text amendment and the historic preservation plan are separate items, though related. Committee Member Wagner acknowledged the clarification but stated that the text amendment, the state law, and the preservation plan are inherently linked due to their shared impact on historic districts. Committee Member Wagner reiterated concern about moving forward before fully addressing these issues.

Committee Member Doescher commented that the committee was being asked to support the preservation plan while significant concerns remained unresolved and that the request for approval without complete information felt premature. **Mr. Bednarek** responded that the preservation plan is a policy document and does not carry the legal authority to modify or enforce state legislation. Mr. Bednarek clarified that while there is a connection between the preservation plan and the state mandated text amendment, they are distinct in function and the text amendment will be developed and adopted separately to meet the January 1, 2026 compliance deadline set by the state. Mr. Bednarek stated the preservation plan is intended to guide the city's long-term preservation efforts but does not have regulatory power over zoning or development entitlements.

Vice Chair Matthews closed the discussion and called for a motion.

STAFF RESPONSE:

None.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE:

MOTION:
Committee Member Wagner made a motion to recommend approval of the Preserve Phoenix 2025 Historic Preservation Plan Update, per the staff recommendation, with direction:

Motion to approve the Preserve Historic Phoenix 2025 Historic Preservation Plan Update to include an assessment and analysis of how the Missing Middle Law ARS

(Arizona Revised Statues) §9-462.13/HB (House Bill) 2721 will impact historic districts with one mile of Phoenix's Central Business District.

Committee Member G.G. George seconded the motion.

VOTE:
14-0, motion to recommend approval of the Preserve Phoenix 2025 Historic Preservation Plan Update, per the staff recommendation, with direction passes with Committee Members Cardenas, Doescher, Garcia, George, Kleinman, Mahrle, Perez, Picos, Procaccini, Schiller, Tedhams, Wagner, Warnicke, and Matthews in favor.

Committee Member Warnicke commented that the state has become the biggest single threat to the city's neighborhoods.

Committee Member Wagner stated that the legislation poses a clear threat to historic preservation and should be prioritized in the plan's list of identified challenges.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Estrella
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 17, 2025
Request	Adoption of the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Approval, per the staff recommendation, with direction
VPC Vote	5-0

VPC DISCUSSION:

Two members of the public registered to speak on this item.

Staff Presentation:
Helana Ruter, with the City of Phoenix Historic Preservation Office, provided an overview of the Historic Preservation Plan update (PreserveHistoricPHX 2025), noting that the plan will set the framework for historic preservation in Phoenix for the next 10 years. Ms. Ruter stated that the plan is an update to the 2015 plan. Ms. Ruter discussed what the PreserveHistoricPHX 2025 plan includes and the five goal areas of the plan. Ms. Ruter concluded with the public hearing timeline and stated that staff recommend that the Village Planning Committee provide any final comments and take action to recommend formal City Council approval of the plan

Questions from the Committee:
Kristine Morris asked if only government buildings or residential buildings could be listed as historic. **Ms. Ruter** stated that a historic preservation overlay is not limited to government buildings or residential buildings and noted examples such as grain silos. Ms. Ruter noted that the recent bond allowed people to apply and encouraged a diversity of buildings and structures. **Ms. Morris** asked for more information regarding identifying historic properties because she was the superintendent of a school that was currently restoring a schoolhouse from the 1920's. **Ms. Ruter** noted that there were land surveys from the 1980's through the early 2000's but that that stopped during the recession. Ms. Ruter stated that with this updated plan, there is a larger initiative to start surveying properties again. Ms. Ruter requested Committee Member Morris to follow up with her regarding the schoolhouse.

Chair Parris Wallace stated that numerous of these historic neighborhoods consisted of the working class. Chair Wallace asked how the update would address gentrification. **Ms. Ruter** stated that the way properties are identified as historic was by rezoning the site to include the Historic Preservation Overlay in the zoning designation. Ms. Ruter added that that designation would have to go through the public hearing process and be approved by

the City Council. Ms. Ruter stated that there is a certain classification that does not require rezoning the property. Ms. Ruter added that this would give individual properties the recognition of historic designation without it being regulatory. Ms. Ruter noted that a historic preservation overlay doesn't limit development, if the property meets all the requirements. Ms. Ruter provided some examples like keeping the building façade.

Chair Wallace asked how the update would impact future development or redevelopment. **Ms. Ruter** stated that if a property was over 50 years old, then it is put on hold for 30 days to allow the Historic Preservation Office to analyze the property and possibly save it from being torn down. Ms. Ruter added that some property owners do not want the historic designation on their property but that their department requests small features to tie the property to the past.

Vice Chair Lisa Perez remembered the Circles Records and Tapes store that faced a lot of backlash when it was demolished. Vice Chair Perez stated that Phoenix does not have a deep history. Chair Perez mentioned the historic building on 3rd Street and Osborn which was able to restore the façade, but the building was used for a different use.

Ms. Ruter stated that with the update, she hoped that there would be more initiatives such as grants to assist these developments and improvements. **Vice Chair Perez** mentioned the rezone case that consisted of a historic laundromat and how there were a wide range of opinions.

Ms. Morris asked why historic properties were not included in the General Plan Update discussions. **Vice Chair Perez** noted that the General Plan Land Use Map focused on land use and not necessarily the historic property designation.

Ms. Morris asked how they provide feedback regarding the update. **Ms. Ruter** noted that they were seeking a recommendation from the committee but that she would be happy to discuss any comments and comments can still be provided now or via email.

Marcus Ceniceros asked for more information regarding the amtrack, and the old train station located in downtown Phoenix. **Ms. Ruter** stated that that property was owned by a private entity but that it was both on the National and Phoenix Historic Registry.

Public Comment:
Opal Wagner stated that she was on the Encanto Village Planning Committee and noted that she lived in the oldest historic districts in the city. Ms. Wagner noted that the Encanto committee has requested the Historic Preservation Office to amend the plan to address the missing middle housing. Ms. Wagner voiced her concern on how the state level initiatives could affect over 22 different neighborhoods. Ms. Wagner noted that many of the houses located in these historic neighborhoods are one story and that the initiative could potentially cause a lot of demolition to allow for additional houses. Ms. Wagner requested the Estrella committee to include the same direction in their recommendation as the Encanto committee.

Aaron Montano noted that he was also on the Encanto Village Planning Committee and that he echoed and supported the comments and request presented by Opal Wagner. Mr. Montano agreed that Phoenix does not have many historic buildings and noted that these historic neighborhoods dated back to the 1930's. Mr. Montano stated that he supported affordable housing but that the updated needed to be updated to address the missing middle housing.

Committee Discussion/Motion/Vote:
Vice Chair Perez noted that there was a collision that focused on the missing middle housing movement. Vice Chair Perez was skeptical that this approach would provide affordable housing. Vice Chair Perez thanked both members of the public for coming to the Estrella Village Planning Committee meeting to provide their comments. Vice Chair Perez noted that she was familiar with the level of engagement and passion by residents that live in these historic neighborhoods. Vice Chair Perez voiced her support to add the same direction as the other committees.

Chair Wallace thanked the members of the public for their comments but noted that four houses would help serve the community more than one.

Ms. Wagner noted that they were not opposed to additional or affordable housing but would like the updated plan to assess how it would affect historic neighborhoods.

Motion:
Vice Chair Lisa Perez motioned to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025), per the staff recommendation, with direction that staff amend the report to include an assessment and analysis of how the Middle Housing Law, ARS Section 9-426-13, House Bill 2721 will impact Phoenix historic districts. **Kristine Morris** seconded.

Vote:
5-0, motion to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025), per the staff recommendation, with direction passed with Committee Members Ceniceros, Dominguez, Morris, Perez, and Wallace in favor.

Staff Comments Regarding VPC Recommendation:

None.

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 9, 2025
Request	Adoption of the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Approval, per the staff recommendation, with direction
VPC Vote	10-0

VPC DISCUSSION:

Three members of the public registered to speak on this item.

Staff Presentation:
Kevin Weight, with the City of Phoenix Historic Preservation Office, introduced himself and provided an overview of the Historic Preservation Plan update. Mr. Weight shared how to access the plan. Mr. Weight discussed what the update is for and the collaborative effort of the plan update. Mr. Weight shared what the plan update includes and the goals of the plan update. Mr. Weight concluded with the public hearing timeline and stated that staff recommends the Village Planning Committee provide any final comments and take action to recommend formal City Council approval.

Questions from the Committee:
None.

Public Comment:
Chair Stephanie Hurd asked Phil Hertel if he would like to speak since he submitted a speaker card. **Phil Hertel** noted that he did not need to speak.

Dan Penton voiced his support for the preservation plan. Mr. Penton noted that one of the plan's goals was identifying and protecting the neighborhood heritage concept. Mr. Penton stated that numerous properties in the Laveen village would meet the 40–50-year criteria to be identified as a heritage neighborhood. Mr. Penton requested more historic preservation enforcements that would prevent historic properties from being neglected or demolished. Mr. Penton added that South Mountain Park should be designated as cultural property to further protect it from future development.

Tom Doescher stated that he was there representing the Willo Historic Neighborhood. Mr. Doescher requested that the updated plan address the missing middle housing. Mr. Doescher stated that historic houses could be torn down and converted into four units, thus eliminating history. Mr. Doescher reiterated his request to add a recommendation to address missing middle housing in the updated plan.

Staff Response:
Mr. Weight appreciated the support voiced by the members of the public and noted that they have discussed the request to include missing middle housing during the Encanto Village Planning Committee meeting. Mr. Weight added that the committee was supportive of the direction and approved the updated plan. Mr. Weight noted that this would not affect Laveen but understood the community's request to preserve single-family houses. Mr. Weight stated that he would not oppose the Laveen committee's decision if they wanted to add direction to address missing middle housing.

Committee Discussion/Motion/Vote:
None.

Motion:
Kristi McCann motioned to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025), per the staff recommendation, with direction that staff amend the report to include an assessment and analysis of how the Middle Housing Law, ARS Section 9-426-13, House Bill 2721 will impact Phoenix historic districts. **Mixen Rubio-Raffin** seconded.

Vote:
10-0, motion to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025), per the staff recommendation, with direction passed with Committee Members Darby, McCann, Nasser-Taylor, Ortega, Perrera, Rouse, Rubio-Raffin, Serrette, Barraza, Jensen, and Hurd in favor.

Staff Comments Regarding VPC Recommendation:

None.

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 11, 2025
Request	Request to adopt the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Approval, per the staff recommendation, with direction
VPC Vote	13-0

VPC DISCUSSION:

Committee Member Lupita Galaviz arrived during this item bringing the quorum thirteen.

One member of the public registered to speak on this item.

Helana Ruter, City of Phoenix Historic Preservation Officer, indicated that the PreserveHistoricPHX 2025 plan is an update to the first historic preservation plan adopted by the City of Phoenix ten years ago. Ms. Ruter noted a firm and focus group were employed to provide recommendations which kicked off a public engagement process. Ms. Ruter said the majority of the historic districts are on the periphery of downtown. Ms. Ruter stated there was an effort at the state level with legislation trying to limit municipal design review and zoning to keep buildings more affordable.

Ms. Ruter added that coming later in the Fall to the Village Planning Committees is a text amendment related to the missing middle housing. Ms. Ruter said she mentioned it as it applies to the historic areas around downtown and it will impact the historic districts. Ms. Ruter noted the plan outlines what the City's Historic Preservation and Archaeology Office does and outlines their goals. Ms. Ruter said the original five goals of the 2015 plan are still relevant but this plan now provides background information and recommended tools or policy action items which vary in complexity. Ms. Ruter said it's a broad overarching document and mentioned she would be going out to the other Villages to make this presentation. Ms. Ruter said that today she was ultimately looking for a recommendation of approval.

Vice Chair Derie asked for the criteria for a building. **Ms. Ruter** said it could be archaeological resources and the built environment. Ms. Ruter said the Maryvale Terrace is a neighborhood of important significance. Vice Chair Derie asked for

the results of the David and Gladys Wright House. Ms. Ruter said the house was listed on the National Register of Historic Places and a historic conservation easement was put on the house. Vice Chair Derie asked because it was about an event center.

Al DePascal asked if it is mainly for the downtown area. **Ms. Ruter** said this is citywide and the plan looks beyond the city to be more innovative.

Vice Chair Derie asked if the Western Savings building was considered historic. **Ms. Ruter** said it was not designated but eligible. Vice Chair Derie said the City of Phoenix used to not see the significance of preserving historic structures.

Warren Norgaard asked if the actual plan was the link from the QR Code. **Ms. Ruter** said that was the 55 pages and outlines goals as a summary of the different resources and tools they'd like to implement over the next decade.

PUBLIC COMMENTS:
Opal Wagner from the Encanto Village Planning Committee said that her village has some of Phoenix's largest and oldest historic areas in the City. Ms. Wagner brought to the attention of the committee the missing middle housing legislation in the areas near downtown. Ms. Wagner said the Encanto Village Planning Committee recommended approval of the PreserveHistoricPHX 2025 Historic Preservation Plan update with the stipulation that staff amend the report to include an assessment and analysis of how the Missing Middle Housing Law (A.R.S. Section 9-462.13, HB 2721) will impact Phoenix's historic neighborhoods.

Ms. Wagner added the Camelback East, Central City, Laveen and Rio Vista Villages adopted the same amended language. Ms. Wagner shared her concerns with the plan update and asked if the Maryvale Village Planning Committee would consider doing this.

Al DePascal asked if the State Legislature and what the State passed would allow the demolition of historic structures and build 2-story homes in place of them. **Vice Chair Derie** asked if the suggested recommendation would be to amplify the voice together of the different Villages. **Ms. Wagner** said yes and the suggestion would make the report better.

Ken DuBose thought what was being asked was not a whole lot.

Al DePascal asked what the Governor said and Ms. Wagner said she had signed the House Bill.

Vice Chair Derie asked if they had information about the plan update before and **Mr. Moric** said the Village Planning Committee received a brief update at a

previous meeting and the Historic Preservation Plan staff report was provided in the monthly packet.

Motion

Patricia Jimenez motioned to recommend approval of the PreserveHistoricPHX 2025 Historic Preservation Plan update, per the staff recommendation, with direction that the staff amend the report to include an assessment and analysis of how the Missing Middle Housing Law (A.R.S. Section 9-4692, 13, HB2721) will impact Phoenix's historic neighborhoods. **Vice Chair Derie** seconded the motion.

Vote

13-0, Motion to recommend approval of the PreserveHistoricPHX 2025 Historic Preservation Plan update, per the staff recommendation, with direction passed, with Committee Members Acevedo, Alonzo, Demarest, DePascal, DuBose, Ewing, Galaviz, Jimenez, Norgaard, Ramirez, Weber, Derie and Barba in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has no comments.

North Gateway
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 12, 2025
Request	Adoption of the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Approval, per the staff recommendation, with direction
VPC Vote	9-0

VPC DISCUSSION:

One member of the public registered to speak on this item, with concerns.

Staff Presentation:
Helana Ruter, with the City of Phoenix Historic Preservation Office, provided an overview of the Historic Preservation Plan update (PreserveHistoricPHX 2025), noting that the plan will set the framework for historic preservation in Phoenix for the next 10 years. Ms. Ruter stated that the plan is an update to the 2015 plan. Ms. Ruter discussed what the PreserveHistoricPHX 2025 plan includes and the five goal areas of the plan. Ms. Ruter concluded with the public hearing timeline and stated that staff recommends that the Village Planning Committee provide any final comments and take action to recommend formal City Council approval of the plan.

Questions from Committee:
None.

Public Comments:
Tom Doescher introduced himself as a member of the Encanto Village Planning Committee, with concerns. Mr. Doescher stated that the Encanto Village Planning Committee recommended approval of the plan with direction. Mr. Doescher stated that the Arizona State Legislature passed a bill called the Missing Middle Housing bill (HB 2721) a year ago, which will allow duplexes, triplexes and fourplexes in single-family residential areas within a mile of the central business district. Mr. Doescher expressed concerns with the impacts HB 2721 would have on historic single-family districts and historic single-family homes, noting that a majority of the historic districts are within a mile of the central business district in Phoenix. Mr. Doescher stated that the Encanto Village Planning Committee recommended approval of the plan with direction to include an analysis of how HB 2721 would impact historic neighborhoods. Mr.

Doescher requested that the North Gateway Village Planning Committee include this same direction in their recommendation.

Staff Response:
None.

Discussion:
Committee Member Paul Carver asked for clarification if the request would be to take HB 2721 into consideration. **Mr. Doescher** responded affirmatively, noting that the Encanto Village Planning Committee tried to get an amendment to the bill to exempt historic districts from the bill, but it was at the end of the legislative session and would not be heard. Mr. Doescher stated that the State Legislature encouraged them to come back to the next session to consider it. Committee Member Carver stated that a consideration would not remove the problem to leave the historic districts untouched. Mr. Doescher clarified that the recommendation would be approval with direction to staff to look at how HB 2721 would impact historic districts. Committee Member Carver responded that he would be supportive of this recommendation.

Chair Julie Read stated that the City must comply with State law and cannot exempt historic districts if the law does not allow it. Chair Read stated that the direction could be for staff to note it and look into it. Chair Read added that Committee members could testify at the next legislative session speaking as a member of the Committee, but not on behalf of the Committee.

Ms. Ruter stated that the City is working on a Text Amendment to address HB 2721, which has to be adopted by the end of the year.

Committee Member Paul Li expressed concerns with adding a stipulation that is fairly vague.

Adrian Zambrano, staff, stated that it would not be a stipulation, but rather would be direction for staff to look into this topic and include it in an updated version of the plan.

Vice Chair Michelle Ricart asked for clarification if it would be included only if staff is able to include it. **Mr. Zambrano** responded that this is a policy plan and is not regulatory, so that information on how the bill affects historic neighborhoods could be included.

MOTION:
Committee Member Li motioned to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025), per the staff recommendation, with direction to include an analysis of how the Missing Middle Housing bill (HB 2721) will impact historic neighborhoods. **Vice Chair Ricart** seconded the motion.

VOTE:
9-0; the motion to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025) per the staff recommendation with direction passed with

Committee members Carver, Crouch, Li, Manion, McCarty, Salow, Stein, Ricart and Read in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

North Mountain
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 18, 2025
Request	Adoption of the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Approval, per the staff recommendation, with direction
VPC Vote	9-0

VPC DISCUSSION:

Two members of the public registered to speak on this item.

Staff Presentation:
Helana Ruter, staff, stated that the draft plan is available online and directed the Committee to either the link in the staff report or the QR code in the flyer. Ms. Ruter stated that the current plan update is an update to the first plan that was adopted in 2015. Ms. Ruter stated that the city contracted with a consultant to prepare a report and hold various focus groups that identified challenges with historic preservation. Ms. Ruter stated that the report was published in 2023, but since that time things have come up including recent state legislation, which will have an effect on some of the historic districts within one mile of the downtown area. Mr. Ruter stated that she anticipated hearing public comments later in the evening and looked forward to providing additional information in the plan update to address those concerns. Ms. Ruter stated that plan update serves as a framework that discusses the underpinnings of historic preservation, the legal basis for historic preservation, accomplishments over the last ten years, and outlines the goals for the coming ten years. Ms. Ruter stated that the original goals of the 2015 plan were still very relevant but that certain tools needed to achieve those goals were missing. Ms. Ruter stated that the city has a city archeologist who operates within the city's Archeology Office under the Arts and Culture Department. Ms. Ruter stated that Chapter 8 of the Phoenix Zoning Ordinance includes protections of archeological resources but needs some bolstering. Ms. Ruter stated that the Historic Preservation Office worked with the city's Archeology Office to provide policy guidance in the plan update to address these needs. Ms. Ruter discussed the implementation of the goals of the plan update and their timing, as well as the role of the Historic Preservation Commission. Ms. Ruter reminded the Committee of the historic preservation video that was presented to the Committee a couple months back. Ms. Ruter stated that they were looking to take the plan update to the Historic Preservation Commission for recommendation in July, with City Council action in the Fall. Ms. Ruter stated they were looking for a

recommendation from the Committee as well as any direction the Committee may have.

Public Comments:
Aaron Searles identified himself as the Chair of the Encanto Village Planning Committee and the Vice President of the Willo District Neighborhood Association. Mr. Searles stated that the plan update is missing a discussion regarding the effects of the Missing Middle Housing Bill that was passed into law and represents one of the greatest challenges to historic preservation that has happened in the last 40 years as it represents a radical change to historic neighborhoods located within one mile of downtown. Mr. Searles stated that the new law essentially allows historic neighborhoods to be torn down and redeveloped as fourplexes without a single-story restriction. Mr. Searles stated that the majority of the homes in the Willo District are single-story and that the new law would drastically change the character of the neighborhood. Mr. Searles stated that the city does not have a lot of history and cannot afford to erase what history it has. Mr. Searles stated that when the plan update was presented to the Encanto Village Planning Committee, the Committee included the following direction for staff: “I move that the Encanto Village Planning Committee recommend approval of the Preserve Historic Phoenix 2025 Historic Preservation Plan Update with a stipulation that staff amend the report to include an assessment and analysis of how the Missing Middle Housing Bill will impact Historic districts within one mile of the Central Business District.” Mr. Searles stated that they had been out talking to the other Village Planning Committees regarding this issue and that he hopes that the North Mountain Committee will join the effort so that others will know the potential impact the bill will have on their communities. **Committee Member Joshua Carmona** asked for clarification that the intent was that the plan update includes data and other information that discusses how the redevelopment of sites as fourplexes etc. are affecting historic neighborhoods. Mr. Searles stated that was correct and that the law goes into effect in January of 2026. **Committee Member Massimo Sommacampagna** asked if they had contacted other entities. Mr. Searles stated that they had contacted Save Historic Arizona to raise awareness and that they had collected over 2,000 signatures. Mr. Searles stated that he has yet to hear anyone state that they knew anything about this bill. **Committee Member Ricardo Romero** asked that the plan provide clarity as to the neighborhoods that are affected and asked if they were looking for any mitigation efforts. Mr. Searles stated they were only asking for the Committee’s recommendation to include a requirement that information regarding this issue be included in the plan so that people are aware.

Eric Gilmore stated that he was on the local board with Mr. Searles and was in agreement. Mr. Gilmore stated they were not opposed to middle housing but wanted to protect the integrity of their historic neighborhood.

Staff Response:
Ms. Ruter stated that she understands what they are trying to accomplish and has no issues with providing that information. Ms. Ruter stated that a Zoning Text Amendment would be forthcoming and that she anticipates that it will be business as

usual with respect to Design Review, but the city cannot prohibit the types of housing that state law allows.

Discussion:

Committee Member Heather Garbarino asked if the inclusion of the requested information will impact the timing of the approval process. **Ms. Ruter** stated that the Zoning Text Amendment has not been drafted and that the challenge will be to figure out the functional mechanics of how this will be implemented. Ms. Ruter stated that the plan update sets up an outline and does not have a lot of narrative attached, and that it might be an ongoing effort to analyze the effects of the legislation. Ms. Ruter stated that absent the law being repealed, the city does not have the option of not complying with the law.

Committee Member Arick O'Hara stated that he had been paying close attention to the bill from a public safety perspective since it could result in additional people living in a neighborhood that was designed for something different. Committee Member O'Hara stated that the bill discusses the central business corridor as being a one-mile buffer around that area but does not go into specific detail as to where that might occur. Committee Member O'Hara asked if the city has already defined the boundary. **Ms. Ruter** stated that her understanding was that the intent was to make the downtown area the Central Business District, and that the law would apply to that area and a one-mile buffer. Committee Member O'Hara asked if that would include the Willo District. Ms. Ruter stated that it would include 22 historic neighborhoods including the Willo District. Committee Member O'Hara asked the committee if there was any interest in entertaining Mr. Searles' request and while clarifying that he was not making a motion, read Mr. Searles' proposed motion into the record as follows: "I move that North Mountain Village Planning Committee recommend approval of the Preserve Historic Phoenix 2025 Historic Preservation Plan Update with a stipulation that staff amend the report to include an assessment and analysis of how the Middle Housing Law, ARS Section 9-462-13, House Bill 2721 will impact historic districts within one mile of Phoenix's Central Business District." **Committee Member Gabriel Jaramillo** asked if that should be amended to include the forthcoming coming Zoning Text Amendment. **Mr. Kuhfuss**, staff, stated that the text amendment was not on the table for discussion and that the Committee would potentially be looking for staff to include an analysis of the house bill in the plan update. Committee Member Garbarino stated that she would like to add potential mitigation measures. **Committee Member Jim Larson** stated that he understood that the Committee was to vote on the plan update and asked for clarification as to how mitigation measures would be included in the plan update. Committee Member Garbarino stated that it would be included in the discussion.

MOTION:

Committee Arick O'Hara motioned to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025), per the staff recommendation, with direction that staff amend the report to include an assessment and analysis, and possible mitigation, of how the Middle Housing Law, ARS Section 9-462-13, House

Bill 2721 will impact historic districts within one mile of Phoenix's Central Business District. **Committee Member Heather Garbarino** seconded the motion.

VOTE:
9-0, motion to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025), per the staff recommendation, with direction with Committee Members Alauria, Carmona, Garbarino, Jaramillo, Knapp, Larson, O'Hara, Sommacampagna, and Matthews in favor and none opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None

Paradise Valley
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 2, 2025
Request	Request to adopt the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	14-0

VPC DISCUSSION:

No members of the public registered to speak on this item.

Kevin Weight with the Historic Preservation Office provided an update of the City's Historic Preservation Plan update. Mr. Weight noted this was an update to the city's first Historic Preservation Plan which was adopted in 2015. Mr. Weight added that a collaborative effort began with a consultant's recommendations for improvements to advance historic preservation in Phoenix which launched a public engagement process to identify goals/tools/actions to create a draft plan update.

Mr. Weight stated the PreserveHistoricPHX 2025 plan supports and refines the goal in the General Plan under Celebrate Our Diverse Communities and Neighborhoods to encourage historic and cultural preservation in the planning process. Mr. Weight added that it details the social and cultural, economic and environmental benefits of historic preservation. Mr. Weight said it supplies a legal and historical background on historic preservation nationally and in Phoenix. Mr. Weight stated it provides a timeline of historic preservation in Phoenix, outlines the City of Phoenix Historic Preservation Program, and assesses accomplishments since the adoption of the historic plan from 2015.

Mr. Weight said the PreserveHistoricPHX 2025 plan includes five goal areas, each of which has defined tools, processes or actions to facilitate accomplishment and achieve the vision of the 2025 plan. Mr. Weight stated the goal areas include protect archaeological resources, protect historic resources, explore preservation incentives, develop community awareness, and promote partnerships. Mr. Weight added the Vision Statement for the plan as: Phoenix is a vibrant and dynamic place with many layers of history. Together with PlanPHX's central vision of a "More Connected Phoenix," PreserveHistoricPHX2025 envisions a city linked by an appreciation for its diverse heritage and a desire to sustain it for the benefit of present and future

generations. Mr. Weight concluded his presentation by sharing a timeline for plan approval and noted staff was recommending approval of the plan.

Mr. Wise noted he read about a legislative bill where historic buildings could be torn down to put up multiple buildings like in the Encanto area. **Mr. Weight** said it is the missing middle housing bill and said it was being addressed but not part of the initial plan as the bill was passed a month or two ago. Mr. Weight said it would affect neighborhoods mainly in the Encanto and Central City Villages. Mr. Weight added the Village Planning Committees will work with staff on a text amendment to work through it as gracefully as they can as it is not popular in the historic districts but still will need to meet the intent of the state legislation.

Motion
Roy Wise motioned to recommend approval of the historic preservation plan per the staff recommendation. **Paul Hamra** seconded the motion.

Vote
14-0; motion to recommend approval of the historic preservation plan update per the staff recommendation passes with Committee members Balderrama, Franks, Goodhue, Gubser, Hamra, Marcolla, Mazza, Petersen, Schmidt, Sepic, Soronson, Wise, Sommer, and Mortensen in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has no comments.

Rio Vista
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 10, 2025
Request	Adoption of the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Approval, per the staff recommendation, with direction
VPC Vote	5-0

VPC DISCUSSION:

One member of the public registered to speak on this item.

Staff Presentation:
Kevin Weight, with the City of Phoenix Historic Preservation Office, introduced himself and provided an overview of the Historic Preservation Plan update. Mr. Weight shared how to access the plan. Mr. Weight discussed what the update is for and the collaborative effort of the plan update. Mr. Weight shared what the plan update includes and the goals of the plan update. Mr. Weight concluded with the public hearing timeline and stated that staff recommends the Village Planning Committee provide any final comments and take action to recommend formal City Council approval.

Questions from the Committee:
Committee Member Eileen Baden asked if there is a focus on reusing historic buildings and if there are any incentives for historic preservation. **Mr. Weight** responded affirmatively, noting that it was addressed in the 2015 plan and has been expanded upon in the plan update. Mr. Weight stated that there is a fairly robust grant program that is funded both by the general fund as well as the 2023 General Obligation Bond. Mr. Weight stated that the grant program provides incentives and funds for rehabilitation and adaptive reuse. Mr. Weight added that the Historic Preservation Offices works closely with the Office of Customer Advocacy for their adaptive reuse program. Mr. Weight stated that there are also fee waivers and preferential treatment of the building code for adaptive reuse projects.

Chair Dino Cotton asked if there are historic underground tunnels in Phoenix. **Mr. Weight** responded that some do exist, but they may not be to the extent that people have rumored. Mr. Weight stated that there are basements that are connected and some government buildings that are connected underground.

Committee Member Will Holton asked how far back historic preservation goals in Phoenix go and if there is any federal interest in historic preservation. **Mr. Weight** responded that two of the goals in the plan are to protect archaeological resources as well as historic resources. Mr. Weight stated that the historic built environment started when Phoenix first became a city around 1867. Mr. Weight added that there is a lengthy history with indigenous people in Phoenix, which the Archaeology Office works with to protect archaeological resources. Mr. Weight stated that the City of Phoenix Historic Preservation Office works closely with the Arizona State Historic Preservation Office and the National Park Service. Mr. Weight added that their office follows the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Mr. Weight stated that the state and federal level also have tax incentives for historic preservation. Committee Member Holton asked what impact archaeological discoveries have on construction. Mr. Weight responded that there are strict laws regarding archaeological resources, especially for human remains.

Committee Member Baden stated that Phoenix used to have trolleys and San Francisco has turned their trolley system into a tourism opportunity. Committee Member Baden asked if the plan addresses the trolley lines in Phoenix. **Mr. Weight** responded that it does not address trolley lines specifically. Mr. Weight stated that light rail has been a big transportation investment in Phoenix, and they have worked with the Planning staff to support light rail and ensure minimal impact to historic properties as the light rail lines are constructed. Mr. Weight added that there are maps that show where the trolley lines were and there are still some rails buried in certain locations along certain streets.

Committee Member Ozzie Virgil asked if there are any maps showing where stagecoach lines were. **Mr. Weight** responded that there is documentation in data archives that shows where stagecoach lines were, noting that some did go as far north in Phoenix as the Rio Vista Village. Mr. Weight stated that this would be of interest for their office to research moving forward for the next 10 years.

Committee Member Baden stated that human remains can typically be found around river corridors, since that is where people used to live. Committee Member Baden asked if there could be opportunities for wayfinding signage or mile markers along the river corridors to incorporate cultural significance into the signage as the river corridors are improved, such as for Rio Reimagined project. **Mr. Weight** responded affirmatively, noting that they would encourage it and it is something that would fit nicely into the plan. Mr. Weight stated that they have done it along the light rail lines for historic properties.

Public Comments:

Opal Wagner introduced herself as a member of the Encanto Village Planning Committee. Ms. Wagner stated that the Encanto Village has many of Phoenix's oldest and largest historic districts. Ms. Wagner stated that there was a bill called the Missing Middle Housing bill that was signed into law last year, which targets all single-family neighborhoods within one mile from the central business district, which includes 22 historic districts, for redevelopment as multifamily. Ms. Wagner stated that each lot could be developed into as many as four units. Ms. Wagner stated that many historic

homes are one-story, but the bill does not allow height restriction less than two stories. Ms. Wagner stated that the bill also allows lot splits into four parcels. Ms. Wagner stated that the plan update does not include anything about the Missing Middle Housing law. Ms. Wagner stated that the Encanto Village Planning Committee recommended approval with a condition to amend the plan to include an assessment and analysis of how the Missing Middle Housing law (HB 2721) will impact historic districts. Ms. Wagner stated that the Central City, Camelback East, and Laveen Village Planning Committees also recommended this.

Staff Response:
Mr. Weight responded that staff supports Ms. Opal's recommendation. Mr. Weight stated that it was not deliberate to exclude mention of the Missing Middle Housing law in the plan but rather a timing issue. Mr. Weight stated that this would be the time to address anything that is missing from the plan.

Discussion:
Committee Member Virgil asked for clarification that Mr. Weight was not the one that left the Missing Middle Housing law out of the plan. **Mr. Weight** responded that he was not. Mr. Weight stated that it was a timing issue, since the plan update began back in 2021 and the law was just recently passed. Mr. Weight added that staff appreciates any feedback of missing items from the plan.

Committee Member Holton asked if there is anything that needs to be tailored to the Rio Vista Village. **Vice Chair Scott Lawrence** responded that there are no historic districts within the Rio Vista Village.

Chair Cotton stated that the only historic property in the Rio Vista Village may be Pioneer Village.

MOTION:
Vice Chair Lawrence motioned to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025), per the staff recommendation, with direction to amend the plan to address how the Missing Middle Housing law (HB 2721) will impact historic properties, per the Encanto Village Planning Committee recommendation. **Committee Member Virgil** seconded the motion.

VOTE:
5-0; the motion to recommend approval of the Historic Preservation Plan update (PreserveHistoricPHX 2025) per the staff recommendation with direction passed with Committee members Baden, Holton, Virgil, Lawrence and Cotton in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

South Mountain
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Historic Preservation Plan Update (PreserveHistoricPHX 2025)

Date of VPC Meeting	June 10, 2025
Request	Request to adopt the Historic Preservation Plan update (PreserveHistoricPHX 2025)
VPC Recommendation	Continuance to the July 8, 2025 Village Planning Committee meeting
VPC Vote	11-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

One member of the public registered to speak on this item and did not indicate support or opposition.

STAFF PRESENTATION

Helana Ruter, staff, provided a presentation regarding the draft *PreserveHistoricPHX 2025* Historic Preservation Plan Update. Ms. Ruter stated that the plan builds upon the 2015 plan, stated that the plan is intended to guide the City's preservation efforts over the next decade, explained that consultant work for the plan identified key challenges facing preservation, and stated that the project included robust public outreach. Ms. Ruter stated that feedback from Village Planning Committees emphasized the need to reflect recent state legislation, including the Missing Middle Housing Bill, explained that the plan includes five overarching goals, and stated that the plan is designed to be nested under the General Plan. Ms. Ruter requested final comments from the Committee, asked for a recommendation of approval, and stated that the plan will be ultimately adopted by City Council.

QUESTIONS FROM THE COMMITTEE

Committee Member George Brooks shared that there are many historic buildings in South Phoenix, expressed concern that there is confusion among residents about how historic preservation regulations apply, and stated that property owners often wish to modify their homes while retaining historic designation. **Ms. Ruter** responded that the goal of the plan is not to preserve buildings in a static or "amber-like" state, but to allow for respectful alterations that maintain historical integrity.

PUBLIC COMMENT

Tom Doescher explained that he is a member of the Encanto Village Planning Committee, described the Missing Middle Housing Bill, explained that the bill was passed by the State Legislature in 2024, and explained that the bill allows additional

residential units within one mile of the Central Business District (CBD). Mr. Doescher stated that most of Phoenix's historic districts fall within the one-mile radius of the CBD, expressed concern that the bill could lead to increased demolition of historic buildings, and requested that the plan include an analysis of its potential impacts.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

Committee Member Fred Daniels asked whether funding is being pursued for historic home rehabilitation and referenced a requirement that recipients live on the property. **Ms. Ruter** stated that the City currently has GO Bond funds available for grants, some of which are allocated to residential properties, stated that the funding focuses on exterior improvements, and explained that the funding allows for up to $20,000 in matching funds.

Committee Member Mark Beehler stated that he did not understand the issue with the Missing Middle Housing Bill and asked for information on the Bill's impact on the Historic Preservation Plan. **Ms. Ruter** stated that a Missing Middle Housing Text Amendment is forthcoming and acknowledged concerns that the bill has not been referenced in the plan. Ms. Ruter stated that she is requesting recommendation of approval and that information will be added to address how state-level changes may impact historic preservation.

Committee Member Kassandra Alvarez stated that she needs more information about the Missing Middle Housing Bill, expressed concern that the plan is vague on protections for archaeological resources, and stated that Indigenous people should be represented in the process. **Ms. Ruter** stated that archaeological protection is addressed by another department that meets with four tribes and stated that protecting archaeological resources is important to the City.

Vice Chair Emma Viera asked what exactly was being requested. **Ms. Ruter** stated that she was requesting approval of the Historic Preservation Plan Update, stated that the plan is intended to be nested under the General Plan, explained the plan would be adopted by City Council, and stated that the plan establish policies that outline what the City wants to accomplish over the next ten years.

Committee Member Kay Shepard asked whether archaeology is handled by another department. **Ms. Ruter** confirmed that archaeology is handled by another department, stated that archaeological protection is within the Historic Preservation Ordinance, and explained that they are looking to partner more with the Archaeology Office.

Committee Member Brooks asked for clarification on what the motion would include. **Chair Arthur Greathouse III** asked how other Village Planning Committees had voted on the item. **Samuel Rogers**, staff, explained that Laveen and Central City Village

Planning Committees had both approved the plan with direction that the plan be amended to address how the Missing Middle Housing Bill will impact historic districts.

Committee Member Beehler stated that he had not seen the updated Historic Preservation Plan and did not want to vote on something he had not seen. Committee Member Beehler asked for clarification on the direction the other Village Planning Committees had provided. **Mr. Rogers** stated that at the other Village Planning Committees there were community concerns that the Missing Middle Housing Bill would incentivize demolition of historic buildings. Mr. Rogers stated that the Committee had received a video presentation on the Historic Preservation Plan Update at the prior meeting.

Chair Greathouse asked what options were available for a motion. **Mr. Rogers** stated that it would be at Ms. Ruter's discretion whether a continuance would be acceptable and stated that the Committee could approve, deny, or take no action on the plan.

Ms. Ruter stated that a hyperlink to the plan was included in the staff report provided in the Committee's packet, but that the full plan was not included in the packet. Ms. Ruter stated that she would ensure a direct link is distributed and stated that she is willing to return next month.

Committee Member Lee Coleman asked how many historic buildings and how many historic neighborhoods are designated in South Phoenix. **Ms. Ruter** stated that she would follow up at the next meeting.

Committee Member Brooks identified two historic properties in the South Mountain Village.

Committee Member F. Daniels asked for the criteria used to determine what qualifies as a historic property.

Chair Greathouse asked for an explanation of the Missing Middle Housing Bill. **Mr. Rogers** stated that staff are working on a Text Amendment to comply with the bill but village planning staff have not yet been educated on the bill yet.

Mr. Doescher stated that the bill would eliminate single-family zoning, expressed that the bill had good intentions but was poorly implemented, stated that legislative overreach will impact South Phoenix, stated that bills are being passed without consideration for how they affect cities and towns, and referenced a study published by the City of Tucson.

Motion:
Committee Member Kay Shepard made a motion to recommend a continuance of the Historic Preservation Plan update to the July 8, 2025 South Mountain Village Planning Committee meeting. **Committee George Brooks** seconded the motion.

Vote:
11-0, motion to recommend a continuance of the Historic Preservation Plan update to the July 8, 2025 South Mountain Village Planning Committee meeting passed with Committee Members Alvarez, Beehler, Brooks, Busching, Coleman, F. Daniels, Falcon, Shepard, Thompson, Viera, and Greathouse in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT
HISTORIC PRESERVATION OFFICE

Addendum A Staff Report:
Historic Preservation Plan – *PreserveHistoricPHX2025*
August 22, 2025

INTRODUCTION

The first comprehensive plan for historic preservation in the city of Phoenix was adopted in 2015. *PreserveHistoricPHX2025* provides the opportunity to assess the achievements made after the adoption of the original plan, new challenges as well as new opportunities to advance historic preservation in Phoenix. A copy of the draft version of *PreserveHistoricPHX2025* can be accessed here: *PreserveHistoricPHX | City of Phoenix*

BACKGROUND

The city commissioned the preeminent historic preservation data analysis firm PlaceEconomics to conduct stakeholder meetings to identify challenges and create a series of recommendations to advance historic preservation in Phoenix based on practices occurring across the country. The city began a public engagement effort based on the findings of this PlaceEconomics study (included in plan as appendices) with a series of public meetings and a publicly posted survey from fall of 2023 through summer of 2024 to evaluate the relevancy of the original 2015 goals and to set priorities for the next decade.

The City Archaeology Office played an important role in developing recommendations for *PreserveHistoricPHX2025* because archaeology is a key component of historic preservation. The City of Phoenix Historic Preservation Ordinance – Chapter 8 of the Zoning Ordinance – mandates the identification and preservation of archaeological resources and the recognition that “archaeological resources found on public land are the property of all citizens and are not private property.” (§802.B.2(c))

These engagement efforts revealed that the original five goals of the 2015 plan continue to have relevance:

1. Protect Archaeological Resources
2. Protect Historic Resources
3. Explore Preservation Incentives
4. Develop Community Awareness
5. Promote Partnerships

The goals and tools can be found starting on page 54 of the draft *PreserveHistoricPHX2025* plan.

PUBLIC HEARINGS

The Village Planning Committees (VPCs) considered the request for plan approval throughout June, with an additional meeting in July. Two VPCs recommended approval, per the staff recommendation; twelve VPCs recommended approval, per the staff recommendation, with direction and one VPC did not meet quorum.

The City of Phoenix Historic Preservation (HP) Commission considered the request on July 14, 2025, and recommended approval per the staff recommendation.

Following these public hearings, updates have been made to the draft plan to address comments as well as the direction from the VPCs to assess how the Middle Housing Law (A.R.S. § 9-462.13) will impact historic districts within one mile of Phoenix's Central Business District.

STAFF REQUEST

Staff recommends plan approval with the following changes:

Location in HP Plan	Proposed Changes
Page 3 Acknowledgements	Amend Council, Commission and Staff members as needed
Page 10 Under Create a Network of Vibrant Cores, Centers & Corridors	Replace as follows: "Commercial areas with a concentration of heritage buildings, such as the historic Grand Avenue or Miracle Mile corridors, are magnets for small businesses, legacy businesses, and businesses in the creative and technology sectors."
Page 10 Under Connect People & Places	Add as follows: "Residents of Phoenix's historic districts live closer to museums, libraries and other cultural institutions compared to the city overall."
Page 10-11 Under Strengthen our Local Economy	Add as follows: "Phoenix's heritage commercial areas are home to 20% of all jobs in arts, entertainment and recreation."
Page 11 Under Celebrate our Diverse Communities and Neighborhoods	Replace as follows: "Phoenix's historic neighborhoods are great models of diversity, not only in architectural style or housing unit type, but also in resident demographics." "As a share of housing stock, Phoenix's historic districts have 6% of 2-to-4-unit structures versus 1% for the remainder of the city. A much wider range of housing unit options yields a diversity of housing and rent prices." "Historic districts have both a slightly higher share of high income and low-income residents as compared to the city overall reflecting economic diversity." "With rapid population growth between 2010 and 2020; Phoenix's historic districts gained fewer white residents

	and lost fewer residents of other races than the rest of Phoenix, maintaining levels of population diversity in these areas." "The city's inventory of older housing stock is providing affordable housing largely without subsidy, likely due to its age, condition and smaller unit size."
Page 11 Under Build the most Sustainable Desert City	Delete: "Historic neighborhoods in Phoenix are walkable—most rated "Very Walkable" as contrasted to "Car Dependent" for the city as a whole." Add as follows: "Phoenix's historic neighborhoods are significantly more pedestrian, bike and transit friendly than the city has a whole." Modify as follows: "Reusing existing buildings encourages adaptive reuse and diverts waste from our landfills while also reducing carbon emissions that result from new construction."
Page 42 under table	Replace as follows: "Current real estate market conditions are evident in the top four challenges selected by respondents and for good reason. Demand for housing and increasing real estate prices have placed direct pressure on historic resources. Arguments that existing housing is inefficient or expensive to maintain result in proposals for demolition and redevelopment and continue to lead to the loss of historic buildings in Phoenix. Additionally, some property owners, unaware of historic preservation requirements, or as a result of market conditions, undertake renovation or demolition work without obtaining the necessary plan reviews and permits. Respondents expressed concerns about limited enforcement mechanisms and the resulting difficulty in ensuring compliance with historic preservation requirements. A new state law, A.R.S. § 9-462.13, related to middle housing has heightened the concern of historic district residents about the impact of market pressures on their neighborhoods. A.R.S. § 9-462.13 requires cities to allow up to four units on single-family zoned lots within one mile of a city's downtown or central business district. In Phoenix, while historic districts make up only 1% of the total land area of the city, they make up 78% of the single-family zoning acreage within the one-mile area of downtown, making them disproportionately impacted by

	this legislation. The law allows for this additional density, by right, but does not prohibit historic preservation plan review. The City of Phoenix Planning and Development Department will continue to require historic preservation plan review (demolition and/or new construction) on all housing proposals for historically designated properties As the long-term impacts of A.R.S. § 9-462.13 to historic districts are not yet known, city staff will monitor and collect data on new development in historic districts related to middle housing. A report will be prepared and presented at each annual work session of the Historic Preservation Commission."
Page 44 Under first paragraph	Add as follows: "A primary concern expressed about the potential impact of A.R.S. § 9-462.13 to historic districts relates to the possible demolition of historic dwellings for the construction of new multi-family dwellings on the existing parcel. While A.R.S. § 9-462.13 grants increased rights, it does not alter the provisions of the Historic Preservation Ordinance, including the authority to impose a one-year stay of demolition for properties with HP overlay zoning. As part of strategies to preserve historic resources, the city may explore amending the Historic Preservation Ordinance to allow for the extension of demolition stays beyond one year. Such a measure could further discourage speculative redevelopment that undermines the historic character of neighborhoods."
Page 45 Under table	Add as follows: "In the time since the original public outreach effort prioritized the development of a "pattern book" for Accessory Dwelling units (ADUs) the city has begun an initiative to develop standardized accessory dwelling unit (ADU) plans that will be preapproved and made available free to the public. Specific designs will also be preapproved for historic districts. While noted as "ADU's" these preapproved plans will expedite the permitting of small, sensitively designed housing units which can add density in districts under A.R.S. § 9-462.13."

Page 53 Mission statement following last sentence	Add as follows: “The August annual work session of the Historic Preservation Commission will provide the opportunity for staff to report on plan achievements made the prior year and discuss action items for the coming year.”
Page 57 Implementation Table	Add row in table as follows: “Create Enhanced Design Guidelines – HPO Partnering with consultants – Medium to long term” Revise timeframes for the following items: • Complete Context development and surveys of post-World War II property types - Short to medium term • Explore creation of honorific Heritage Property/District Classification - Short to medium term
Page 61 Implementation Table	Modify third row in table as follows: “Present on relevant HP topics at neighborhood and organization meetings to include Village Planning Committee meetings.” Revise timeframes for the following items: • Develop educational tools for real estate professionals - Medium term • Create an HP 101 Series - Short term

PROJECT TIMELINE

PreserveHistoricPHX 2025 is tentatively set to go before the Council Transportation, Infrastructure and Planning Subcommittee on October 15, 2025, and to City Council on November 19, 2025.

WRITER/TEAM LEADER

Helana Ruter
8/22/2025

REPORT OF PLANNING COMMISSION ACTION
September 4, 2025

ITEM NO: 2	
	DISTRICT NO.: Citywide
SUBJECT:	Presentation, discussion, and possible recommendation regarding adoption of the Historic Preservation Plan update (PreserveHistoricPHX 2025).
Applicant:	City of Phoenix Historic Preservation Commission
Representative:	Helena Ruter, City of Phoenix Historic Preservation Commission

ACTIONS:

Staff Recommendation: Approval, with the changes outlined in the Staff Report.

Historic Preservation Commission: 7/14/2025 Approval, per the staff recommendation. Vote: 8-0.

Village Planning Committee (VPC) Recommendation:
Ahwatukee Foothills 6/23/2025 Approval, with direction. Vote: 10-0.
Alhambra 7/22/2025 No quorum.
Camelback East 6/3/2025 Approval, with direction. Vote: 17-0.
Central City 6/9/2025 Approval, with direction. Vote: 8-0.
Deer Valley 6/17/2025 Approval, with direction. Vote: 10-0.
Desert View 6/3/2025 Approval. Vote: 12-0.
Encanto 6/2/2025 Approval, with direction. Vote: 14-0.
Estrella 6/17/2025 Approval, with direction. Vote: 5-0.
Laveen 6/9/2025 Approval, with direction. Vote: 10-0.
Maryvale 6/11/2025 Approval, with direction. Vote: 13-0.
North Gateway 6/12/2025 Approval, with direction. Vote: 9-0.
North Mountain 6/18/2025 Approval, with direction. Vote: 9-0.
Paradise Valley 6/2/2025 Approval. Vote: 14-0.
Rio Vista 6/10/2025 Approval, with direction. Vote: 5-0.
South Mountain 7/8/2025 Approval, with direction. Vote: 14-0.

Planning Commission Recommendation: Approval, per the staff recommendation.

Motion Discussion: Vice-Chairperson Boyd was supportive of the plan, however he raised concerns about some of the proposed changes outlined in the staff report. He was concerned about how middle housing is portrayed as a negative impact and the reference to affordability of historic properties.

Motion details: Vice-Chairperson Boyd made a MOTION to approve the PreserveHistoricPHX 2025 update, per the staff recommendation.

Maker: Vice-Chairperson Boyd
Second: James
Vote: 6-0
Absent: Odegard-Begay, Matthews
Opposition Present: Yes

Findings: PreserveHistoricPHX2025 provides the opportunity to assess the achievements made, new challenges as well as new opportunities to advance historic preservation in Phoenix.

This publication can be made available in alternate format upon request. Please contact Saneeya Mir at 602-686-6461, saneeya.mir@phoenix.gov, TTY: Use 7-1-1.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 73

REQUEST TO WITHDRAW (SEE ATTACHED MEMO) Public Hearing and Modification of Stipulation Request - Rezoning Application PHO-4-25--Z-47-87-1 (3) - Northeast Corner of 32nd Street and Sunnyside Lane - District 3

Request to hold a public hearing on a Planning Hearing Officer application for the following item and consider adoption of the Planning Commission recommendation on November 6, 2025.

Summary

Application: PHO-4-25--Z-47-87-1(3)
Existing Zoning: R-O
Acreage: 1.12

Owner/Applicant/Representative: Lee Wright, Metronet Infrastructure Group, LLC
PHO Appellant: Patrick Gray and Chinnaz Sayegh
PC Appellant: Lee Wright, Metronet Infrastructure Group, LLC

Proposal: Request to modify Stipulation 1 regarding general conformance to the site plan date stamped April 16, 1999 and the elevations date stamped May 18, 1999.

VPC Action: The Paradise Valley Village Planning Committee heard this item on September 8, 2025, and recommended denial, by a vote of 11-1.
PHO Action: The Planning Hearing Officer (PHO) heard this item on September 17, 2025, and recommended approval with additional stipulations.
PHO Appeal: The PHO recommendation was appealed, therefore the item was scheduled to be heard by the Planning Commission.
PC Action: The Planning Commission heard this item on November 6, 2025, and recommended denial, per the Paradise Valley Village Planning Committee recommendation, by a vote of 7-1.
PC Appeal: The Planning Commission recommendation was appealed by the owner/applicant/representative on November 13, 2025.

Location

Northeast corner of 32nd Street and Sunnyside Lane
Council District: 3

Parcel Address: 15151 N. 32nd Street

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: November 24, 2025

From: Joshua Bednarek JB
Planning and Development Director

Subject: WITHDRAWAL OF ITEM 73 ON THE DECEMBER 3, 2025, FORMAL AGENDA – PUBLIC HEARING AND MODIFICATION OF STIPULATION REQUEST - REZONING APPLICATION PHO-4-25--Z-47-87-1(3) - NORTHEAST CORNER OF 32ND STREET AND SUNNYSIDE LANE

Item 73, Planning Hearing Officer Application No. PHO-4-25--Z-47-87-1(3). This is a request to modify Stipulation 1 regarding general conformance to the site plan located at the northeast corner of 32nd Street and Sunnyside Lane.

The applicant has requested to withdraw the application. Staff recommends withdrawal of the PHO application as requested by the applicant.

Approved: _____ 11/24/25
Alan Stephenson
Deputy City Manager
Date

Attachment:
Exhibit A – Applicant's request for withdrawal

Logan Zappolo

From: Lee Wright <Lee.Wright@metronet.com>
Sent: Friday, November 21, 2025 11:51 AM
To: Racelle Escolar
Cc: Teresa R Garcia; Logan Zappolo; Chris Deer; Victoria C Murrillo
Subject: RE: PC Appeal of PHO-4-25--Z-47-87-1(3) - Applicant (Lee Wright)

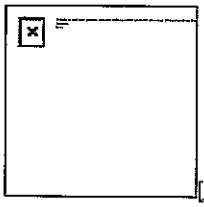
CAUTION: This email originated outside of the City of Phoenix.
Do not click links or open attachments unless you know the sender and were expecting this email.
Report Suspicious

Racelle,

Metronet would like to withdraw the whole PHO application. Thanks again for all your help and work on this matter.

Thanks,

Lee W. Wright, P.E.
Metronet | Professional Engineer - Facilities Engineering
Minneapolis , MN
Phone: 810-333-2303
www.Metronet.com [metronet.com]


[metronet.com]

From: Racelle Escolar <racelle.escolar@phoenix.gov>
Sent: Thursday, November 20, 2025 4:28 PM
To: Lee Wright <Lee.Wright@metronet.com>
Cc: Teresa R Garcia <teresa.garcia@phoenix.gov>; Logan Zappolo <Logan.Zappolo@phoenix.gov>; Chris Deer <Christopher.Deer@metronet.com>; Victoria C Murrillo <victoria.cipolla-murillo@phoenix.gov>
Subject: RE: PC Appeal of PHO-4-25--Z-47-87-1(3) - Applicant (Lee Wright)

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Hi Lee,

I would like to get clarification on you request below. Are you asking to withdraw the appeal of the Planning Commission recommendation or withdraw the entire PHO application?

Thanks,

Racelle Escolar, AICP
Principal Planner
Planning and Development Department
Long Range Planning
racelle.escolar@phoenix.gov (602) 534-2864

PLANNING & DEVELOPMENT
PRESERVE
SHAPE
BUILD

From: Lee Wright <Lee.Wright@metronet.com>
Sent: Thursday, November 20, 2025 2:17 PM
To: Victoria C Murrillo <victoria.cipolla-murillo@phoenix.gov>
Cc: Racelle Escolar <racelle.escolar@phoenix.gov>; Teresa R Garcia <teresa.garcia@phoenix.gov>; Logan Zappolo <Logan.Zappolo@phoenix.gov>; Chris Deer <Christopher.Deer@metronet.com>
Subject: RE: PC Appeal of PHO-4-25--Z-47-87-1(3) - Applicant (Lee Wright)

Dear Ms. Cipolla-Murillo,

On behalf of Metronet Infrastructure Group, LLC, I am writing to formally withdraw our request to appeal the Planning Hearing Officer's decision regarding Case PHO-4-25—Z-47-87-1(3) for the property located at the northeast corner of 32nd Street and Sunnyside Lane.

After careful consideration and in recognition of the opposition expressed by certain residents, Metronet has decided not to pursue the subject stipulation modification further. We value the feedback received from the community and believe that listening to residents is important to being a good partner in the areas we serve.

We value our relationship with the City and appreciate the time and effort of the everyone involved throughout this process.

Please let us know if any additional steps are required to finalize this withdrawal.

Thank you for your attention to this matter.

Thanks,

Lee W. Wright, P.E.
Metronet | Professional Engineer - Facilities Engineering
Minneapolis , MN
Phone: 810-333-2303
www.Metronet.com [metronet.com]



[metronet.com]

From: Victoria C Murrillo <victoria.cipolla-murillo@phoenix.gov>
Sent: Thursday, November 13, 2025 3:42 PM
To: cammari6571@gmail.com; pgray5@cox.net; texazgal1@gmail.com
Cc: Racelle Escolar <racelle.escolar@phoenix.gov>; Teresa R Garcia <teresa.garcia@phoenix.gov>; Logan Zappolo <Logan.Zappolo@phoenix.gov>
Subject: PC Appeal of PHO-4-25--Z-47-87-1(3) - Applicant (Lee Wright)
Importance: High

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Attached is an appeal filed today by Lee Wright, applicant for the case **PHO-4-25—Z-47-87-1(3)**, located at the Northeast corner of 32nd Street and Sunnyside Lane. The case was heard at the Planning Commission Hearing on **Thursday, November 6, 2025**. The appeal will go to City Council on **December 3, 2025.**

For questions related to the City Council hearing, please contact Heather Klotz at heather.klotz@phoenix.gov

Online appointment scheduling is now available!
https://www.phoenix.gov/pddsite/Pages/Planning-and-Development-Online-Appointment-Scheduling.aspx

Online application submittal is now available!
Shape PHX Portal: https://shapephx.phoenix.gov/s/

Victoria Cipolla-Murillo, Secretary III / Council Reporter *(she/her/hers)*
Planning and Development Department
Planning Division, Zoning Section
Office: 602-262-6884
200 West Washington Street 2nd Floor
Phoenix, AZ 85003
Victoria.cipolla-murillo@phoenix.gov

ATTACHMENT A

Planning Commission Recommended Stipulations
PHO-4-25--Z-47-87-1(3)

Location: Northeast corner of 32nd Street and Sunnyside Lane

STIPULATIONS:

1. ~~That~~ THE development SHALL be in general conformance with the site plan presented, as modified by the site plan dated April 16, 1999, and elevation dated May 18, 1999 for the south portion of site.

2. ~~That~~ An 8-foot landscaped setback SHALL be provided along the east property line including 24-inch box size, drought-resistant shade trees planted 20 feet on center, or in equivalent groupings.

3. ~~That~~ No trash dumpsters SHALL be located within 50 feet of the east property line.

4. ~~That~~ The building height SHALL be limited to one story (17 feet 4 inches)

5. ~~That~~ A one-foot vehicular non access easement SHALL be placed along both Sunnyside Lane and Greenway Lane.

6. ~~That~~ A cross access SHALL be provided on the north portion of the site upon final site plan approval for the north property, or in the alternative, a common driveway entrance be provided, as approved by the Planning and Development Department

ATTACHMENT B

REVISED
November 4, 2025

City of Phoenix

Staff Report: PHO-4-25--Z-47-87-1(3)
October 30, 2025

APPLICATION #:	PHO-4-25--Z-47-87-1(3)
LOCATION:	Northeast corner of 32nd Street and Sunnyside Lane
EXISTING ZONING:	R-O
ACREAGE:	1.12
REQUEST:	Request to modify Stipulation 1 regarding general conformance to the site plan date stamped April 16, 1999 and the elevations date stamped May 18, 1999.
APPLICANT:	Lee Wright, Metronet Infrastructure Group, LLC.
OWNER:	Lee Wright, Metronet Infrastructure Group, LLC.
REPRESENTATIVE:	Lee Wright, Metronet Infrastructure Group, LLC.

STAFF RECOMMENDATION

Approval with additional stipulations, per the Planning Hearing Officer (PHO) recommendation.

PLANNING HEARING OFFICER RECOMMENDATION

On September 17, 2025, the Planning Hearing Officer recommended approval with additional stipulations.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The Paradise Valley Village Planning Committee (VPC) heard the request on September 8, 2025 and recommended denial by a vote of 11-1.

BACKGROUND/ANALYSIS

The subject site consists of 1.12 gross acres located at the northeast corner of 32nd Street and Sunnyside Lane and is zoned R-O (Residential Office-Restricted Commercial). The applicant requested a modification to Stipulation No. 1 regarding general conformance with the site plan date stamped April 16, 1999 and the elevations date stamped May 18, 1999 (Exhibit B).

The appellants argue the following points:

- The proposed narrative and site plan indicate incorrect dates. The appellants indicate the site plan date stamped September 9, 2000 should be the approved drawings to replace in Stipulation 1.
- The proposed use does not fit the vision for the City of Phoenix's North 32nd Street Revitalization Project.
- The unmanned structure will be inviting homeless and security related issues to the site.
- The use is not a public utility.
- No Use Permit approval on file for a public utility use on the site.
- The R-O zoning district indicating office use or other low impact development to the neighboring residential should be proposed, rather than an unmanned public utility.
- The CC&Rs were never amended to allow the R-O zoning.
- The Paradise Valley Village Planning Committee voted 11-1 to deny the modification to Stipulation No. 1.
- Lack of response from the community regarding questions raised at the Planning Hearing Officer Virtual Meeting.
- The agreement information for the public utility was never presented to the public.
- No environmental studies or climate plans have been conducted for this site concerning neighboring residential areas about safety and noise.
- No Storm Water Management plan exists for this site.
- Future development of cell towers on the proposed site.
- Risk of reduced property value, income loss from short term rentals, security, blight, and other negative neighborhood impacts.

One of the appellants also submitted a petition that contains 84 signatures from nearby residents in opposition to the proposed ILA Hut stating the development would have a negative impact on the community and property values. (Exhibit A)

PREVIOUS HISTORY

On September 16, 1987, the Phoenix City Council heard Rezoning Case No. Z-47-87-1, a request to rezone approximately 2.23 acres located at the southeast corner of 32nd Street and Greenway Lane from R1-14 (One family Residence) to C-O/G-O (Commercial Office District, General Office Option – Restricted Commercial). The City Council recommended denial as filed per the Planning Commission's recommendation and approved R-O (Residential Office – Restricted Commercial).

On June 9, 1999, the Phoenix City Council concurred with the recommendation of the Planning Hearing Officer for approval of PHO-1-89—Z-47-87-1(3), a request for a six-month time extension of the conditional zoning time stipulation and general site plan conformance, subject to stipulations.

On June 28, 1999, the Phoenix City Council concurred with the recommendation of the Planning Hearing Officer for approval of PHO-2-99—Z-47-87-1(3), a request for a time extension of conditional zoning; and general site plan conformance, subject to stipulations.

On February 8, 2012 the Phoenix City Council concurred with the recommendation of the Planning Hearing Officer for approval of PHO-3-11—Z-47-87-1(3), a request for Administrative action to modify Stipulation No. 5 to extend or remove the conditional time stipulation, or determine compliance with schedule for development or take legislative action to revert the R-O zoning to its former R1-14 zoning classification due to noncompliance with rezoning stipulations. The City Council ratified the item as recommended by the Planning Hearing Officer for approval of the deletion of Stipulation No. 5. (Exhibit E).

NEIGHBORHOOD CONCERNS

Public Correspondence

Besides the appeals received, one letter of opposition was received, indicating concerns regarding noise, unsightly condition, decrease in property value, blight, homelessness and the absence of a completed environmental study. A petition of opposition was submitted containing over 75 signatures, requesting the denial of PHO-4-25—Z-47-87-1(3) (Exhibit N).

GENERAL PLAN LAND USE MAP DESIGNATION

Residential 3.5 to 5 dwelling units / acre

CHARACTER OF SURROUNDING LAND USE

	Zoning	Land Use
On-site (overall development site):	R-O	Vacant land
North:	R-O	Vacant land
North (Across Greenway Lane):	C-2	Convenience Market, Auto Sales
East:	R1-14	Single-Family Residential
South (Across Sunnyside Lane):	R1-14	Single-Family Residential
West (Across 32nd Street):	R1-14	School District Office

PLANNING HEARING OFFICER FINDINGS

1) The request to modify Stipulation 1 regarding general conformance to a site plan and elevations is recommended for approval. The proposed project, a fiber-optic service communications hut, will have access to the right-of-way from a proposed concrete drive immediately west of the parcel. The parcel is currently undeveloped, and the development will include an approximately 864-square foot hut, natural gas back-up generator, CMU block screening wall around the compound and landscaping throughout the entire parcel. The proposed development is less intense and will create less traffic, sound and impact on the surrounding neighborhood. The proposal is compatible with and consistent with development in the surrounding area.

2) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

3) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

1.	~~That~~ THE development SHALL be in general conformance with the site plan AND ELEVATIONS DATE STAMPED AUGUST 7, 2025, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ~~presented as modified by the site plan dated April 16, 1999, and elevation dated May 18, 1999 for the south portion of site.~~
2.	~~That~~ An 8-foot landscaped setback SHALL be provided along the east property line including 24-inch box size, drought-resistant shade trees planted 20 feet on center, or in equivalent groupings.
3.	~~That~~ No trash dumpsters SHALL be located within 50 feet of the east property line.
4.	~~That~~ The building height SHALL be limited to one story (17 feet 4 inches)
5.	~~That~~ A one-foot vehicular non access easement SHALL be placed along both Sunnyside Lane and Greenway Lane.
6.	~~That~~ A cross access SHALL be provided on the north portion of the site upon final site plan approval for the north property, or in the alternative, a common driveway entrance be provided, as approved by the Planning and Development Department.
7.	PRIOR TO FINAL SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.
8.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
9.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
10.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33-FOOT

	RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.

Exhibits:

A- Appeal Documents (19 pages)
B- Applicant's Narrative for PHO-4-25--Z-47-87-1(3) (2 pages)
C- Aerial Map
D- Zoning Map
E- Approval Letter for PHO-3-11--Z-47-87-1(3) (2 pages)
F- Sketch Map for Z-48-87-1(3)
G- PHO Summary for PHO-4-25--Z-47-87-1(3) from September 17, 2025 (5 pages)
H- VPC Summary for PHO-4-25--Z-47-87-1(3) from September 8, 2025 (6 pages)
I- Conceptual Site Plan, date stamped August 7, 2025 (2 pages)
J- Conceptual Landscape Plan, date stamped August 7, 2025
K- Conceptual Elevations, date stamped August 7, 2025 (4 pages)
L- Stipulated Site Plan for PHO-4-25—Z-47-87-1(3)
M- Stipulated Elevations for PHO-4-25—Z-47-87-1(3)
N – Correspondence (10 pages)*

EXHIBIT A

*Revised 9/18/2025

PLANNING HEARING OFFICER APPEAL

I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:

CASE NUMBER:	**PHO-4-25--Z-47-87-1(3)**		
LOCATION:	Northeast corner of 32nd Street and Sunnyside Lane		
PHO HEARING DATE:	September 17, 2025	**RECEIVED:**	September 18, 2025
APPEALED BY:	☒ Opposition	☐ Applicant	
APPEALED TO:	**PLANNING COMMISSION**	November 6, 2025	**TENTATIVE DATE**
	CITY COUNCIL	December 3, 2025	**TENTATIVE DATE**
APPELLANT NAME AND ADDRESS/EMAIL:		**PHONE:**	
Patrick Gray PO Box 71610 Phoenix, AZ 85050		602-700-6337	
RECEIPT NUMBER:	N/A		
REASON FOR REQUEST:			

Please see attachments:

1) Metronet Letter of 08/07/2025
2) Site Plan dated 04/16/1999 (not signed/sealed)
3) *Letter dated 09/25/2000
4) Drawing dated 9/25/2000 (signed/sealed)
5) One page list of 14 items "Reasons for the Appeal"
6) Petitions opposing the Metronet Shelter

TAKEN BY:	Andrew Birkelbach

Joshua Bednarek
Tricia Gomes
Racelle Escolar
Adam Stranieri
Byron Easton
*PHO Planner Asst – Logan Zappolo
*PC Planner Asst – Teresa Garcia
PHO Secretary – Ruth Somoza
PC Secretary – Vikki Cipolla-Murillo
GIS Team
Raquel Moreno – Posting
Applicant

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

CITY OF PHOENIX
SEP 18 2025
Planning & Development Department

The PLANNING HEARING OFFICER agenda for ***September 17, 2025*** is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on *October 15, 2025* Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on ***September 24, 2025***. (There is a **$630 fee** for hearings requested by the applicant.)

  Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. ***September 24, 2025***.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

PHO-4-25-Z-47-87-1(3) — APPLICATION NO.
3206 EAST SUNNYSIDE LANE — LOCATION OF APPLICATION PROPERTY

PATRICK GRAY — NAME (PLEASE PRINT)
☒ OPPOSITION ☐ APPLICANT

P.O. BOX 71610 — STREET ADDRESS:
PGRAY5@COX.NET — EMAIL:

PHOENIX, AZ 85050 — CITY, STATE AND ZIP CODE
(602) 708-6337 — TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM *September 17, 2025* (DATE) **PHO HEARING TO** November 6, 2025 (DATE) **PC HEARING**

SIGNATURE: [signature] DATE: 9/18/2025

REASON FOR APPEAL: SEE ATTACHMENTS

1) METRONET LETTER OF 8/07/25
2) SITE PLAN DATED 4/16/1999 (NOT SIGNED/SEALED)
3) " " " 9/25/2000 (SIGNED/SEALED)
4) ONE PAGE LIST OF 14 ITEMS "REASONS FOR APPEAL"

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

PLANNER TAKING APPEAL: TB

Copies to: Case File | PHO Planner – Logan Zappolo | PHO Secretary – Ruth Somoza

metronet
love your internet

11880 College BLVD, Suite 100 | Overland Park, KS 66210
metronet.com

August 7th, 2025

Mr. Byron Easton
Planning Hearing Officer
City of Phoenix, AZ Development Services Department
200 W. Washington St, 2nd Floor
Phoenix, AZ 85003

SIGNED SEALED DRAWINGS (BY CITY) DATED 9/25/2000

Re: PHO Stipulation Modification from PHO-3-11--Z-47-87-1

PLANS SUBMITTED TO CITY ARE DATED 8/7/2025

Mr. Easton,

We, Metronet Infrastructure Group, LLC (Metronet/Vexus), request the Planning Hearing Officer's approval to modify a stipulation for our development parcel. Metronet/Vexus is a fiber-optic service provider that is proposing the communications hut located at 3206 E. Sunnyside LN/15051 N 32ND ST. The parcel is currently undeveloped, and our proposed development would include an 864sqft hut, natural gas back-up generator, CMU block screening wall around our compound, and landscaping of the whole parcel.

Metronet/Vexus is requesting to modify stipulation #1 of the Zoning Case PHO-3-11--Z-47-87-1. The stipulation reads:

1. That development be in general conformance with the site plan presented as modified by the site plan dated August 1, 2025 ~~April 16, 1999~~, and elevation dated August 1, 2025 ~~May 18, 1999~~, for the north ~~south~~ portion of the site.

The attached/submitted site plan and elevations will show a smaller development, which would be located on the Northern middle of the parcel, with access coming off 32nd Ave. The rest of the parcel would be landscaped per city requirements/standards. This will be an unmanned communications hut to provide fiber-optic service to the residents of Phoenix. Minimal traffic will be on site after construction, besides for normal maintenance of the building, equipment and landscaping. The existing site plan has shown a proposed building of 8,500sqft, with 35 parking spaces. This is a major decrease in development size adjacent to a residential property.

All other stipulations to the zoning case PHO-3-11--Z-47-87-1, will be met by Metronet. Those stipulations are:

2. That an 8-foot landscaped setback be provided along the east property line including 24-inch box size, drought-resistant shade trees planted 20' on center, or in equivalent groupings.
3. That no trash dumpsters will be located within 50 feet of the east property line.
4. That the building height be limited to one story (17 feet, 4 inches)
5. That a one-foot vehicular non-access easement be placed along both Sunnyside Lane and Greenway Lane.
6. That cross access be provided on the north portion of the site upon final site plan approval for the north property, or in the alternative, a common driveway entrance be provided, as approved by the Planning and Development Department.

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11880 College BLVD, Suite 100 | Overland Park, KS 66210
metronet.com

8/7/2025

This development is necessary to provide fiber-optic service to the residents and businesses of Phoenix. Construction of the development should take around 2 months to complete, baring any inspection delays. We would like to have planning approval as soon as possible, so we could seek a building permit immediately after approval.

Please let us know if you have any questions or concerns about our development.

Sincerely,

Lee W. Wright, P.E.
Metronet Infrastructure Group, LLC
11880 College BLVD, Suite 100
Overland Park, KS 66214

***Letter added to packet 9/18/25**

City of Phoenix
DEVELOPMENT SERVICES DEPARTMENT

SITE PLAN SIGNED/SEALED BY CITY OF PHOENIX ON 9/25/2000

THIS DRAWING IS ATTACHED

September 26 2000

Duane Foster
4300 North Miller Road Suite 223
Scottsdale AZ 85251

(4) 34-35

Dear Mr Foster

RE **Project # 99 38911 LPRN 0001739 – BINGHAM OFFICE BUILDING located at 15051 North 32nd Street**

Attached is a signed stamped copy of your final site plan Signed copies have been placed in your two construction sets that were submitted to the City of Phoenix All site-planning requirements have been successfully satisfied You may pull construction permits once all other requirements have been fulfilled

If the need arises to modify conditions in the field which are not consistent with the approved site plan or building elevations please contact me for consultation related to the changes and the necessity of amending the approved plans Unauthorized deviations from the approved plan may delay the Certificate of Occupancy and may force costly alterations to improvements towards the end of the development process

A site inspection is required for this project To avoid Certificate of Occupancy delays the Site Development Inspector should be contacted at (602) 262-6981 to schedule a Site Inspection Request for inspection should at a minimum occur approximately four (4) weeks from anticipated C of O and again two (2) weeks prior to completion of work. The City approved Site Plan Grading Plan and Landscape Plans must be on site in the Field set of construction plans to assist the contractor and the Site Inspector

Thank you for doing business with the City of Phoenix Development Services Department I hope we provided the service and assistance you required Should you have any questions please contact me at (602) 495-5208

Sincerely

Sandra Topham
Planner II

S SiteDev\Sites\FinalApprovals\Planners\Topham S\99 38911LPRN0001739

c. (no attachment)
Bingham Engineering Inc
13416 North 32nd Street
Suite 109
Phoenix AZ 85032

Clouse Engineering
1642 East Orangewood Avenue
Phoenix AZ 85020

c (attachment)
Building Safety (Mary Lou Evans)
Project Engineering (Shane Hurd)
Planning (Chris Magnusson)
Inspections (Ben Green)
Site Planning

PHO - 4-25-Z-47-87-1(3) 3206 East Sunnyside Lane.
Appeal to the ruling by PHO Byron Easton at the PHO Hearing, 10:00am, September 17, 2025.
Submitted by Patrick Gray on September 18, 2025.

Reasons for this appeal;

1	In Metronet's letter of 8/7/2025, they requested a change to stipulation # 1, using drawings dated in April and May 1999. In a letter dated September 26, 2000, the City of Phoenix approved a set of drawing for development of this site, which they signed/ sealed on 9/25/25 (see attached drawing). These 9/25/2000 drawings should be the drawings that Metronet is proposing to replace in Stipulation #1.
2	Metronet's proposed plan for this site does not fit the vision for the City of Phoenix's North 32nd Street Revitalization Project.
3	This site is in Sunnyside Acres. The CCR's for Sunnyside Acres were never amended to allow R-O zoning.
4	City of Phoenix, Zoning Ordinance 620, Section B "Permitted Uses", note 6, states; "Public utility buildings and facilities when necessary for serving the surrounding territory...subject to use permit". Does Metronet have a City of Phoenix issued "Use Permit" for this property?
5	The homeless encampments have been an issue in this neighborhood for years but through efforts by members of this community, it is now under control. This unmanned structure will reverse that progress.
6	This Metronet communications hut will be unoccupied. The office building approved for this site by the City of Phoenix , in September 2000, would have been occupied 5 days a week from 8am to 5pm. If the site were developed per the 2000 plan, the daily occupancy would have helped to eliminate homeless encampments and most likely the site would have been continuously maintained by the property owner.
7	R-O Zoning - The development on this site should be of low impact to the adjacent residential properties and it should have residential characteristics.
8	No Environmental Site Assessment has been performed for this site and no Climate Plan exists.
9	Noise from the natural gas powered backup generator is a concern for the residents of this community.
10	No Storm Water Management Plan exists, for this site.
11	On Monday 9/8/2025, the Paradise Valley Village Planning Committee voted 11-1 to not approve the modification to Stipulation #1, as proposed by Metronet.
12	Metronet is owned by T-Mobile. Until this acquisition occurred a few months ago, T-Mobile only provided cell phone service and wireless internet service. For this reason I am concerned that at some time in the near future T-Mobile will want to install one or more cell towers on this site. In the PHO hearing 9/17/25 Metronet's representative stated that they own the property and will never lease part of it to anyone. In the Valley Village Planning meeting on 9/8/25 the Metronet rep said there will be no tower on the site.
13	During the PHO hearing @10am on 9/17/25 with Public Hearing Officer Byron Easton, Metronet stated that they have several agreements with the City - related to development of this property. What are these agreements?
14	The 4 page Petition submitted to PHO/Byron Easton on Sunday 9/14/25, contains 84 signatures of residents of the community surrounding this property. These residents ask that this Metronet Communications Hut not be constructed @ 3206 East Sunnyside Lane. The development as proposed by Metronet will have a negative impact on the community and property values will be negatively impacted.

Neighborhood Petition Form

PHO-4-25-Z-47-87-1(3)

Reason for Petition: Petition Opposing the Metronet Shelter at 3206 East Sunnyside Lane

Action Requested: We, the undersigned residents and community members, respectfully petition the City of Phoenix Planning & Development Department to **deny approval of the proposed Metronet unmanned fiber optic communications hub ("Metronet Shelter") at 3206 East Sunnyside Lane.**

Petition Forwarded to: **To:** Mr. Easton and the City of Phoenix Planning & Development Department
From: Concerned Residents of Sunnyside Acres and the Surrounding Neighborhoods

(1/4)

DATE	NAME	ADDRESS	SIGNATURE
9/10/25	Victoria Vinson	3230 E Sunnyside Lane	Victoria Vinson
9/11/25	Saundra Hines	3236 E Sunnyside Ln	Saundra Hines
9/11/25	AL Hines	〃 〃	AL Hines
9/11/25	Aurora Oberloh	3306 E Sunnyside Lane	Aurora Oberloh
9/11/25	RONALD OBERLOH	3302 E SUNNYSIDE LANE	Ronald Oberloh
9/11/25	Jennifer Kennedy	3318 E Sunnyside Lane	
9/11/25	Holly Dale	3216 E Greenway Ln	Holly Dale
9/11/25	DALE Golden	3224 E Greenway	
9/11/25	Kanami Saizu	3241 E Greenway Ln	
9/11/25	ROD HARRIS	3326 E GREENWAY LN.	
9/11/25	Saraya Turcotte	3314 E Greenway Ln	
9/11/25	Ross Kundral	3318 E. Greenway Ln	
9/11/25	David Harms	3330 E Greenway Ln	
9/11/25	Alyssa Harms	3330 E Sunnyside Ln	
9/11/25	Dakodah Harms	3330 E Sunnyside Ln	Dakodah Harms
9/11/2025	Norine Colucci	3225 E Sunnyside Ln	
9/11/2025	Eugene Colucci	3225 E Sunnyside Ln	
9/11/2025	Sandy Rarick	3225 E Sunnyside Ln	
9/11/25	Ayla Rarick	3225 E Sunnyside Ln	
9/11/25	Lynn Chiarella	3320 E Sunnyside Ln	Lynn Chiarella
9-11-25	Didi Magee	3243 E. Sunnyside Ln	
9-11-25	Robin Kennedy	3318 E Sunnyside Ln	
9-12-25	John Hadley	3229 E Sunnyside Ln	

Neighborhood Petition Form

PHO-4-25-Z-47-87-1(3)

Reason for Petition: Petition Opposing the Metronet Shelter at 3206 East Sunnyside Lane

Action Requested: We, the undersigned residents and community members, respectfully petition the City of Phoenix Planning & Development Department to **deny approval of the proposed Metronet unmanned fiber optic communications hub ("Metronet Shelter") at 3206 East Sunnyside Lane.**

Petition Forwarded to: **To:** Mr. Easton and the City of Phoenix Planning & Development Department
From: Concerned Residents of Sunnyside Acres and the Surrounding Neighborhoods

(2 of 4)

DATE	NAME	ADDRESS	SIGNATURE
9/12/25	Jonathan Busby	3235 E Sunnyside Ln	
9/12	Trudy Miranda	3235 E Sunnyside	
9-12	Paul Fenton	3143 E Greenway Rd	
9-12	Sonia Arikat	3143 E Greenway Rd.	
9/12	Maxine Bean	3143 E Greenway Rd	
9/12	Travis Bean	15230 N. 32nd St	
9/12	Pam Brooks	15230 N. 32nd St	
9/12	Matt Lipps	15230 N 32 St	
9/12	Ted Dambrackas	15230 N 32 ST	
9/12	Rose Thornton	16235 N. Cave Creek Rd	Rose Thornton
9-12	Wayne Tucker	15250 N 32nd St	Wayne Tucker
9-12	[illegible]	2829 E. Wagoner Rd	Leonard Valencia
9-12-25	Katya Thiele	3928 E Paradise Drive	Katya Thiele
9-12	Rita Moran	3121 E. Greenway Rd.	
9-12	Nick Zahreddine	3121 E. Greenway Rd.	
9-12	Naha Zahreddine	3121 E Greenway Rd.	
9:2	Justin Gardner	3111 E Greenway Rd	
9/12	Tanner Shipman	3111 E Greenway Rd	
9/12	Amanda Fuller	15235 N 32nd St	
9/12	Cara	12844 N Paradise Valley Pkw	
09/12	Candy A.	3305 E Greenway Rd	
09/12	Stacy S	3305 E Greenway Rd	
9/12/25	WENDY TIER	4013 E ADOBE DR	

Neighborhood Petition Form

PHO-4-25-Z-47-87-1(3)

Reason for Petition: Petition Opposing the Metronet Shelter at 3206 East Sunnyside Lane

Action Requested: We, the undersigned residents and community members, respectfully petition the City of Phoenix Planning & Development Department to **deny approval of the proposed Metronet unmanned fiber optic communications hub ("Metronet Shelter") at 3206 East Sunnyside Lane.**

Petition Forwarded to: **To:** Mr. Easton and the City of Phoenix Planning & Development Department
From: Concerned Residents of Sunnyside Acres and the Surrounding Neighborhoods

(3/4)

DATE	NAME	ADDRESS	SIGNATURE
9/12/25	HIEN DUONG	3305 E Greenway Rd	
9/12/25	Rosalind Fassett	15049 N. 19th Way Phx 85022	
9/12/25	Jeffrey Ruhs	3205 E. Sunnyside	
9/12/25	Sven Roby	9205 E Sunnyside Ln	
9-12-25	Gabino Salgado	3305 E Sunnyside Ln	
9/12/25	Brent Iverson	3205 E Sunnyside Ln	
9/17/25	Wayne Lem	3205 E Sunnyside Ln	Wayne Lem
9/12/25	[illegible]	3205 E Sunnyside Ln	
9/12/2025	Christian Marquez	3215 E. Sunnyside Ln	
9/12/2025	[illegible] Galvan	3215 E Sunnyside Ln Phx, AZ 85032	
9-12-2025	Elsa Yolanda Galvan	3215 E Sunnyside Ln	
9-12-2025	Casey Galvan	3215 E. Sunnyside Ln	
9/12/25	Thanya Marquez	3215 E. Sunnyside Ln	
9/13/25	ERIKA SMITH ROYAL	3329 E Greenway Ln	
9/13/25	Emily Mary Dale	3216 E Greenway	
9/13/25	[illegible]	3223 E Greenway Ln	
9/13/25	Tim Boyle	3226 E Greenway Ln	
9/13/25	D. Baker	3230 E. Greenway Ln	
9/13/25	Mario Hoyos	3247 E Greenway Ln	
9/13/25	Trinidad Ponce	3247 E Greenway Ln	
9-13-25	Clayton Walton	3314 E Greenway Ln	
9-13-2025	[illegible]	3324 E Greenway Ln	
9-13-2025	[illegible]	3324 E Greenway Ln	
9-13-25	Caleb Mercer	3230 E Knight Rd	

Neighborhood Petition Form

PHO-4-25-Z-47-87-1(3)

Reason for Petition: Petition Opposing the Metronet Shelter at 3206 East Sunnyside Lane

Action Requested: We, the undersigned residents and community members, respectfully petition the City of Phoenix Planning & Development Department to **deny approval of the proposed Metronet unmanned fiber optic communications hub ("Metronet Shelter") at 3206 East Sunnyside Lane.**

Petition Forwarded to: **To:** Mr. Easton and the City of Phoenix Planning & Development Department
From: Concerned Residents of Sunnyside Acres and the Surrounding Neighborhoods

(4/4)

DATE	NAME	ADDRESS	SIGNATURE
9/13/25	Andrea Sanchez	3227 E. Nisbet Rd 85032 PHX AZ	Andrea Sanchez
9/13/25	Emilio Sanchez	3227 E Nisbet Rd	
9-13-25	Kelly O.	3221 E Nisbet Rd	Kelly Ojeda
9/13/25	Jason Ritter	3210 E Nisbet Rd	
9/13/25	Morgan Alexander	3202 E Nisbet Rd	Morgan Alexander
9/13/25	Demetrio D	3221 E Nisbet Rd	
9-13-25	[illegible]	3039 E Green Way	
9-13-25	Jessica Cochran	15225 N 32nd St	
9-13-25	[illegible]	3143 E Greenway Rd	Matt Slowsky
9/13/25	Mykola Efimenko	3235 E. Sunnyside Ln	
9/13/25	Jason Beitman	3215 E Greenway LN	
9/14/25	Alexis Meranto	3213 E Greenway LN	Alexis Meranto
9/14/25	Chinmaz Sayegh	3311 E Greenway Ln	
9/14/25	John Sayegh	3311 E Greenway Lane	

PLANNING HEARING OFFICER APPEAL

I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:

CASE NUMBER:	**PHO-4-25--Z-47-87-1(3)**		
LOCATION:	3206 East Sunnyside Lane		
PHO HEARING DATE:	September 17, 2025	**RECEIVED:**	September 23, 2025
APPEALED BY:	☒ Opposition	☐ Applicant	
APPEALED TO:	**PLANNING COMMISSION**	November 6, 2025	
		TENTATIVE DATE	
	CITY COUNCIL	December 3, 2025	
		TENTATIVE DATE	

APPELLANT NAME AND ADDRESS/EMAIL:	**PHONE:**
Chinnaz Sayegh 3311 East Greenway Lane Phoenix, AZ 85032 Cammari6571@gmail.com	602-790-8796

RECEIPT NUMBER:	N/A

REASON FOR REQUEST:

See Attachments:

1) Lot 18 and 19 originally R1-14, no valid amendments – Zoning Compliance
2) Corporate status of Metronet
3) Virtual meeting issues
4) Impact on properties and neighborhood
5) STR – Income licensed

TAKEN BY:	Teresa Garcia, Planner I

Joshua Bednarek
Tricia Gomes
Racelle Escolar
Adam Stranieri
Byron Easton
PHO Planner Asst – Logan Zappolo
PC Planner Asst – Teresa Garcia
PHO Secretary – Ruth Somoza
PC Secretary – Vikki Cipolla-Murillo
GIS Team

Raquel Moreno – Posting

S:\Planning\Rezoning\Hearings\PHO\Appeals\2025\PHO-4-25--Z-47-87-1(3) - Opposition - Chinnaz Sayegh\Internal Cover.doc

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

CITY OF PHOENIX
SEP 23 2025
Planning & Development Department

The PLANNING HEARING OFFICER agenda for ***September 17, 2025*** is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on *October 15, 2025* Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on ***September 24, 2025***. (There is a **$630 fee** for hearings requested by the applicant.)

  Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. ***September 24, 2025***.

APPEAL FORM

Yes PHO-4-25--Z-47-87-1(3)

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

PHO-4-25--Z-47-87-1(3) — APPLICATION NO.
3206 E. Sunnyside Lane — LOCATION OF APPLICATION PROPERTY

Chinnar Sayegh — NAME (PLEASE PRINT)
☑ OPPOSITION ☐ APPLICANT

3311 E. Greenway Lane — STREET ADDRESS:
Cammari6571@gmail.com — EMAIL:

Phoenix AZ 85032 — CITY, STATE AND ZIP CODE
602.790.8796 — TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM *September 17, 2025* (DATE) **PHO HEARING TO** 11/6/25 (DATE) **PC HEARING**

SIGNATURE: Chinnar Sayegh DATE: 9/23/2025

REASON FOR APPEAL: SEE Attachments

1) Lot 18 & #19 originally R1-14, No Valid Amendments ~ Zoning Compliance
2) Corporate Status of Metronet 4) Impact on Properties & Neighborhood
3) Virtual Meeting issues 5) STR - income Licensed.

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

PLANNER TAKING APPEAL: TG

Copies to: Case File PHO Planner – Logan Zappolo PHO Secretary – Ruth Somoza

Subject: Appeal – PHO-4-25-Z-47-1(3) – Metronet Utility Facility at 3206 E. Sunnyside Lane

To: Planning and Development Department

I am submitting this appeal regarding the recent decision to allow Metronet to establish a utility facility at 3206 E. Sunnyside Lane. As both a property owner and a resident of the Sunnyside Acres neighborhood, I believe the approval was made in error and does not properly account for zoning limitations, property rights, or neighborhood impact.

My Properties and Residency

- I own 3216 and 3226 E. Sunnyside Lane.
- I reside at 3311 E. Greenway Lane, directly north of the property in question.
- 3216 E. Sunnyside Lane is a licensed short-term rental (STR #STR-2025-002486), which shares a wall with the proposed Metronet site.

Key Grounds for Appeal

1. **Zoning and Permitted Use**
    - Lots #18 and #19 were originally zoned R1-14 residential. To my knowledge, no clear and valid amendment has been shown that permits this type of industrial use.
    - Even under R-O zoning, the intent is low-impact, residential-character operations. An unmanned fiber utility hub does not meet that intent.
2. **Metronet's Corporate Status**
    - Metronet is not a public company; it is privately held, most recently owned by a joint venture of T-Mobile and KKR, a global investment firm. Its shares are not available on any public exchange, distinguishing it from public utilities.
    - At the same time, Metronet is not a "private company" in the traditional sense either. It operates as a privately owned entity without a stock ticker, independent in its day-to-day fiber-to-the-home operations, but fueled by outside investment for expansion. This structure does not make Metronet a public utility provider, and it should not automatically receive the land use privileges of one.

- **See attached documentation** regarding Metronet's ownership and private/public status for reference.

3. **Virtual Meeting Concerns Ignored**

    - During the virtual meeting on **September 17, 2025, at 10:00 AM**, I directly asked Metronet to provide proof that they are permitted to operate under the current zoning. Their only response was, *"we are allowed to be there."* No documentation, explanation, or offer to follow up with proof was provided.

    - None of my concerns regarding the impact of an **unmanned facility** near homes and a licensed STR were addressed or mitigated. No commitments were made to ensure security, maintenance, or monitoring.

    - This lack of clarity is especially troubling because **all of Metronet's own sites state that they are a private company**, which raises further questions about whether they should be afforded the same zoning considerations as a public utility.

4. **Impact on Properties and Neighborhood**

- The proposed facility directly adjoins my STR at 3216 E. Sunnyside Lane and is close to my residence at 3311 E. Greenway Lane. Its presence threatens the safe, quiet, and residential environment that guests and neighbors expect.

- **Risks to property and neighborhood:**

    - **Reduced property values:** The facility could make both my STR and surrounding homes less desirable to buyers or renters.

    - **Guest perception and income loss:** Guests may perceive potential health risks from electromagnetic interference (EMI) generated by fiber optic converters and associated equipment, which could reduce bookings and revenue.

    - **Security and blight risks:** Unattended facilities often attract loitering, trespassing, and trash accumulation, as already seen at Lot #18 with Southwest Gas.

    - **Neighborhood impact:** The facility could undo years of work controlling homelessness and maintaining Sunnyside Acres as a safe, welcoming neighborhood.

- Overall, the combination of visual, security, and perceived health impacts makes the property less desirable, threatens the viability of my STR, and harms the broader

community.

Conclusion

For these reasons, I respectfully request that this approval be overturned. The proposed Metronet facility does not align with the intent of the zoning, fails to meet the standards of a public utility, and will negatively affect homeowners, tenants, and visitors in our neighborhood.

Metronet should be required to relocate this facility to a commercial or industrial site where such use is appropriate.

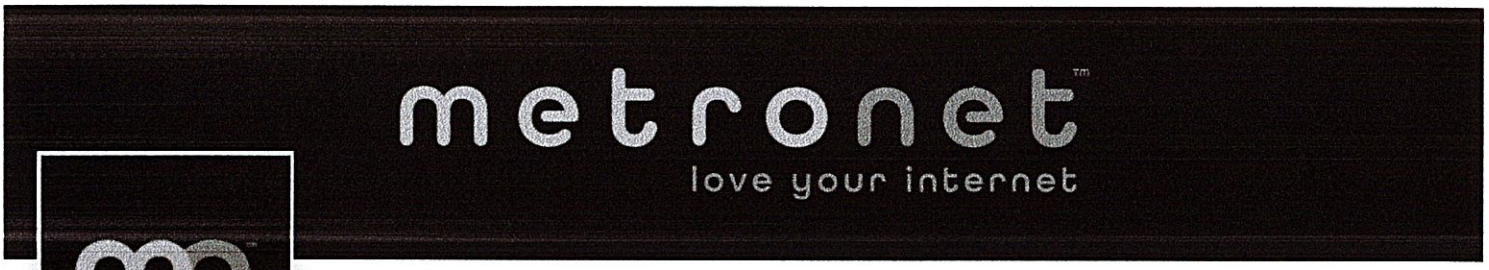
Thank you for your attention to this appeal.

Sincerely,
Chinnaz Sayegh
Owner: 3216 & 3226 E. Sunnyside Lane
Resident: 3311 E. Greenway Lane

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Metronet

Telecommunications

Evansville, Indiana · 29,809 followers

See jobs Follow

Discover all 2,283 employees

Overview Jobs Life

About us

Welcome to the nation's largest privately owned 100% fiber-optic service provider! Metronet started in 2005 in Greencastle, IN and continues to expand to new cities and states across the United States. Our 100% fiber technology allows customers access to some of the fastest symmetrical internet speeds in the world (Multi-Gig speeds available!) We pride ourselves on our cutting-edge technology combined with industry-leading customer care. In 2023, Metronet was awarded Fastest Internet Service Provider by PCMagazine, and received Fastest Internet and Most Reliable Speeds claims in several cities and states from Ookla. We also received PGMagazine's Best Gaming Internet Service Provider award in 2024. If you are already a customer, thank you for choosing Metronet! If you haven't signed up for our services, we hope to welcome you into the Metronet family soon! We're looking for tech-savvy, innovative thinkers to join our team and help us create what's next! We are committed to cultivating and preserving

a culture of inclusion and connectedness. We strive to continually lead with our values and beliefs that enable associates to develop their potential, bring their full self to the workplace, and engage in a world of inclusion. As an Equal Opportunity Employer, we do not discriminate against any associate or applicant for employment because of race, color, sex, age, national origin, religion, sexual orientation, gender identity and/or expression, status as a veteran, and basis of disability or any other federal, state or local protected class.

Website	https://www.metronet.com/
Industry	Telecommunications
Company size	1,001-5,000 employees
Headquarters	Evansville, Indiana
Type	Privately Held

Specialties

Fiber Internet, Fiber Phone, Fiber IPTV, Home Security, Telecommunications, Customer Service, and High Speed Internet

Locations

Primary
300 E Walnut St
Evansville, Indiana 47713, US
Get directions

3701 Communications Way
Evansville, IN 47715, US
Get directions

Employees at Metronet

Sign up online and get FREE Installation* on all speeds! Hurry – offers end soon!

metronet
love your internet

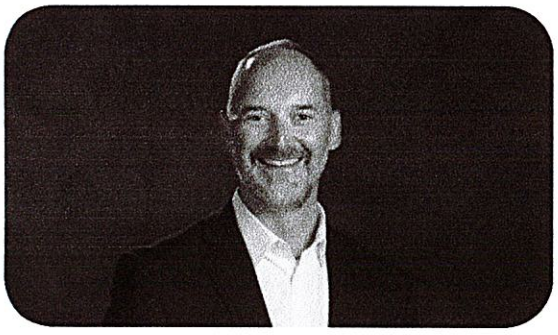


About Us

Metronet, the nation's fastest-growing fiber-to-the-home builder, is now owned by a joint venture of T-Mobile, America's 5G leader, and KKR, the global investment firm. The company operates its 100% fiber optic networks on a commercial and wholesale basis, with T-Mobile Fiber providing marketing, sales and the customer experience for residential users. In cities across the country, Metronet has been building and operating fiber networks since 2005. Today, more than 2.6 million homes and businesses in more than 300 communities across 19 states have access to Metronet fiber, with new communities added each month.

VISIT THE NEWSROOM

Metronet Leadership



PRESIDENT AND CEO

Dave Heimbach



CHIEF FINANCIAL OFFICER

Sarah Overbaugh

EXHIBIT B

11880 College BLVD, Suite 100 | Overland Park, KS 66210
metronet.com

August 7th, 2025

Mr. Byron Easton
Planning Hearing Officer
City of Phoenix, AZ Development Services Department
200 W. Washington St, 2nd Floor
Phoenix, AZ 85003

Re: PHO Stipulation Modification from PHO-3-11--Z-47-87-1

Mr. Easton,

We, Metronet Infrastructure Group, LLC (Metronet/Vexus), request the Planning Hearing Officer's approval to modify a stipulation for our development parcel. Metronet/Vexus is a fiber-optic service provider that is proposing the communications hut located at 3206 E. Sunnyside LN/15051 N 32ND ST. The parcel is currently undeveloped, and our proposed development would include an 864sqft hut, natural gas back-up generator, CMU block screening wall around our compound, and landscaping of the whole parcel.

Metronet/Vexus is requesting to modify stipulation #1 of the Zoning Case PHO-3-11--Z-47-87-1. The stipulation reads:

1. That development be in general conformance with the site plan presented as modified by the site plan dated August 1, 2025 ~~April 16, 1999~~, and elevation dated August 1, 2025 ~~May 18, 1999~~, for the north ~~south~~ portion of the site.

The attached/submitted site plan and elevations will show a smaller development, which would be located on the Northern middle of the parcel, with access coming off 32nd Ave. The rest of the parcel would be landscaped per city requirements/standards. This will be an unmanned communications hut to provide fiber-optic service to the residents of Phoenix. Minimal traffic will be on site after construction, besides for normal maintenance of the building, equipment and landscaping. The existing site plan has shown a proposed building of 8,500sqft, with 35 parking spaces. This is a major decrease in development size adjacent to a residential property.

All other stipulations to the zoning case PHO-3-11--Z-47-87-1, will be met by Metronet. Those stipulations are:

2. That an 8-foot landscaped setback be provided along the east property line including 24-inch box size, drought-resistant shade trees planted 20' on center, or in equivalent groupings.
3. That no trash dumpsters will be located within 50 feet of the east property line.
4. That the building height be limited to one story (17 feet, 4 inches)
5. That a one-foot vehicular non-access easement be placed along both Sunnyside Lane and Greenway Lane.
6. That cross access be provided on the north portion of the site upon final site plan approval for the north property, or in the alternative, a common driveway entrance be provided, as approved by the Planning and Development Department.

11880 College BLVD, Suite 100 | Overland Park, KS 66210
metronet.com

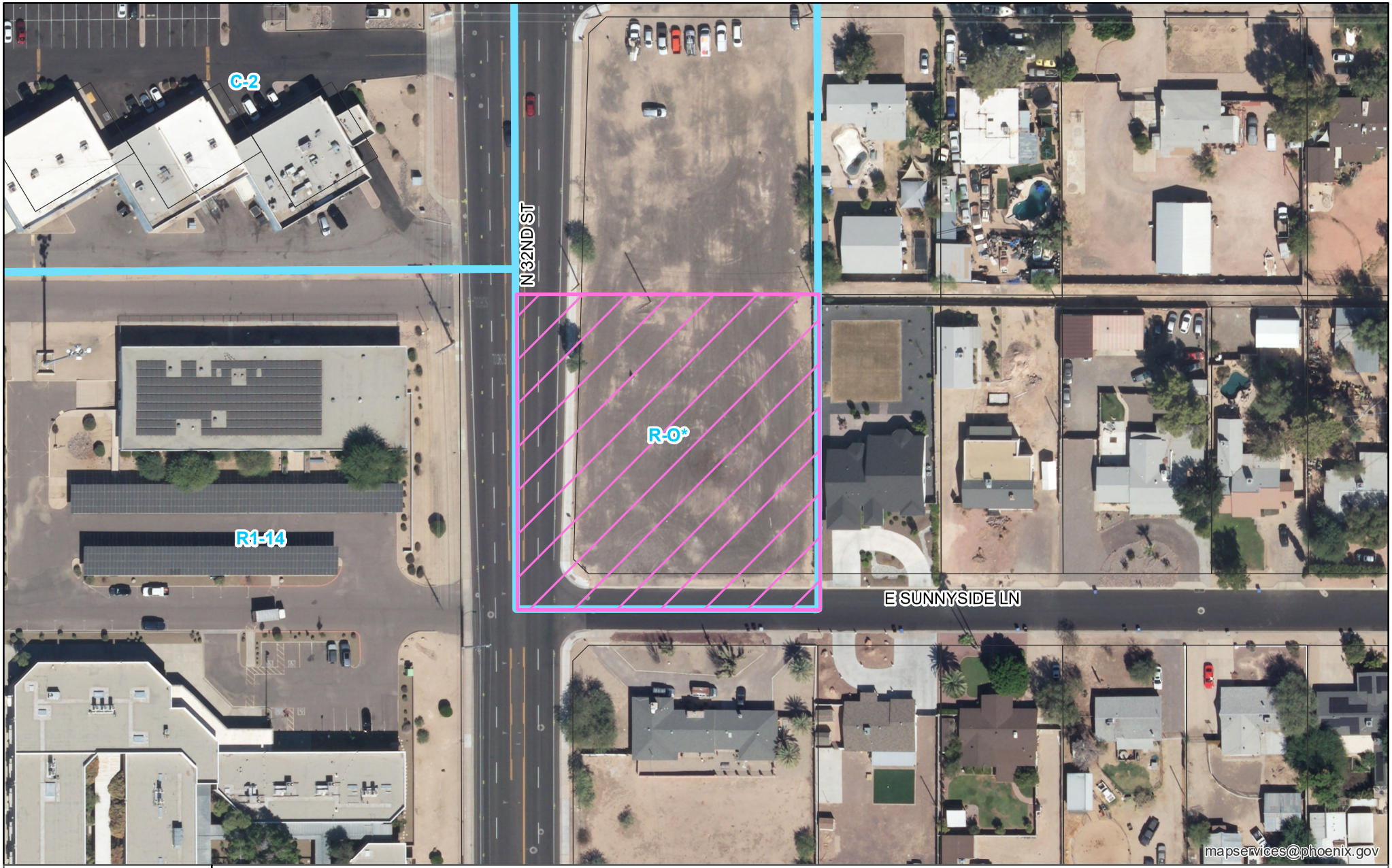
This development is necessary to provide fiber-optic service to the residents and businesses of Phoenix. Construction of the development should take around 2 months to complete, baring any inspection delays. We would like to have planning approval as soon as possible, so we could seek a building permit immediately after approval.

Please let us know if you have any questions or concerns about our development.

Sincerely,

Lee W. Wright, P.E.
Metronet Infrastructure Group, LLC
11880 College BLVD, Suite 100
Overland Park, KS 66214

EXHIBIT C



PHO-4-25--Z-47-87-1(3)

Property Location: Northeast corner of 32nd Street and Sunnyside Lane

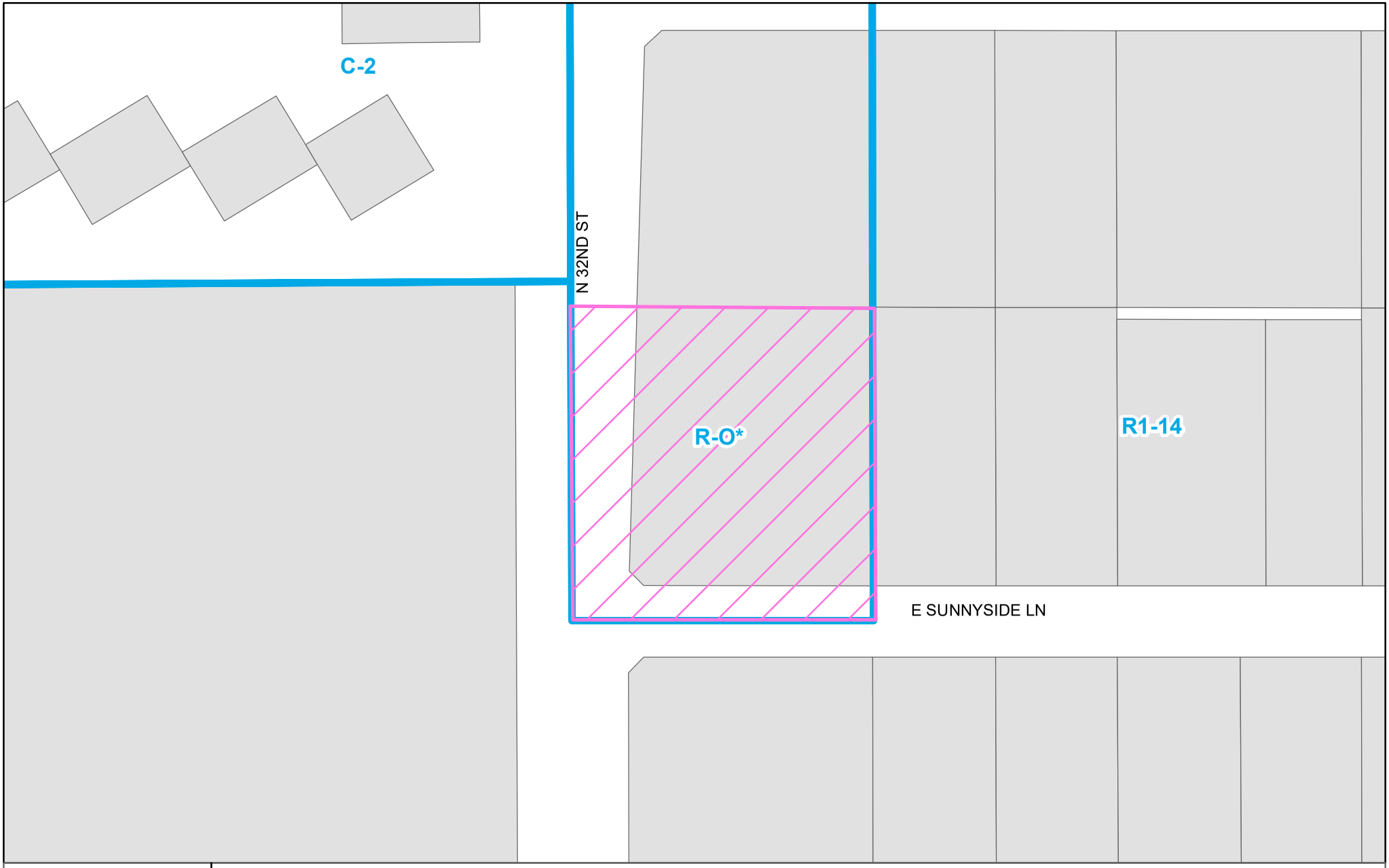
City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 45 90 180 Feet

687

EXHIBIT D



PHO-4-25--Z-47-87-1(3)

Property Location: Northeast corner of 32nd Street and Sunnyside Lane

639

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 45 90 180 Feet

EXHIBIT E

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

February 9 2012

Daniel F & Ann W Bingham
8642 West Yukon Drive
Phoenix AZ 85382

RE Z-47-87 1 (NEW DISTRICT 3) – Southeast corner of 32nd Street and Greenway Lane

Dear Applicant

Please be advised that the Phoenix City Council in accordance with the provisions of Section 506 of the Zoning Ordinance has on February 8, 2012 considered a request for Administrative action to modify Stipulation 5 to extend or remove the conditional time stipulation, or determine compliance with the schedule for development or take legislative action to revert the R-O zoning to its former R1-14 zoning classification due to noncompliance with rezoning stipulations

The City Council ratified application Z 47 87 1 (NEW DISTRICT 3) as recommended by the Planning Hearing Officer for approval of the deletion of Stipulation 5

Stipulations

Mod 1 That development be in general conformance with the site plan presented as modified by the site plan dated April 16 1999 and elevation dated May 18 1999 for the south portion of site

2 That an 8-foot landscaped setback be provided along the east property line including 24-inch box size drought-resistant shade trees planted 20 feet on center or in equivalent groupings

3 That no trash dumpsters be located within 50 feet of the east property line

4 That the building height be limited to one story (17 feet 4 inches)

5 That a one-foot vehicular non access easement be placed along both Sunnyside Lane and Greenway Lane

6 That cross access be provided on the north portion of the site upon final site plan approval for the north property or in the alternative a common driveway entrance be provided, as approved by the Planning and Development Department

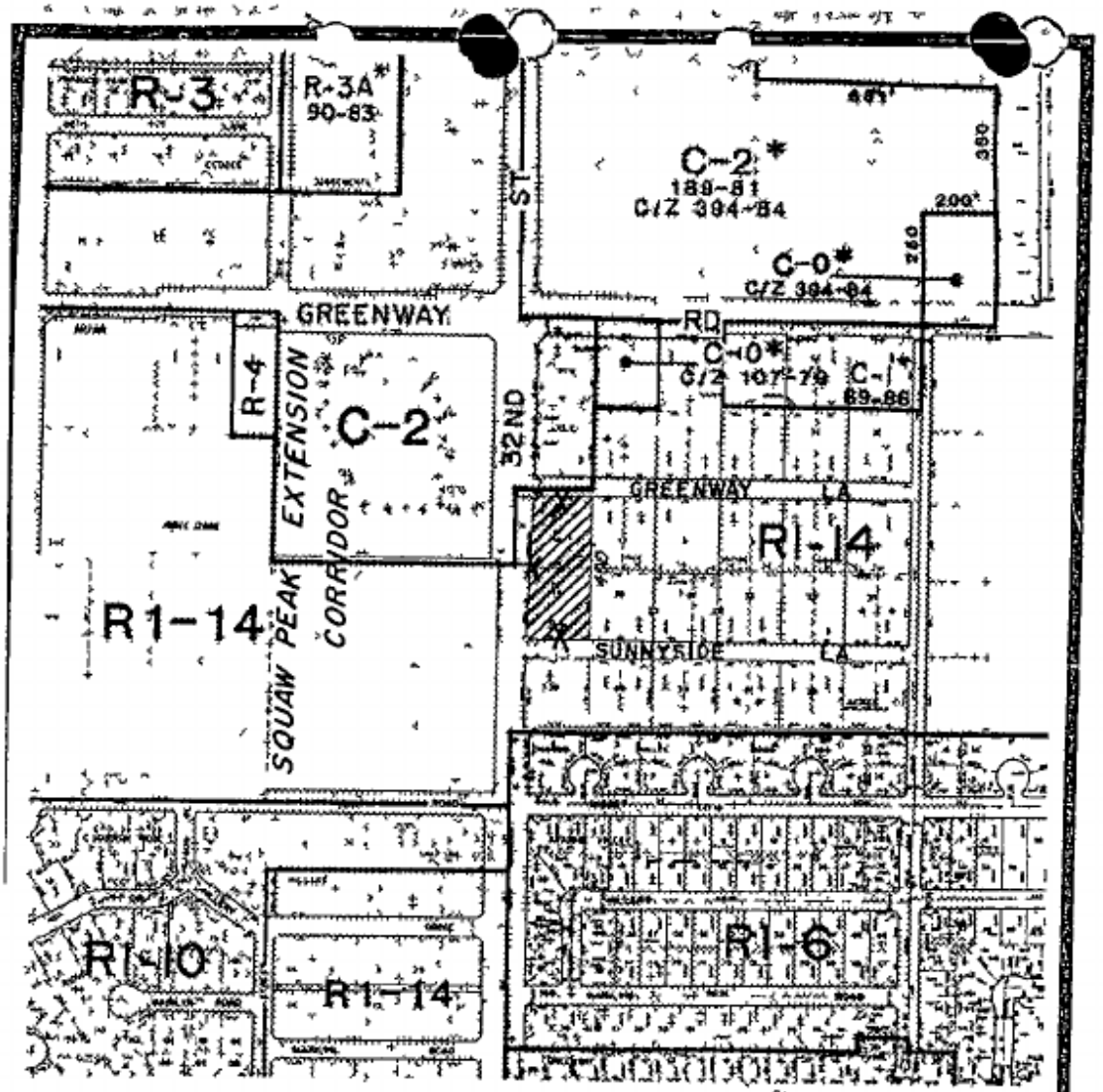
Sincerely

Teresa Hillner

Teresa Hillner
Planner III

c Aracely Herrera P&D–Planning (Electronically)
Sandra Hoffman, P&D–Development (Electronically)
Annie Alvarado NSD (Electronically)
Penny Parrella City Council (Electronically)
Book
Case File

EXHIBIT F




47-87-I
PINNACLE PEAK
RD.
DEER VALLEY
E. ROSE
RD.
UNIO HILLS
HILL
GREE
THUNDERBIRD
CACTU
VILLA
COBB
50.
30.
30.
30

EXHIBIT G

REPORT OF PLANNING HEARING OFFICER ACTION
Byron Easton, Planner III, Hearing Officer
Teresa Garcia, Planner I, Assisting

September 17, 2025

ITEM NO: 1	
	DISTRICT NO. 3
SUBJECT:	
Application #:	PHO 4-25--Z-47-87-1(3)
Location:	Northeast corner of 32nd Street and Sunnyside Lane
Zoning:	R-O
Acreage:	1.12
Request:	1) Request to modify Stipulation 1 regarding general conformance to the site plan date stamped April 16, 1999 and the elevations date stamped May 18, 1999.
Applicant:	Lee Wright, Metronet Infrastructure Group, LLC
Owner:	Lee Wright, Metronet Infrastructure Group, LLC
Representative:	Lee Wright, Metronet Infrastructure Group, LLC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with additional stipulations.

Village Planning Committee (VPC) Recommendation: The Paradise Valley Village Planning Committee heard the request on September 8, 2025 and recommended denial by a vote of 11-1.

DISCUSSION:

Lee Wright, representative with Metronet Infrastructure Group LLC, introduced the background of Metronet, a fiber optic provider. He stated the request is to modify Stipulation 1 regarding general conformance to a previously approved site plan dated April 16, 1999 and elevations dated May 18, 1999. He indicated the stipulated site plan shows an 8,500 square foot office building and the proposed site plan includes an 850 square foot Inline Amplification Hut (ILA Hut).

Byron Easton, Planning Hearing Officer, asked for clarification on the size of the previously approved building.

Mr. Wright responded 8,500 square feet (office building) as shown on the site plan from 1999. Mr. Wright stated that the proposed hut would be located on the north side of the parcel enclosed by a 75-foot X 75-foot CMU block wall. He

added the ingress and egress to the site would be located off 32nd Street. He also included the site would meet all landscaping requirements.

Mr. Easton asked for the height of the wall around the proposed site.

Mr. Wright responded that the applicant is proposing a 6-foot wall but they would be willing to go as high as necessary. Mr. Wright noted the 12-foot-tall building would be concealed behind the CMU block wall. He added the east/west elevations are the shorter side at 24 feet wide, with air conditioners on each side, and the north/south elevations feature an entry door on each side.

Mr. Easton asked what the stipulated height was.

Logan Zappolo, Planning Hearing Officer Assistant, confirmed it was taller (17 feet, 4 inches) than is currently proposed.

Chinnaz Sayegh, member of the public in opposition, stated her properties will be affected by the proposed development. She noted that she operates a Short-Term Rental (STR) close to the subject site and said there is no record in the CC&R's that the lots were changed from residential to office use. She continued to state that the proposal will affect her investment, source of income, will create blight, and will negatively affect neighborhood safety. She included this use should be relocated to either a commercial or industrial site.

Mr. Wright added that fiber-optic service is considered a public utility, is registered with the city and state, and is allowed to be located on this site as a public utility use.

Brett Reall, member in opposition, asked if there will be any intensification of this use on this site. He included concerns regarding radio frequency transmissions, small cell or macro sites in the future.

Mr. Wright stated this application is only for a fiber optic hut. He included they have their own stipulations to only allow one ILA Hut on the parcel. There will be no more huts, or intensification of the use. He included that they cannot sell or lease the land to any other companies. Mr. Wright added they are only a fiber optic provider, there will be no RF's, cell phone towers, cellphone providers, 5G towers or small cells.

Ms. Sayegh asked where the documentation is that says he is allowed to have the hut at this location.

Mr. Easton stated that through City review it has been determined the proposed development is considered a public utility.

Mr. Easton stated correspondence was submitted for the case, including from Ms. Sayegh, indicating concerns regarding noise, unsightly condition, decrease in property value, blight, homelessness and the absence of a completed environmental study. Mr. Easton stated the correspondence in opposition received was focused on the use, but that is not the intent of the PHO hearing. The focus of the PHO hearing is to determine if the proposed building is in general conformance to the stipulated site plan. He added the Paradise Valley Village Planning Committee heard the case on September 8, 2025 and recommended denial by a vote of 11-1. Mr. Easton recommended that the proposed modification of Stipulation 1 be approved regarding general conformance to the site plan and elevations. He stated that the site has been identified as archaeologically sensitive and that three additional stipulations will be added to address related requirements. He also added a stipulation requiring a Recorded Proposition 207 Waiver prior to final site plan approval.

FINDINGS:

1) The request to modify Stipulation 1 regarding general conformance to a site plan and elevations is recommended for approval. The proposed project, a fiber-optic service communications hut, will have access to the ROW from a proposed concrete drive immediately west of the parcel. The parcel is currently undeveloped, and the development will include an approximately 864 square foot hut, natural gas back-up generator, CMU block screening wall around the compound and landscaping throughout the entire parcel. The proposed development is less intense and will create less traffic, sound and impact on the surrounding neighborhood. The proposal is compatible with and consistent with development in the surrounding area.

2) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

3) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

STIPULATIONS:

1.	~~That~~ THE development SHALL be in general conformance with the site plan AND ELEVATIONS DATE STAMPED AUGUST 7, 2025, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPORVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ~~presented as~~

	~~modified by the site plan dated April 16, 1999 and elevations dated May 18, 1999 for the south portion of site.~~
2.	~~That~~ An 8-foot landscaped setback SHALL be provided along the east property line including 24-inch box size drought-resistant shade trees planted 20 feet on center or in equivalent groupings.
3.	~~That~~ No trash dumpsters SHALL be located within 50 feet of the east property line.
4.	~~That~~ The building height SHALL be limited to one story (17 feet 4 inches)
5.	~~That~~ A one-foot vehicular non access easement SHALL be placed along both Sunnyside Lane and Greenway Lane.
6.	~~That~~ A cross access SHALL be provided on the north portion of the site upon final site plan approval for the north property or in the alternative a common driveway entrance be provided, as approved by the Planning and Development Department.
7.	PRIOR TO FINAL SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.
8.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
9.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
10.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33-FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST,

	AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. To request a reasonable accommodation, please contact Saneeya Mir at saneeya.mir@phoenix.gov or (602) 686-6461 or TTY: 7-1-1.

EXHIBIT H

Paradise Valley
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
PHO-4-25—Z-47-87-1(3)

Date of VPC Meeting	September 8, 2025
Date of Planning Hearing Officer Hearing	September 17, 2025
Request	Modification of Stipulation 1 regarding general conformance to the site plan date stamped April 16, 1999 and the elevations date stamped May 18, 1999.
Location	Northeast corner of 32nd Street and Sunnyside Lane
VPC Recommendation	Denial
VPC Vote	11-1

VPC DISCUSSION:

Four members of the public registered to speak on this item, in opposition.

Staff Background Presentation
Adrian Zambrano, staff, provided a background presentation of the request and stated the site is 1.12 acres and zoned R-O (Restricted Commercial). Mr. Zambrano noted the original rezoning case, Z-47-87-1, is subject to six stipulations. Mr. Zambrano displayed the original site plan and shared the original stipulations. Mr. Zambrano then provided background on the last three Planning Hearing Officer cases, PHO-1-89—Z-47-87-1, PHO-2-99—Z-47-87-1, and PHO-3-11—Z-47-87-1(3), including each request, their stipulations, and the site plan and elevations for PHO-2-99—Z-47-87-1. Mr. Zambrano summarized the request and proposal and displayed the site plan, landscape plan, and elevations.

Applicant Presentation
Lee Wright, with Metronet Infrastructure Group, LLC, introduced himself and provided an overview of the proposal. Mr. Wright stated that the hut would be an enclosed unmanned facility screened by a six-foot-tall CMU block wall. Mr. Wright stated that the hut would be a pre-cast manufactured building up to 12 feet tall. Mr. Wright added that there would be a natural gas back-up generator, which would only run once a week for maintenance. Mr. Wright stated that the vehicular driveway would be from 32nd Avenue and the rest of the parcel would be landscaped per City requirements. Mr. Wright displayed the landscape plan and elevations. Mr. Wright noted that the building footprint from the previous office building that was proposed compared to this proposal is about a

90 percent reduction in size, with the new building footprint proposed as 834 square feet.

Questions from the Committee

Committee Member Jennifer Hall asked what the purpose of the hut is for. **Mr. Wright** responded that it is for all fiber that would be servicing the residences of Phoenix. Mr. Wright stated that it would be the main office for fiber. Committee Member Hall asked if there would be above ground utility lines. Mr. Wright responded that all wiring would be located underground within the public right-of-way. Committee Member Hall asked if there are more of these facilities in Phoenix. Mr. Wright responded that this is the first Metronet hut in Phoenix, but there is one under construction in Glendale. Committee Member Hall asked what this land use would be considered in the Phoenix Zoning Ordinance.

Mr. Zambrano responded that it would probably fall under the public utility building or facility use, which is allowed in residential districts. **Committee Member Hall** asked what would happen with the north parcel. Mr. Zambrano responded that the north parcel would still remain vacant, and the original stipulations would still apply to the north parcel. Mr. Zambrano added that any new development that comes to the north parcel would have to go through the Planning Hearing Officer public hearing process to modify the stipulation for general conformance to the site plan and elevations.

Committee Member Daniel Mazza asked if this would support fiber for Cox customers. **Mr. Wright** responded that it would not. Mr. Wright stated that Metronet is a construction company that places fiber for T-Fiber, which is T-Mobile.

Committee Member Robert Goodhue asked what the decibel level is of the mechanical equipment. **Mr. Wright** responded that it is about the same level as a standard car at the maximum level. Committee Member Goodhue asked if the property would be subject to the City noise ordinance regarding noise levels.

Mr. Zambrano responded that it may be in the City Code. Mr. Zambrano stated that there is no specific zoning requirement regarding noise levels, but it could be added as a stipulation by the Committee if desired.

Committee Member Toby Gerst asked if the proposal is similar to a wireless communication facility and asked what the facility does. **Mr. Wright** responded that it houses all the equipment to run the fiber optic network. Mr. Wright stated that there would be no communication towers, and it has nothing to do with wireless communications or cellphones. Mr. Wright stated that they are a fiber optic company and everything they would be doing would be coming out of the proposed building and underground.

Committee Member Hall stated that the Committee has been trying to turn 32nd Street into a unique corridor with restaurants and pedestrian activities. Committee Member Hall asked why Metronet chose this location. **Mr. Wright** responded that one of their main thoroughfares through the city is the nearby freeway and along Bell Road.

Committee Member Hall asked for clarification that Metronet wants to be close to those thoroughfares. Mr. Wright responded affirmatively and added that this hut would connect to the hut in Glendale. Committee Member Hall stated that she is concerned because this site is along 32nd Street. Mr. Wright responded that the corner would be improved and would likely look like a park with the amount of landscaping that would be planted.

Public Comments

Erika Smith Royal introduced herself as a nearby neighbor, opposed to the project. Ms. Royal stated that these lots are within the Sunnyside Acres subdivision, which has recorded Covenants, Conditions, and Restrictions (CC&Rs). Ms. Royal stated that she has done extensive research and has not been able to find documentation that amended the CC&Rs for rezoning Lots 18 and 19. Ms. Royal stated that the proposed fiber optic hut is not consistent with the residential office uses per the R-O zoning district. Ms. Royal stated that the community is opposed to the shelter being built on this lot. Ms. Royal added that the Phoenix Zoning Ordinance states that a Use Permit is required for public utility buildings and facilities within the R-O zoning district. Ms. Royal summarized the conditions that must be met in order for the Hearing Officer to rule favorably on a Use Permit request. Ms. Royal expressed concerns with property values, homeless people, trash dumping, precedent for this use, and environmental impacts.

Committee Member Anna Sepic asked where in the CC&Rs would it limit land uses. **Ms. Royal** responded that the majority of the property owners have to agree to approve what is being stipulated. Ms. Royal shared a copy of the CC&Rs.

Committee Member Robert Goodhue stated that CC&Rs are a private matter that does not concern the City. Committee Member Goodhue stated that the City does not include CC&Rs in zoning approvals or City approvals.

Victoria Vinson introduced herself as a nearby neighbor, opposed to the project. Ms. Vinson stated that the community has worked hard to improve the community and to make it nice. Ms. Vison stated that the proposed hut would invite more homeless people into the area. Ms. Vinson expressed concerns with noise levels.

Gene Colucci expressed concerns with the electrical components and fire near a residential community. Mr. Colucci stated that there was an explosion in Downtown Phoenix a few years ago. Mr. Colucci stated that residents in the community also have animals and expressed concerns with potential impacts to the animals. Mr. Colucci stated that the shelter should be located within an industrial area rather than next to a residential area.

Christian Marquez introduced himself as a nearby neighbor, opposed to the project. Mr. Marquez expressed concerns with property values and health impacts. Mr. Marquez stated that the shelter should be located within an industrial area rather than next to a residential area. Mr. Marquez added that there has been an issue in the neighborhood with homeless people that was recently resolved. Mr. Marquez expressed concerns with the site becoming a homeless encampment.

Applicant Response

Mr. Wright stated that all the power will be coming from the north side from the existing utility easement, noting that it is a 600-amp service. Mr. Wright stated that natural gas would be tied into from the west along 32nd Street, once the natural gas upgrade is complete. Mr. Wright stated that there is an existing water meter off of 32nd Street that can be used. Mr. Wright stated that all fiber cables would be placed off of 32nd Street, underground. Mr. Wright stated that there would not be a cellphone tower on the site that would emit radio waves and there would be no radio frequencies at all. Mr. Wright stated that the power coming into the facility would be a lot less than the school across the street. Mr. Wright added that there is an electrical transmission site on 33rd Place nearby, which is probably more concerning than the proposed fiber optic hut. Mr. Wright stated that adding fiber to properties increases home values. Mr. Wright stated that the generator is louder than the air conditioning units at 81 decibels, and with the muffler on it, it would be less than a standard truck at 47 decibels. Mr. Wright stated that the generator would run in a 20-minute cycle once a week and would otherwise not be running unless there is a loss of power. Mr. Wright stated that they are a permitted use under the R-O zoning district, classified as a public utility building and facility.

Committee Discussion

Mr. Zambrano clarified that the Use Permit requirement for public utility buildings and facilities within the R-O zoning district is specifically for repair and/or storage facilities, including outdoor, as accessory to a public utility building and facility.

Committee Member Gerst asked how many fiber optic facilities are located within the City of Phoenix. **Mr. Wright** responded that he does not know. Committee Member Gerst asked what kind of studies have been done regarding fiber optic facilities and their health impacts on humans. Mr. Wright responded that he does not know.

Committee Member Roy Wise stated that CenturyLink has been providing fiber optic all over the city, mostly in residential and commercial areas. Committee Member Wise stated that they are usually housed in a box, often seen at corners of intersections. Committee Member Wise stated that there is no electromagnetic force coming out of the fiber optic cables or its connections, so there is no effect on humans since it is all contained.

Committee Member Mazza stated that he has fiber at his home from Cox and there is a box within his neighborhood that hums a little when walking by it. Committee Member Mazza asked if this is a fiber optic box. **Committee Member Wise** responded that this is the electrical power box to allow the fiber optic to function. Committee Member Wise stated that the electrical power is no different than the amount needed to power a house. Committee Member Wise stated that it would be a centralized facility, similar to the central offices that telephone services used to go through. Committee Member Mazza stated that the residents do not want to be guinea pigs for this new type of facility in Phoenix. Committee Member Wise stated that CenturyLink has a centralized facility within a residential community, on Doubletree Ranch Road between Scottsdale Road and 64th Street, which looks like a residential property because the Town of Paradise Valley wanted it to look like a house.

Chair Anita Mortensen asked the applicant to describe the size of the building again. **Mr. Wright** responded that the hut would be 24 feet by 36 feet and 12 feet tall, with the compound being 75 feet by 75 feet, which would be enclosed by a CMU block wall.

Committee Member Hall stated that the Committee adopted the North 32nd Street Plan 10 years ago, which made a commitment to the community that 32nd Street would be transformed into a really special corridor. Committee Member Hall stated that she does not see how the proposed hut fits into what the community envisioned for 32nd Street.

Committee Member Sepic asked if the proposed modification to the stipulation for the south lot affects the zoning for the north lot. **Mr. Zambrano** responded that it does not. Mr. Zambrano stated that the modified stipulations would only be for the south lot, and the original stipulations would still be applicable for the north lot. Mr. Zambrano stated that once development comes in for the north lot, they will have to go through the Planning Hearing Officer public hearing process again to modify the stipulation for general conformance to the site plan and elevations for the north lot.

Committee Member Gerst asked what the noncompliance issue was. **Mr. Zambrano** responded that it was a previous PHO request, PHO-3-11—Z-47-87-1(3), which requested administrative action to modify Stipulation 5 to extend or remove the conditional time stipulation, or determine compliance with the schedule for development, or take legislative action to revert the R-O zoning to its former R1-14 zoning classification due to noncompliance with rezoning stipulations.

Committee Member Sepic stated that she knows this corridor well and noted that it is a major transient corridor. Committee Member Sepic stated that she is not a fan of the project. Committee Member Sepic suggested the applicant approach APS to locate on their substation site near Greenway Road and the SR-51 freeway. Committee Member Sepic added that the applicant would still have to go through the process with the HOA to amend the CC&Rs, which would likely be an uphill battle with the neighbors in opposition.

Committee Member Brendan Franks asked if this is part of Metronet's business plan to be centrally located in order to get to as many customers as possible without there being any fiber waste. **Mr. Wright** responded that they have a giant plan for the entire Metropolitan Phoenix area.

Committee Member Hall stated that she feels that this is a bad location for this type of facility.

Committee Member Sepic echoed Committee Member Hall.

MOTION – PHO-4-25—Z-47-87-1(3)
Committee Member Hall motioned to recommend denial of PHO-4-25—Z-47-87-1(3). **Committee Member Gerst** seconded the motion.

VOTE – PHO-4-25—Z-47-87-1(3)

11-1; motion to recommend denial of PHO-4-25—Z-47-87-1(3) passes with Committee members Franks, Gerst, Goodhue, Gubser, Hall, Hamra, Mazza, Schmidt, Sepic, Sommer, and Mortensen in favor and Committee member Wise opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

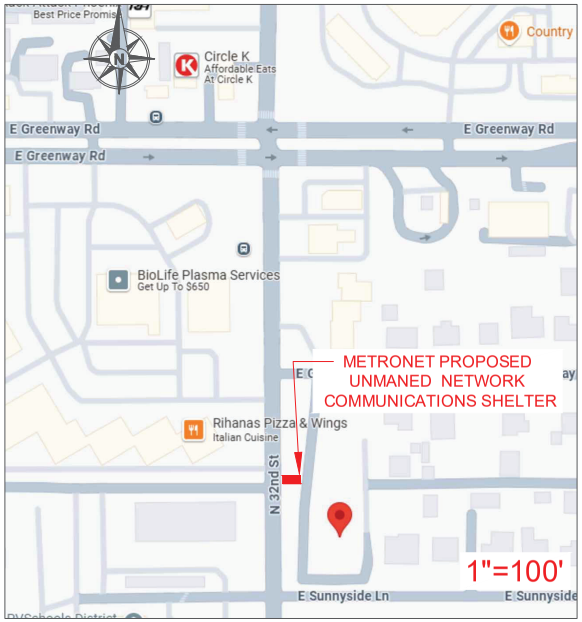
EXHIBIT I

IMPROVEMENT
PLANS FOR

METRONET SHELTER

INDEX OF PLAN SHEETS:

Cover Sheet	1
General Notes	2
General Notes, Cont.	3
Site Survey	4
Overall Site Plan	5
Grading & Storm Water Management Plan	6
Landscaping Plan	7
Site Civil Details	8–10
Driveway Detail	11
Concrete Pad Install Details	12
Shelter Foundation Plan	13
Shelter Elevations	14–14D
Site Utilities	15
Electrical Plan	16
Panelboard Schedule	17–17B
Gas Service Plan	18
Grounding Plan & Details	19
Generator Details	20–24



CITY OF PHOENIX
AUG 07 2025
Planning & Development Department

PROJECT SITE INFORMATION:

Address: 3206 E Sunnyside Ln, Phoenix AZ 85032

Type: Public Utility Unmanned Communications Hut

Shelter Type: Prefabricated Concrete

Shelter Size: (1) 24' W X 36' L

Owner: Metro Infrastructure Group, LLC

Legal Description: SUNNYSIDE AC MCR 53–41 LT 19 EX BEG SW COR LT 19 N TO NW COR LT 19 THE E 6.62F TH SLY ALG A LN DESIG AS LN A TO PT IN S LN A TO PT IN S LN LT 19 WH IS 0.91F E OF POB TH TO POB & EX BEG INTERSEC SD LN A WI S LN LT 19 TH NLY ALG LN A 10F TH SELY YO PT IN S LN LT 19 WH IS 10F E OF POB TH TO POB

Zoning: R–0 (Residential Office Restricted Commercial)

Land Use: Vacant Commercial Urban Non–Subdivide

Proposed Land Use– Utility–Communications Hut

Proposed Building Height:

Allowed Building Height: 17'–4"

Square Foot of Building: 864'

Net Lot Area: 33,505.7' 0.76' Acres

Gross Lot Area: 34,396' 0.79 Acres

Allowed Lot Coverage: 30%

Percentage Net Lot Coverage: 2.51%

CONTACTS

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SUITE 100
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PROJECT MANAGER

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FACILITIES ENGINEERING DIRECTOR
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CHRISTOPHER.DEER@METRONET.COM

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US SURVEYORS
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EVANSVILLE, INDIANA 47715
1–800–867–8783 EXT. 201
MJFELDBUSCH@USSURVEYOR.COM

GEOTECHNICAL ENGINEER

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RALEIGH, NC 27609
919–235–5347
JBORRELLI@DELTAOAKSGROUP.COM

APPLICANT

METRO FIBERNET. LLC
8837 BOND ST
OVERLAND PARK, KS 66214
810–333–2303

Rezoning Case Number:Z–47–87
KIVA 25–298
SDEV 2500107
PAPP 2501581
QS 34–35

metronet
3701 COMMUNICATIONS WAY
EVANSVILLE, IN 47715
812-213-1065

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COMMUNICATIONS SHELTER
PHOENIX, AZ

DESIGN ENG:	LWW
DRAWN BY:	JDF
REVIEWED BY:	LWW

SUBMITTALS

DATE	DESCRIPTION	REV
2/18/25	PERMITTING	A

SCALE:	NTS
SITE ADDRESS:	3206 SUNNYSIDE LN
SITE NAME:	PHOENIX SHELTER
SHEET NAME:	COVER SHEET
SHEET NUMBER:	1

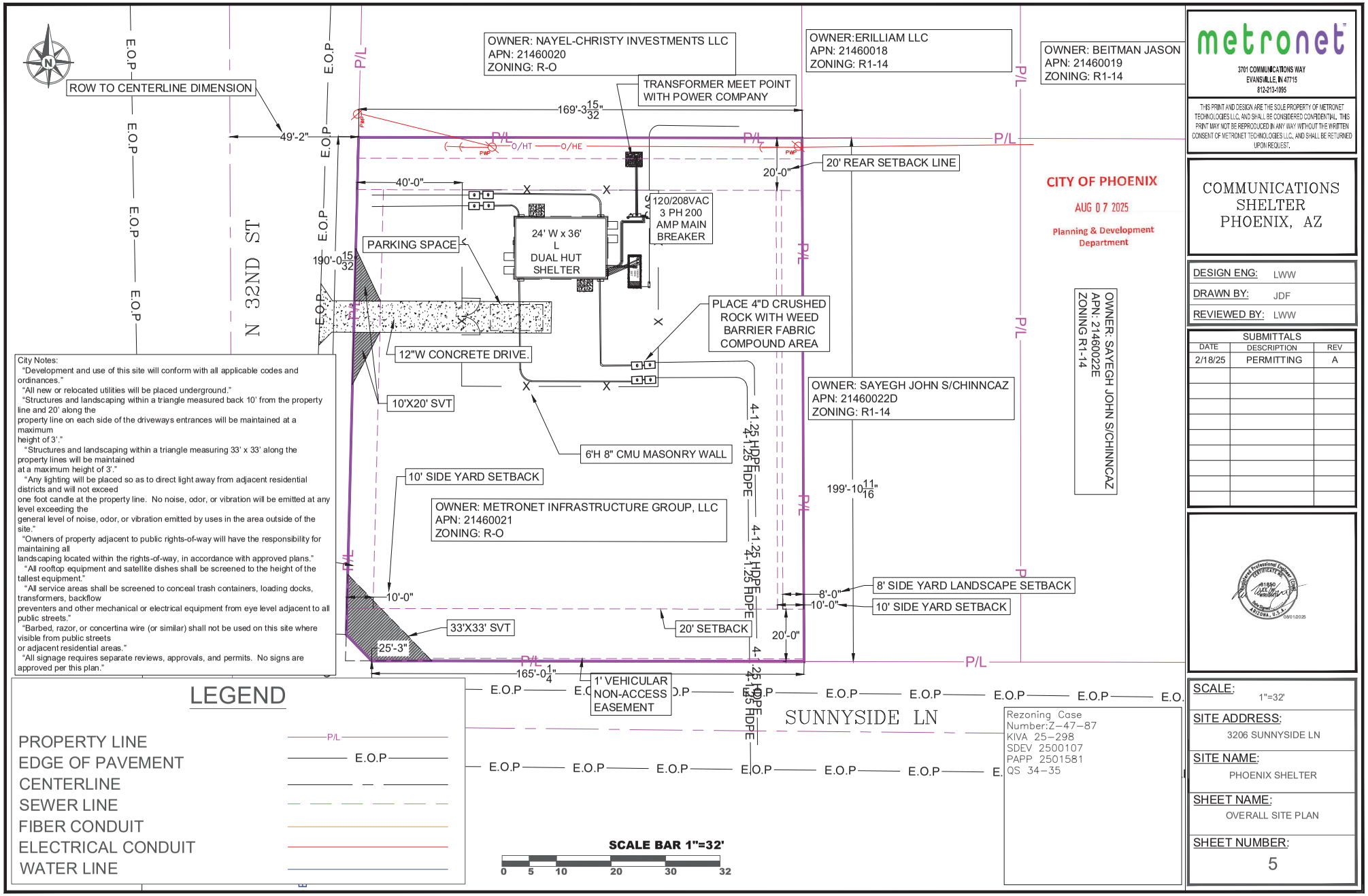
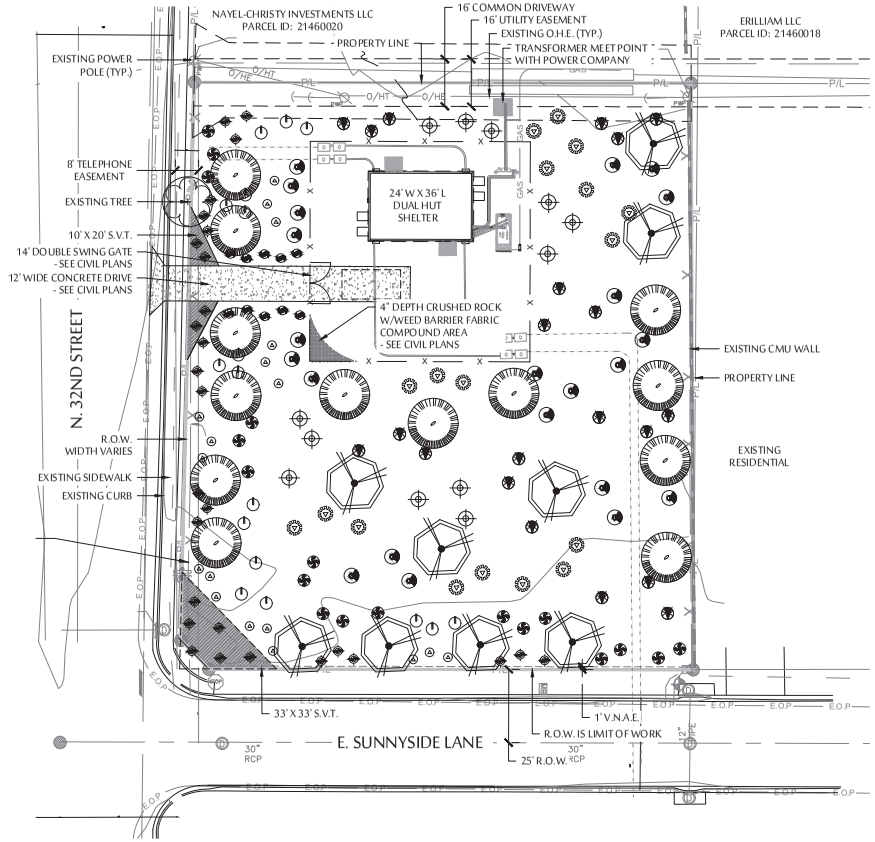

ROW TO CENTERLINE DIMENSION
49'-2"
N 32ND ST
E.O.P
P/L
OWNER: NAYEL-CHRISTY INVESTMENTS LLC
APN: 21460020
ZONING: R-O
OWNER:ERILLIAM LLC
APN: 21460018
ZONING: R1-14
OWNER: BEITMAN JASON
APN: 21460019
ZONING: R1-14
TRANSFORMER MEET POINT WITH POWER COMPANY
169'-3 15/32"
O/HT
O/HE
20' REAR SETBACK LINE
20'-0"
40'-0"
120/208VAC 3 PH 200 AMP MAIN BREAKER
24' W x 36' L DUAL HUT SHELTER
PARKING SPACE
190'-0 15/32"
PLACE 4"D CRUSHED ROCK WITH WEED BARRIER FABRIC COMPOUND AREA
12"W CONCRETE DRIVE.
10'X20' SVT
6'H 8" CMU MASONRY WALL
10' SIDE YARD SETBACK
OWNER: METRONET INFRASTRUCTURE GROUP, LLC
APN: 21460021
ZONING: R-O
OWNER: SAYEGH JOHN S/CHINNCAZ
APN: 21460022D
ZONING: R1-14
OWNER: SAYEGH JOHN S/CHINNCAZ
APN: 21460022E
ZONING R1-14
199'-10 11/16"
4-1.25 HDPE
8' SIDE YARD LANDSCAPE SETBACK
10'-0"
10' SIDE YARD SETBACK
20' SETBACK
20'-0"
33'X33' SVT
25'-3"
165'-0 1/4"
1' VEHICULAR NON-ACCESS EASEMENT
SUNNYSIDE LN
CITY OF PHOENIX
AUG 07 2025
Planning & Development Department
City Notes:
"Development and use of this site will conform with all applicable codes and ordinances."
"All new or relocated utilities will be placed underground."
"Structures and landscaping within a triangle measured back 10' from the property line and 20' along the property line on each side of the driveways entrances will be maintained at a maximum height of 3'."
"Structures and landscaping within a triangle measuring 33' x 33' along the property lines will be maintained at a maximum height of 3'."
"Any lighting will be placed so as to direct light away from adjacent residential districts and will not exceed one foot candle at the property line. No noise, odor, or vibration will be emitted at any level exceeding the general level of noise, odor, or vibration emitted by uses in the area outside of the site."
"Owners of property adjacent to public rights-of-way will have the responsibility for maintaining all landscaping located within the rights-of-way, in accordance with approved plans."
"All rooftop equipment and satellite dishes shall be screened to the height of the tallest equipment."
"All service areas shall be screened to conceal trash containers, loading docks, transformers, backflow preventers and other mechanical or electrical equipment from eye level adjacent to all public streets."
"Barbed, razor, or concertina wire (or similar) shall not be used on this site where visible from public streets or adjacent residential areas."
"All signage requires separate reviews, approvals, and permits. No signs are approved per this plan."
LEGEND
PROPERTY LINE
EDGE OF PAVEMENT
CENTERLINE
SEWER LINE
FIBER CONDUIT
ELECTRICAL CONDUIT
WATER LINE
SCALE BAR 1"=32'
0 5 10 20 30 32
Rezoning Case Number:Z-47-87
KIVA 25-298
SDEV 2500107
PAPP 2501581
QS 34-35
metronet
3701 COMMUNICATIONS WAY
EVANSVILLE, IN 47715
812-213-1095
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COMMUNICATIONS SHELTER
PHOENIX, AZ
DESIGN ENG: LWW
DRAWN BY: JDF
REVIEWED BY: LWW
SUBMITTALS
DATE | DESCRIPTION | REV
2/18/25 | PERMITTING | A
SCALE: 1"=32'
SITE ADDRESS: 3206 SUNNYSIDE LN
SITE NAME: PHOENIX SHELTER
SHEET NAME: OVERALL SITE PLAN
SHEET NUMBER: 5

EXHIBIT J



PRELIMINARY PLANT LEGEND

SYMBOL	BOTANICAL NAME - COMMON NAME	QTY.	SIZE	COMMENTS
TREES				
	CHILOPSIS LINEARIS - DESERT WILLOW	13	24" BOX	STANDARD
	PARKINSONIA X 'DESERT MUSEUM' - DESERT MUSEUM PALO VERDE	9	24" BOX	STANDARD
SHRUBS				
	CAESALPINIA PULCHERRIMA - RED BIRD OF PARADISE	12	5 GAL	FULL CAN
	CALLIANDRA CALIFORNICA - RED FAIRY DUSTER	21	5 GAL	FULL CAN
	EREMOPHILA HYGROPHANA - BLUE BELLS	18	5 GAL	FULL CAN
	LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD' - GREEN CLOUD TEXAS RANGER	18	5 GAL	FULL CAN
	TECOMA X 'SPARKY' - SPARKY TECOMA	22	5 GAL	FULL CAN
ACCENTS				
	ASCLEPIAS SUBULATA - DESERT MILKWEED	17	5 GAL	FULL CAN
	HESPERALOE PARVIFLORA - RED HESPERALOE	18	5 GAL	FULL CAN
GROUND COVERS				
	LANTANA MONTEVIDENSIS - PURPLE TRAILING LANTANA	10	5 GAL	FULL CAN
	LANTANA X 'NEW GOLD' - NEW GOLD LANTANA	28	5 GAL	FULL CAN
SALVAGE MATERIAL				
	EXISTING TREE TO REMAIN	SEE PLAN	-	-
	DECOMPOSED GRANITE - T.B.D.	32,362 SQ.FT.		

NOTES:

1. DUE TO PLANT MATERIAL AVAILABILITY, SUBSTITUTIONS FOR PLANT MATERIAL LISTED ABOVE MAY BE USED. ANY ALTERNATES OR SUBSTITUTIONS MUST BE ON THE ADWR LOW WATER USE PLANT LIST.

2. SUB-SPECIES OR HYBRIDS OF PLANT MATERIAL LISTED ABOVE MAY BE USED AS ALTERNATES/SUBSTITUTIONS.

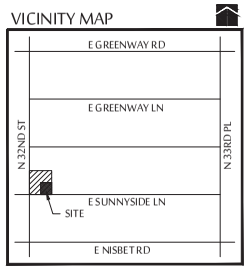
3. ADDITIONAL PLANT MATERIAL MAY BE ADDED TO THE LIST ABOVE DUE TO UTILITY COMPANY OR H.O.A. REQUESTS AND/OR PLANTING RESTRICTIONS WITHIN UTILITY EASEMENTS.

4. NO TREES TO BE LOCATED WITHIN THE P.U.E. OR ANY OTHER NOTED EASEMENTS.



CITY OF PHOENIX
AUG 07 2025
Planning & Development Department

VICINITY MAP



MCGOUGH ADAMSON
Landscape Architects
Land Planning
Irrigation

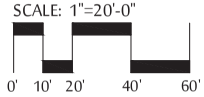
METRONET SHELTER

PRELIMINARY LANDSCAPE PLAN

3206 E. SUNNYSIDE LANE, PHOENIX, AZ 85032

JULY 30, 2025

SCALE: 1"=20'-0"



NORTH

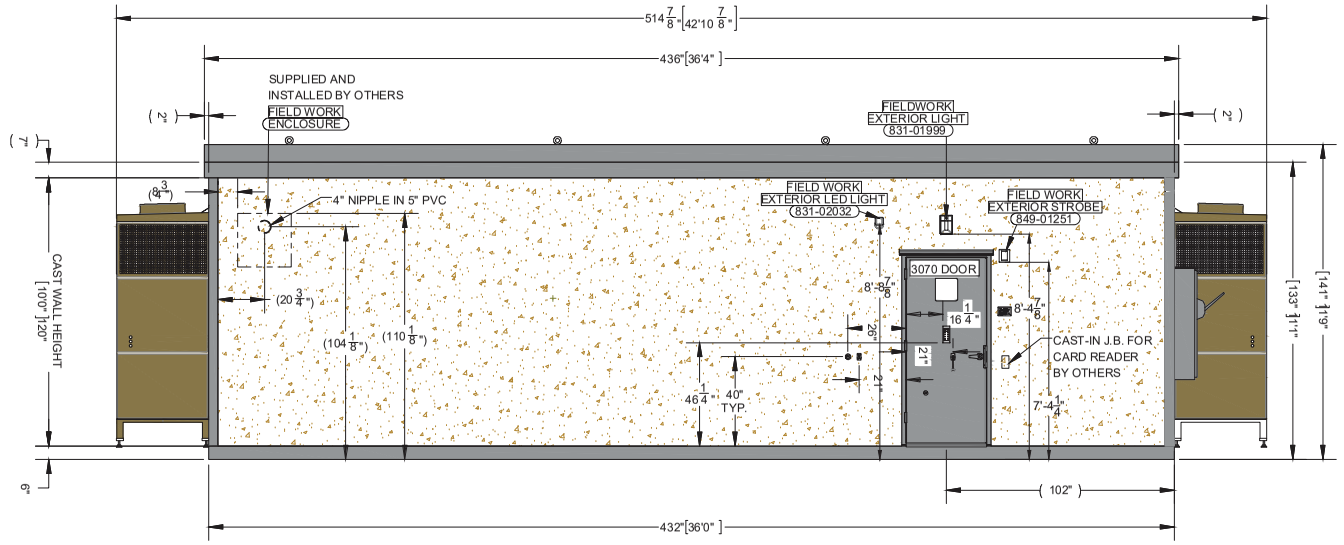


PHO-4-25--Z-47-87-1(3)

Proposed Conceptual Landscape Plan

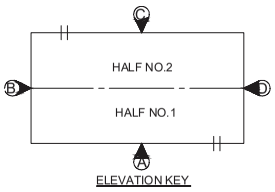
Hearing Date: September 17, 2025

EXHIBIT K



ELEVATION, EXTERNAL, WALL-A

NOTES:
1.REFER SHEET 1-3 FOR BUILDING NOTES.



ELEVATION KEY

CITY OF PHOENIX
AUG 07 2025
Planning & Development Department

REV. BY	DATE	REVISION	APP.

THESE PLANS ARE THE CONFIDENTIAL PROPERTY AND TRADE SECRETS OF FIBREBOND CORPORATION. ANY USE OF THESE DRAWINGS OR THE INFORMATION CONTAINED HEREIN FOR ANY REASON OTHER THAN AS EXPRESSLY AUTHORIZED BY FIBREBOND CORPORATION IS STRICTLY PROHIBITED. THESE DRAWINGS HAVE BEEN DISTRIBUTED WITH THE UNDERSTANDING THAT ANYONE RECEIVING OR OTHERWISE OBTAINING POSSESSION OF THEM WILL BE EXPRESSLY NOTIFIED OF THEIR CONFIDENTIAL NATURE

1300 DAVENPORT DRIVE, MINDEN, LA 71055
ph. (800) 824-2614 www.fibrebond.com

METRO FIBERNET,
24' - 0" X 36' - 0" BUIL
ELEVATION, EXTERNAL,

DRN. BY: GD	DATE: 29-DEC-2021	APP. BY: MG
CHK. BY: DL	DATE:	APP. BY:

Rezoning Case Number:Z-47-87
KIVA 25-298
SDEV 2500107
PAPP 2501581
QS 34-35

metronet
3701 COMMUNICATIONS WAY
EVANSVILLE, IN 47715
812-213-1095

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COMMUNICATIONS SHELTER
PHOENIX, AZ

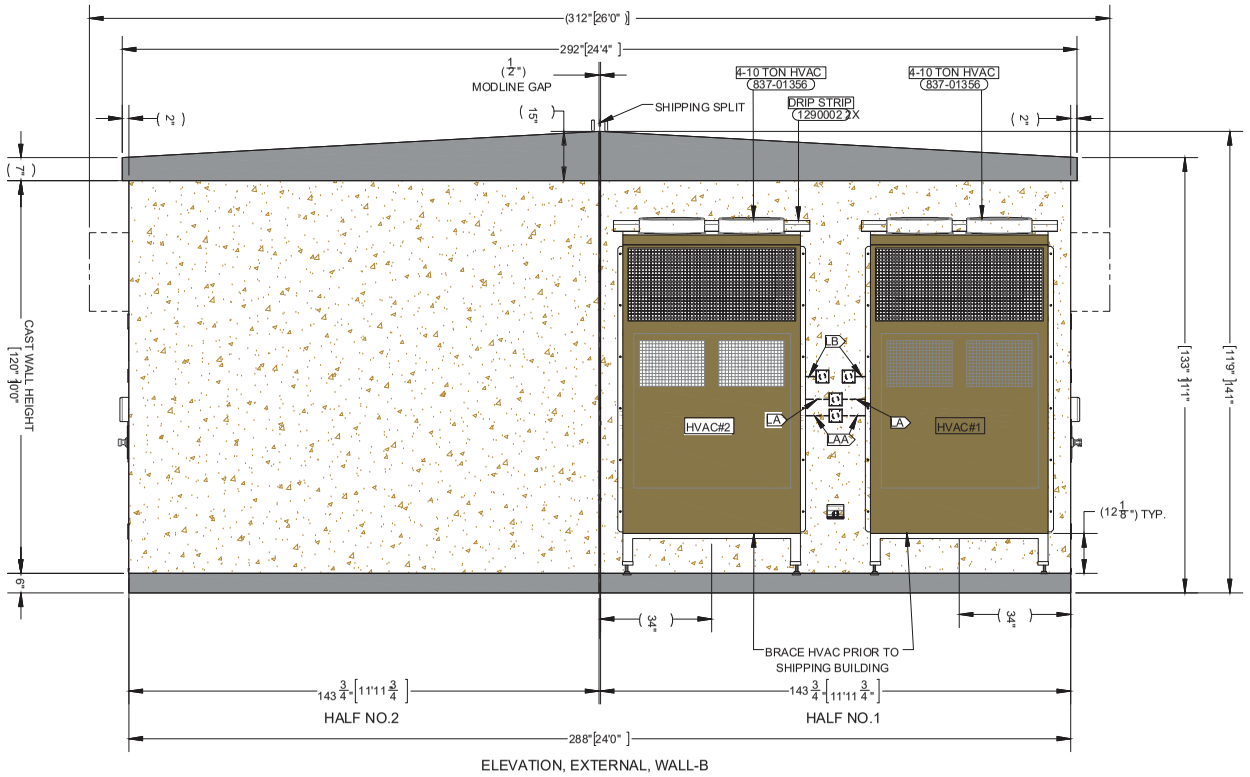
DESIGN ENG:	LWW
DRAWN BY:	JDF
REVIEWED BY:	LWW

SUBMITTALS

DATE	DESCRIPTION	REV
2/18/25	PERMITTING	A

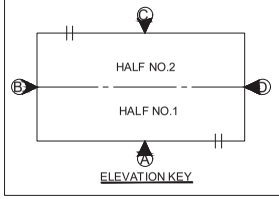
Registered Professional Engineer Certificate 61650 Lee Wardlaw Arizona, U.S.A. 08/01/2025

SCALE:	NTS
SITE ADDRESS:	3206 SUNNYSIDE LN
SITE NAME:	PHOENIX SHELTER
SHEET NAME:	SHELTER ELEVATIONS
SHEET NUMBER:	14



ELEVATION, EXTERNAL, WALL-B

NOTES:
1.REFER SHEET 1-3 FOR BUILDING NOTES.



ELEVATION KEY

CITY OF PHOENIX
AUG 07 2025
Planning & Development Department

REV.	BY	DATE	REVISION	APP.

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1300 DAVENPORT DRIVE, MINDEN, LA 71055
ph. (800) 824-2614 www.fibrebond.com

METRO FIBERNET, LLC

24' - 0" X 36' - 0" BUILD

ELEVATION, EXTERNAL, W

DRN. BY: GD	DATE: 29-DEC-2021	APP. BY: MG
CHK. BY: DL	DATE:	APP. BY:

ISSUED FOR:

Rezoning Case Number:Z-47-87
KIVA 25-298
SDEV 2500107
PAPP 2501581
QS 34-35

metronet
3701 COMMUNICATIONS WAY
EVANSVILLE, IN 47715
812-213-1095

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COMMUNICATIONS SHELTER
PHOENIX, AZ

DESIGN ENG:	LWW
DRAWN BY:	JDF
REVIEWED BY:	LWW

SUBMITTALS

DATE	DESCRIPTION	REV
2/18/25	PERMITTING	A

Registered Professional Engineer Certificate 61650 Lee Wetherbee Arizona U.S.A. 08/01/2025

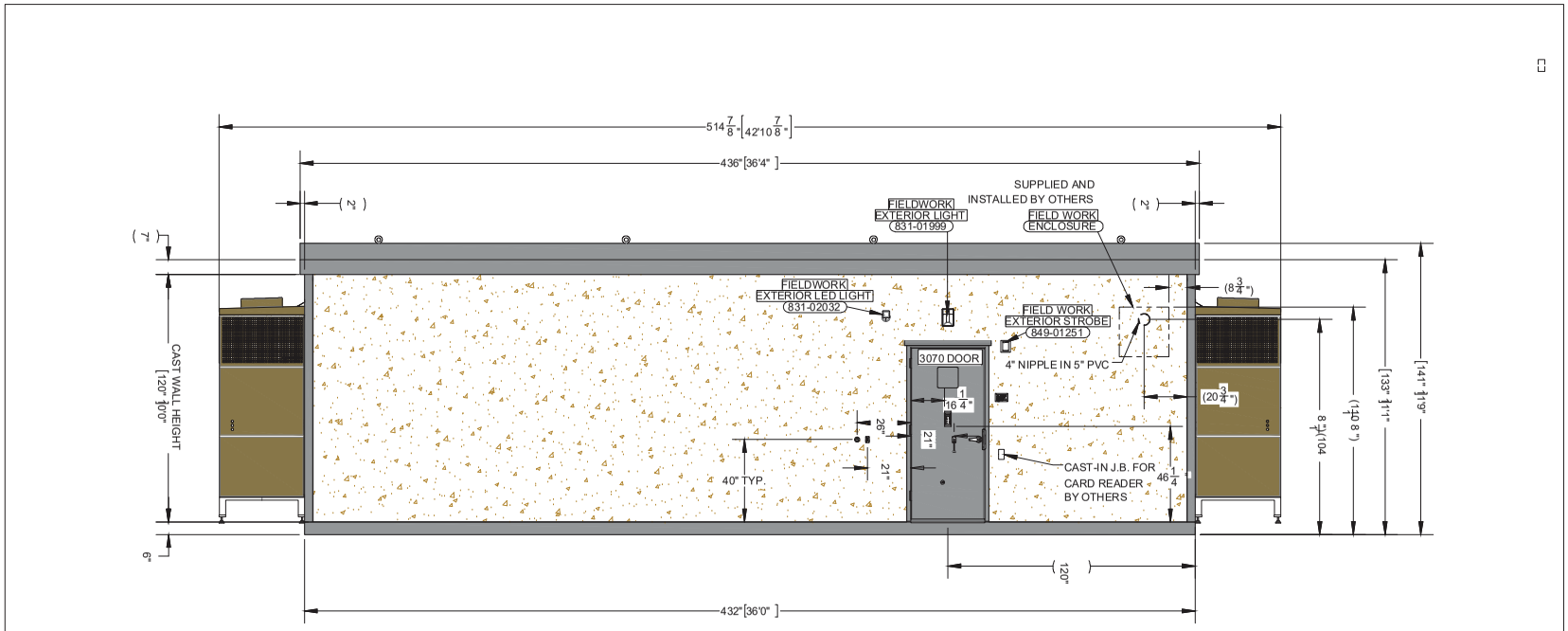
SCALE: NTS

SITE ADDRESS: 3206 SUNNYSIDE LN

SITE NAME: PHOENIX SHELTER

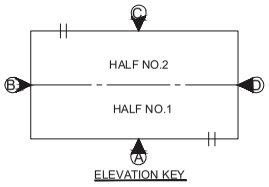
SHEET NAME: SHELTER ELEVATIONS

SHEET NUMBER: 14



ELEVATION, EXTERNAL, WALL-C

NOTES:
1.REFER SHEET 1-3 FOR BUILDING NOTES.



ELEVATION KEY

CITY OF PHOENIX
AUG 07 2025
Planning & Development Department

REV. BY	DATE	REVISION	APP.

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ph. (800) 824-2614 www.fibrebond.com

METRO FIBERNET, L

24' - 0" X 36' - 0" BUILD

ELEVATION, EXTERNAL,

DRN BY: GD	DATE: 29-DEC-2021	APP BY: MG
CHK BY: DL	DATE:	APP BY:

ISSUED FOR:
Rezoning Case Number:Z-47-87
KIVA 25-298
SDEV 2500107
PAPP 2501581
QS 34-35

metronet
3701 COMMUNICATIONS WAY
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812-213-1095

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COMMUNICATIONS SHELTER
PHOENIX, AZ

DESIGN ENG:	LWW
DRAWN BY:	JDF
REVIEWED BY:	LWW

SUBMITTALS

DATE	DESCRIPTION	REV
2/18/25	PERMITTING	A

Registered Professional Engineer Certificate 61650 Lee Whitehead ARIZONA, U.S.A. 08/01/2025

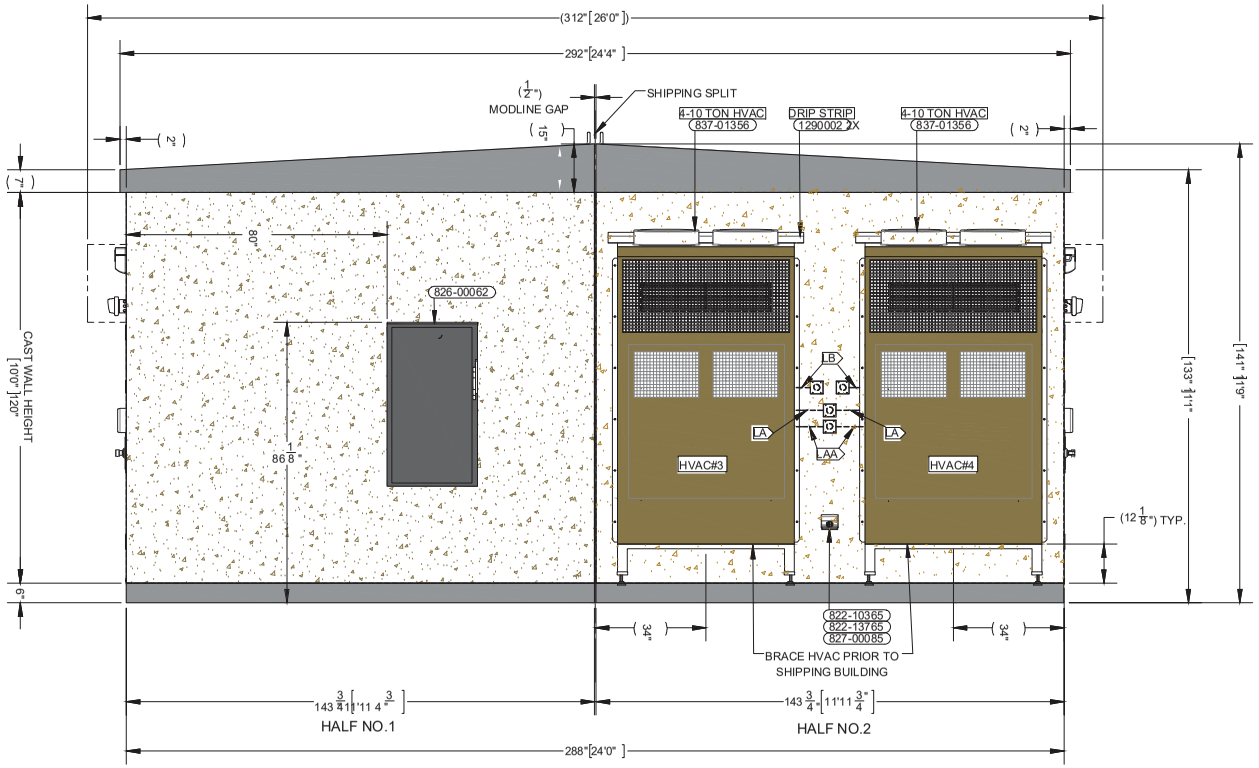
SCALE: NTS

SITE ADDRESS: 3206 SUNNYSIDE LN

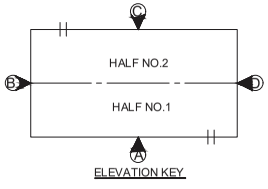
SITE NAME: PHOENIX SHELTER

SHEET NAME: SHELTER ELEVATIONS

SHEET NUMBER: 14



ELEVATION, EXTERNAL, WALL-D



ELEVATION KEY

CITY OF PHOENIX
AUG 07 2025
Planning & Development Department

REV. BY	DATE	REVISION	APP.

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1300 DAVENPORT DRIVE, MINDEN, LA 71055
ph. (800) 824-2614 www.fibrebond.com

METRO FIBERNET, LLC

ISSUED FOR: *APPROVAL A.00*

24' - 0" X 36' - 0" BUILD

ELEVATION, EXTERNAL, W

DRN. BY: GD	DATE: 29-DEC-2021	APP. BY: MG
CHK. BY: DL	DATE:	APP. BY:

Rezoning Case Number:Z-47-87
KIVA 25-298
SDEV 2500107
PAPP 2501581
QS 34-35

metronet
3701 COMMUNICATIONS WAY
EVANSVILLE, IN 47715
812-213-1095

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COMMUNICATIONS SHELTER
PHOENIX, AZ

DESIGN ENG:	LWW
DRAWN BY:	JDF
REVIEWED BY:	LWW

SUBMITTALS

DATE	DESCRIPTION	REV
2/18/25	PERMITTING	A

Registered Professional Engineer Certificate 81650 Lee Wentland Arizona U.S.A. 08/01/2025

SCALE:	NTS
SITE ADDRESS:	3206 SUNNYSIDE LN
SITE NAME:	PHOENIX SHELTER
SHEET NAME:	SHELTER ELEVATIONS
SHEET NUMBER:	14

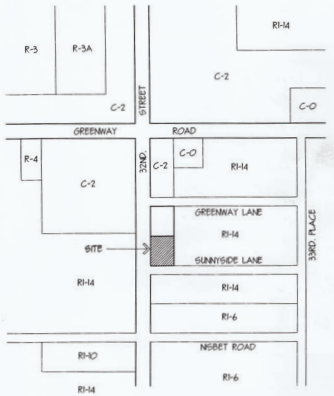
EXHIBIT L

GENERAL NOTES

1. ALL UTILITIES WILL BE PLACED UNDERGROUND.
2. ANY LIGHTING WILL BE PLACED SO THAT IT WILL REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS, NO NOISE, ORDER, OR VIBRATION EMITTED BY USES OUTSIDE THE SITE.
3. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
4. ALL SIGNS WILL CONFORM TO THE SIGN ORDINANCES.
5. OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHT OF WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING WITHIN THE RIGHTS-OF-WAY IN ACCORDANCE WITH APPROVED PLANS.
6. IF DRAINAGE EASEMENTS ARE PROVIDED, NO STRUCTURE OF ANY KIND CAN BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR AREAS WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER OR THROUGH THE EASEMENT OR AREAS. THE CITY OF PHOENIX MAY, IF IT SO DESIRES, CONSTRUCT AND/OR MAINTAIN DRAINAGE FACILITIES ON OR UNDER THE LAND IN THE DRAINAGE EASEMENT OR AREAS.
7. NO STRUCTURE OF ANY KIND CAN BE CONSTRUCTED ON, OVER OR PLACED WITHIN THE PUE, EXCEPT WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING AND/OR PAVING NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PHOENIX SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTIONS OR PLANTINGS REMOVED DURING THE COURSE OF MAINTAINANCE, CONSTRUCTION OR RECONSTRUCTION OF CITY UTILITIES.
8. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURED BACK 10' FROM THE PROPERTY LINE AND 20' ALONG THE PL ON EACH SIDE OF THE DRIVEWAY (PRIVATE ACCESS WAY) WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.
9. STORMWATER RETENTION BASINS WITHIN THE YARDS ADJACENT TO THE PUBLIC STREETS BE A MAXIMUM OF 1' IN DEPTH.
10. THE SITE LIES WITHIN THE PARADISE VALLEY SUBSIDENCE AREAS. IF CONSTRUCTION IS PHASED OR EXTENDED OVER 4 MONTHS OR MORE, THE GROUND ELEVATIONS, DESIGN GRADES AND CONTROL BENCH MARKS SHOULD BE CHECKED AND ADJUSTED AS NECESSARY TO ASSURE THAT THE IMPROVEMENTS WILL MATCH SITE GRADES AND OTHER OFF-SITE IMPROVEMENTS.
11. CONSTRUCTION FENCE ALONG ALL PROPERTY LINE; A 6' HIGH CHAIN LINK FENCE WITH REQ. TEMPERATURE BRACING SHALL BE INSTALLED BY AMERICAN FENCE (OR EQ.) AS PER THE SUPPLIERS WRITTEN SPECS.
12. DIMENSIONS: THE CONTRACTOR SHALL FOLLOW NUMBERED DIMENSIONS SHOWN ON THE DRAWINGS IN LIEU OF SCALED MEASUREMENT. WHERE CONFLICTS OCCUR, LARGER SCALE DRAWINGS OR DETAILS GOVERN. ADVISE THE ARCHITECT OF ANY VARIATIONS OR DISCREPANCIES IN THE DOCUMENTS PRIOR TO CONSTRUCTION.
13. ENGINEERING: ALL MECHANICAL, PLUMBING, ELECTRICAL AND CIVIL ENGINEERING DRAWINGS SHALL BE COORDINATED WITH THE ARCHITECTURAL DOCUMENTS.
14. AREA SEPARATION: TENANT IMPROVEMENT DEMISING WALLS OR FIRE BLOCKING MUST OCCUR UP TO THE UNDERSIDE OF ROOF SHEATHING IN SUCH A MANNER AS TO NOT CREATE MORE THAN 3000 S.F. OF ATTIC AREA ABOVE SUSPENDED CEILING. FIRE BLOCKING SHALL BE OF A NON COMBUSTIBLE MATERIAL 1/2" PLYWOOD WITH JOINTS BACKED, WOOD 2" MIN. NOM. THICKNESS, I WOOD WITH JOINTS BACKED, (2" THICKNESS).
15. BURGLAR ALARM SYSTEM: ALL DOORS AND WINDOWS SHALL BE PREWIRED TO A CENTRAL PANEL FOR A BURGLAR ALARM SYSTEM AS SUPPLIED BY DICTOGRAPH SECURITY SYSTEMS. THE SYSTEM SHALL CONSIST OF 22 GA. SOLID CORE COPPER WIRE FROM A CENTRAL PANEL TO EACH WINDOW AND DOOR. VIBRATION DETECTORS SHALL BE INSTALLED AT ALL FIXED WINDOWS.

PROJECT DATA

ADDRESS:	1505 NORTH 32ND ST. PHOENIX, ARIZONA 85032
ARCHITECT:	DUANE FOSTER 4323 N. MILLER RD. SCOTTSDALE, ARIZONA 85251 (480) 675-0999 (PHONE) (480) 675-9909 (FAX)
OWNER:	DAN BINGHAM C/O BINGHAM ENGINEERING 13,416 N. 32nd ST. STE. 109 PHOENIX, ARIZONA 85032 PHONE (602) 971-3033 FAX (602) 971-9781
DEVELOPER:	DAN BINGHAM C/O BINGHAM ENGINEERING 13,416 N. 32nd ST. STE. 109 PHOENIX, ARIZONA 85032 PHONE (602) 971-3033 FAX (602) 971-9781
ZONING:	R-O
CONSTRUCTION TYPE:	V N
OCCUPANCY:	BUSINESS
LOT AREA GROSS:	48,664 S.F. OR 1.12 AC. +/-
LOT AREA NET:	34,453 S.F. OR 0.790 AC. +/-
LOT AREA W/ SETBACKS:	21,653 S.F. OR 0.497 AC. +/-
LOT COVERAGE:	8,500 S.F. BLDG. AREA UNDER ROOF = 24.7% 34,453
PARKING REQUIRED:	29 SPACES @ 8,500 S.F. - 300
PARKING PROVIDED:	35 SPACES



VICINITY MAP

NOT TO SCALE

NORTH

LEGAL DESCRIPTION

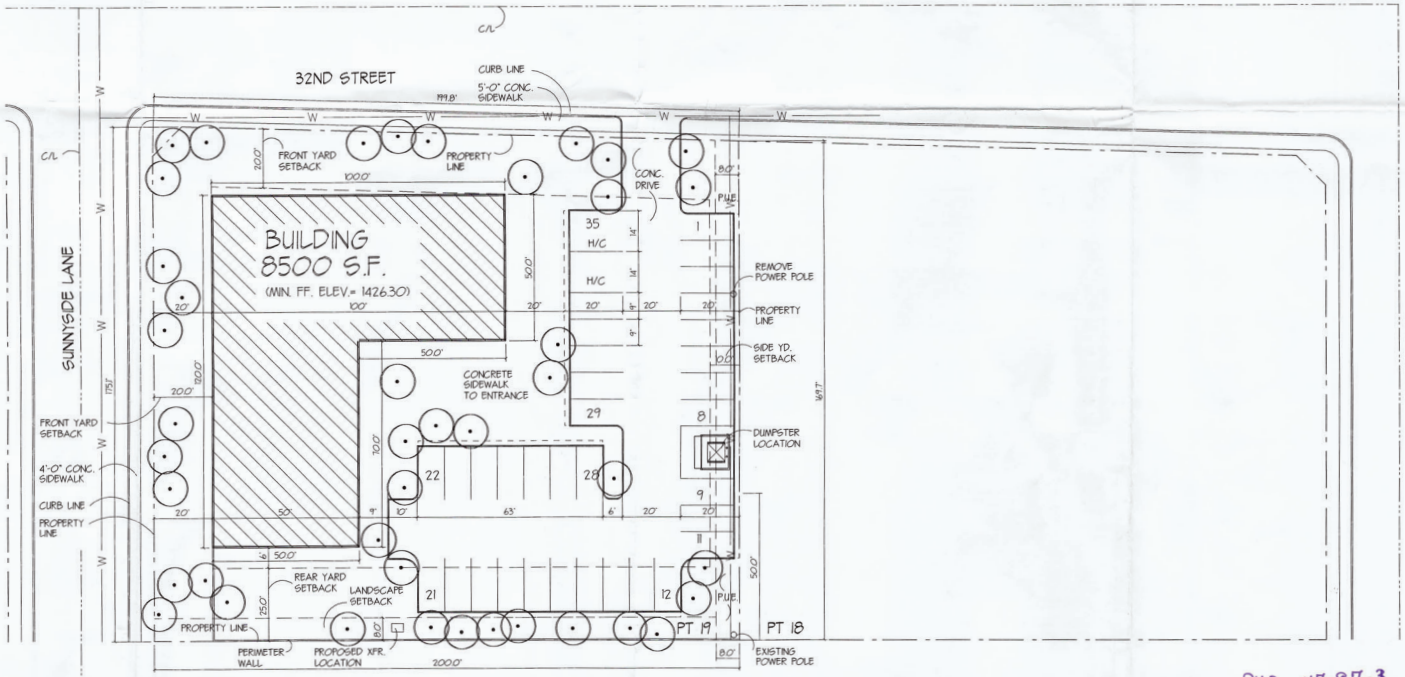
LOT 19 SUNNYSIDE ACRES
ACCORDING TO BOOK 53 OF MAPS, PAGE 41.
RECORDS OF MARICOPA COUNTY , ARIZONA

ZONING HISTORY

REZONING APPLICATION NO.

REQUEST: TO REZONE A PARCEL LOCATED AT THE NORTHEAST CORNER OF 32ND STREET AND E. SUNNYSIDE LANE. R1-14 TO C-O/GO. THE COUNCIL DENIED THE APPLICATION AS FILED AND APPROVED R-O SUBJECT TO THE FOLLOWING STIPULATIONS:

1. DEVELOPMENT BE IN GENERAL CONFORMANCE WITH THE SITE PLAN PRESENTED.
2. AN 8' LANDSCAPED SETBACK BE PROVIDED ALONG ALONG THE EAST PROPERTY LINE INCLUDING 24" BOX SIZE, DROUGHT-RESISTANT SHADE TREES PLANTED 20' ON CENTER, OR IN EQUIVALENT GROUPINGS.
3. NO TRASH DUMPSTERS BE LOCATED WITHIN 50' OF THE EAST PROPERTY LINE.
4. THE BUILDING HEIGHT BE LIMITED TO ONE STORY (17'-4").
5. APPROVAL OF THIS REZONING BE CONDITIONED UPON DEVELOPMENT OF THE ENTIRE SITE IN ACCORDANCE WITH SECTION 108-M OF THE ZONING ORDINANCE WITHIN 18 MONTHS OF THE FINAL APPROVAL OF THE CHANGE OF ZONE BY CITY COUNCIL.
6. A ONE-FOOT VEHICULAR NON-ACCESS EASEMENT BE PLACED ALONG BOTH SUNNYSIDE LANE AND GREENWAY LANE.



PHO 47-87-3

BINGHAM ENGINEERING, INC.
13,416 N. 32nd ST. STE. 109
PHOENIX, ARIZONA 85032
PHONE (602) 971-3033
FAX (602) 971-9781

PROF. DUANE M. FOSTER 47162 REGISTERED ARCHITECT

DUANE M. FOSTER
ARCHITECT
4323 N. MILLER RD.
SCOTTSDALE, AZ. 85251
PHONE (602) 675-0999
FAX (602) 675-9909

PLAN NO. OFFICE

BINGHAM ENGINEERING
13,416 N. 32nd ST. STE. 109
PHOENIX, ARIZONA 85032
PHONE (602) 971-3033
FAX (602) 971-9781

SITE PLAN

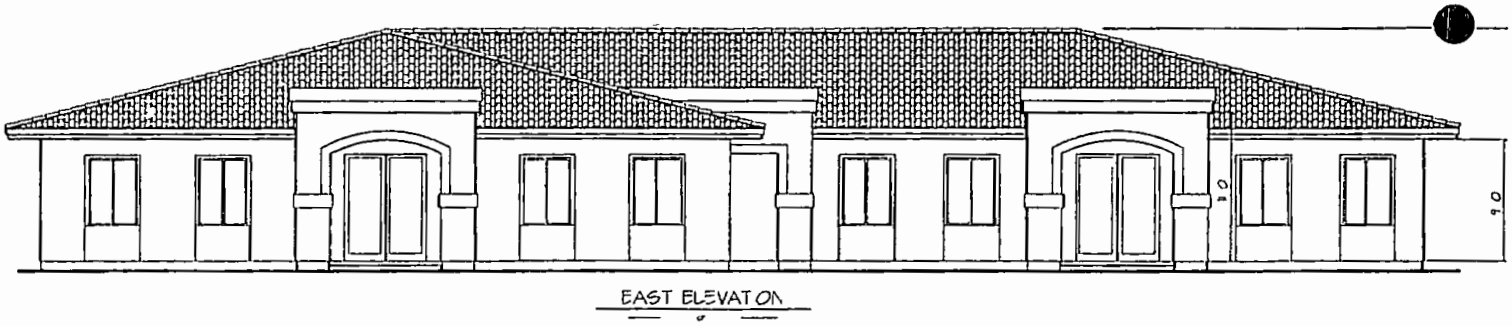
JOB NUMBER	99000
DATE	4-6-99

OF

EXHIBIT M

Received @
PHO 5 19 99

Z 47-87-3



EAST ELEVATION

05/18/89

EXHIBIT N

CITY OF PHOENIX

SEP 15 2025

Planning & Development
Department

Home From Home STR LLC
3311 E. Greenway Lane
Phoenix, AZ 85032

September 14, 2025

Mr. Byron Easton
Planning Hearing Officer-City of Phoenix
Development Services Department
200 W. Washington Street, 2nd Floor
Phoenix, AZ 85003

Re: PHO-4-25--Z-47-87-1(3) for 3206 East Sunnyside Lane requesting to modify stipulation #1 of the Zoning Case PHO-3-11--Z-47-87-1 regarding conformance to the site plan date stamped April 16, 1999, and the elevations date stamped May 18, 1999.

Dear Mr. Easton,

As a long-time homeowner and active member of Sunnyside Acres, I am writing to express my deep concerns regarding the proposed **Metronet facility** at 3206 E. Sunnyside Lane. I own **3216 and 3226 E. Sunnyside Lane**, and my family and I care deeply about maintaining the safety, character, and livability of our neighborhood.

Through the research of one of our neighbors, Erika Smith Roya**l**, who is an active and trusted member of our community, it has been determined that there is no record of an amendment to the CCRs that allowed lots #18 and #19 to be changed from R1-14 to R-O Residential Office – Restricted Commercial. If there is proof of such a change, I ask that it be provided. Even if the zoning stands, the intent of R-O zoning is for **l**ow-impact uses with residential characteristics, which this proposal does not meet.

The City of Phoenix Planning & Development Department's R-O Zoning Guidelines outline three types of residential district uses: purely residential, a mix of residential and commercial, and residential office where office use predominates. The proposed Metronet unmanned fiber optic hub, also called the Metronet Shelter, does not fit within any of these categories. While Section 620 of the Phoenix Municipal Code allows public utility buildings under a use permit, Metronet is a private utility, and this unmanned structure stretches the intended limits of the guidelines. Use permits are intended for special exceptions where the activity does not significantly increase pedestrian traffic, create odor, dust, gas, noise, vibration, heat, or glare beyond normal conditions, or contribute to neighborhood deterioration or loss of property value. In this case, the proposed shelter raises clear concerns on all of these points**.**

This project will have a **direct and immediate impact** on my property at 3216 E. Sunnyside Lane, which is a licensed short-term rental (Home From Home Short Term Rental LLC, License #STR-2025-002486) and shares a wall with the proposed facility. My guests come expecting a safe, quiet, and welcoming environment. An unmanned utility structure so close to my property

risks creating **noise, unsightly conditions, and potential security concerns**. **Guests may feel unsafe or uncomfortable**, which could harm my reputation as a licensed short-term rental operator, reduce bookings, and negatively affect the income that helps maintain my properties.

I am also concerned that this unmanned structure could **reduce the value of both of my properties**, as it sits directly adjacent to 3216 and 3226 E. Sunnyside Lane. Its presence could attract **loitering or unhoused individuals**, potentially reversing years of progress in controlling homelessness in the area. Additionally, even if the facility is safe, some **guests may have concerns about 5G and fiber optic equipment** nearby, which can influence their perception of safety and comfort.

In particular, there can be a significant issue with **high-speed fiber optic converters installed at the street or in homes**, as they are **not designed with low-EMI emissions in mind**. According to an article from EMF Analysis (link) ,these converters and their power supplies can generate **high amounts of wide-spectrum electromagnetic interference (EMI)**. In my opinion, this **raises a physical concern to me and to our future tenants at 3226 E. Sunnyside Lane**, making the immediate environment less desirable for residents and guests alike. *(https://www.emfanalysis.com/fiber-optics-increasing-electrical-sensitivity/*)

Our neighborhood has worked for years to address **homelessness and blight**. Introducing a facility that is **unattended and invites loitering** threatens to reverse this progress. Trash and debris, as already seen at Lot #18 with Southwest Gas, accumulate quickly when structures are left unsupervised. **My guests should not have to contend with these risks**, nor should our neighbors.

There are additional unanswered questions about long-term impacts. **No environmental study has been conducted**, **no compliance with the City's Climate Action Plan has been demonstrated**, and **no assurances have been given that fiber optic converters or towers will not be added at a later date**. A facility like this belongs in an **industrial setting**, not directly adjacent to **residential homes** and a **permitted short-term rental**. With fiber lines being redesigned, this is a timely opportunity to place the hub in a location better suited for its commercial and operational needs.

I respectfully ask that the City carefully consider the voices of local residents and property owners and protect the **safety, comfort, and experience of residents and guests**, as well as the **integrity and value of our neighborhood**. Sunnyside Acres is a community we love and actively care for, and we hope the City will help preserve the qualities that make it a **safe and welcoming place for everyone**.

Thank you for your time, understanding, and attention to these concerns.

Sincerely,

Chinnaz & John Sayegh
Home From Home STR LLC (602.790.8796)
Cammari6571@gmail.com

Neighborhood Petition Form

CITY OF PHOENIX
SEP 15 2025
Planning & Development Department

Reason for Petition: Petition Opposing the Metronet Shelter at 3206 East Sunnyside Lane

Action Requested: We, the undersigned residents and community members, respectfully petition the City of Phoenix Planning & Development Department to **deny approval of the proposed Metronet unmanned fiber optic communications hub ("Metronet Shelter") at 3206 East Sunnyside Lane.**

Petition Forwarded to: **To:** Mr. Easton and the City of Phoenix Planning & Development Department
From: Concerned Residents of Sunnyside Acres and the Surrounding Neighborhoods

DATE	NAME	ADDRESS	SIGNATURE
9/10/25	Victoria Vinson	3230 E Sunnyside Lane	Victoria Vinson
9/11/25	Saundra Hines	3236 E Sunnyside Ln	Saundra Hines
9/11/25	AL Hines	(1 (1	AL Hines
9/11/25	Aurora Oberloh	3306 E Sunnyside Lane	Aurora Oberloh
9/11/25	RONALD OBERLOH	3302 E SUNNYSIDE LANE	Ronald Oberloh
9/11/25	Jennifer Kennedy	3318 E Sunnyside Lane	
9/11/25	Holly Dale	3216 E Greenway Ln	Holly Dale
9/11/25	DALE Golden	3224 E Greenway	
9/11/25	Kanemi Suizu	3241 E. Greenway Ln	
9/11/25	ROD HARRIS	3302 E GREENWAY LN.	
9/11/25	Saraya Turcotte	3314 E Greenway Ln	
9/11/25	Ross Kundral	3318 E. Greenway Ln	
9/11/25	David Harms	3330 E GREENWAY LN	
9/11/25	Alyssa Harms	3330 E Sunnyside Ln	
9/11/25	Dakodah Harms	3330 E Sunnyside Ln	Dakodah Harms
9/11/2025	Norine Colucci	3225 E Sunnyside Ln	
9/11/2025	Eugene Colucci	3225 E Sunnyside Ln	
9/11/2025	Sandy Rarick	3225 E Sunnyside Ln	
9/11/25	Ayla Rarick	3225 E Sunnyside Ln	
9/11/25	Lynn Chiarella	3320 E Sunnyside Ln	Lynn Chiarella
9-11-25	Didi Magee	3243 E. Sunnyside Ln	
9-11-25	Redlin Kennedy	3218 E Sunnyside Ln	
9-12-25	JOHN Hadley	3229 E Sunnyside LN	

Neighborhood Petition Form

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Petition Forwarded to: **To:** Mr. Easton and the City of Phoenix Planning & Development Department
From: Concerned Residents of Sunnyside Acres and the Surrounding Neighborhoods

DATE	NAME	ADDRESS	SIGNATURE
9/12/25	HIEN DUONG	3305 E Greenway Rd	
9/12/25	Rosalind Fossett	15049 N. 19th Way Phx 85022	
9/12/25	Jeffrey Wiles	3205 E. Sunnyside	
9/12/25	Seven Roby	3205 E Sunnyside Ln	
9-12-25	Sabina Salgado	3305 E. Sunnyside Ln.	
9/12/25	Brent Iverson	3205 E Sunnyside ln	
9/17/25	wayne.com	3205 E Sunnyside ln	
9/12/25	[illegible]	3205 E Sunnyside ln	
9/12/2025	Christian Marquez	3215 E. Sunnyside ln	
9/12/2025	[illegible] Galvan	3215 E Sunnyside ln Phx, AZ 85032	
9-12-2025	Elsa Yolanda Galvan	3215 E Sunnyside ln	
9-12-2025	Casey Galvan	3215 E. Sunnyside ln	
9/12/25	Thanya Marquez	3215 E. Sunnyside ln	
9/13/25	ERIKA SMITH ROYAL	3329 E Greenway Ln	
9/13/25	Emily Mary Dale	3216 E Greenway	
9/13/25	[illegible]	3226 E Greenway Ln	
9/13/25	Tim Boyle	3226 E Greenway Ln	
9/13/25	D. Baker	3230 E. Greenway Ln	
9/13/25	Mario Hoyos	3247 E Greenway Ln	
9/13/25	Trinidad Ponce	3247 E Greenway Ln	
9-13-25	Clayton Walton	3314 E Greenway Ln	
9-13-2025	[illegible]	3324 E Greenway Ln	
9-13-2025	[illegible]	3324 E Greenway Ln	
9-13-25	Edesh Mercer	3228 E Night Rd	

DATE	NAME	ADDRESS	SIGNATURE
9/12	Jonathan Busby	3235 E Sunnyside Dr	
9/12	Trudy Miranda	3235 E Sunnyside	
9-12	Rod Fenton	3143 E Greenway Rd	
9-12	Sara Arkat	3143 E Greenway Rd.	
9/12	[illegible]	3143 E Greenway Rd	
9/12	[illegible]	15230 N. 32nd St	
9/12	Pam Brooks	15230 N. 32nd St	
9/12	Matt Lipps	15230 N 32 St	
9/12	TED DAMBACH	15230 N 32 ST	
9/12	Rose Thornton	16235 N. Cave Creek Rd	Rose Thornton
9-12	[illegible]	15250 N 32nd St	[illegible]
9-12	[illegible]	2829 E. Wagoner Rd	Leonard Valencia
9-12	[illegible]	3922 E Paradise Drive	[illegible]
9-12	Rita Moran	3121 E. Greenway Rd.	
9-12	Nick Zahreddine	3121 E. Greenway Rd.	
9-12	Naha Zahreddine	3121 E Greenway Rd.	
9-12	Justin Gardner	3111 E Greenway Rd	
9/12	Tanner Shipman	3111 E Greenway Rd	
9/12	Amanda Miller	15235 N 32nd St	
9/12	[illegible]	17844 N Paradise Valley Pkw	
09/12	Candy A.	3305 E Greenway Rd	
09/12	[illegible]	3305 E Greenway Rd	
9/12	WENDY TIER	4012 E ADOBE D	

DATE	NAME	ADDRESS	SIGNATURE
9/13/25	Andrea Sanchez	3227 E. Nisbet Rd 85032 PHX AZ	Andrea Sanchez Alcala
9/13/25	Andrea Sanchez	3227 E Nisbet Rd	
9-13-25	Kaily O.	3221 E Nisbet Rd	Kaily Ojeda
9/13/25	Jason Ritter	3210 E Nisbet Rd	
9/13/25	Morgan Alexander	3202 E Nisbet Rd	Morgan Alexander
9/13/25	Demetrio D	3221 E Nisbet Rd	
9-13-25		3039 E Green Way	
9-13-25	Jessica Cochran	15225 N 32nd St	
9-13-25		3143 E Greenway Rd	Matt Stewart
9/13/25	Mikola Efimenko	3235 E. Sunnyside Ln	
9/13/25	Jason Beitman	3215 E Greenway Ln	
9/14/25	Alexis Meranto	3213 E Greenway LN	Alexis Meranto
9/14/25	Chinmai Sayegh	3311 E Greenway Ln	
9/14/25	John Sayegh	3311 E Greenway Lane	

*Additional Correspondence added: 11/4/2025

Erilliam LLC.
6001 E. Surrey Ave.
Scottsdale, AZ 85254

September 1, 2025

Mr. Byron Easton
Planning Hearing Officer
City of Phoenix
Development Services Department
200 W. Washington Street, 2nd Floor
Phoenix, AZ 85003

Re: PHO-4-25--Z-47-87-1(3) for 3206 East Sunnyside Lane requesting to modify stipulation #1 of the Zoning Case PHO-3-11--Z-47-87-1 regarding conformance to the site plan date stamped April 16, 1999, and the elevations date stamped May 18, 1999.

Mr. Easton:

The Covenants, Conditions, and Restrictions (CCRs) for Sunnyside Acres, from its inception, designated that lots #5, #6, #7, and #8 may be used for business purposes and a C-1 zoning. There was an amendment to the CCRs for Sunnyside Acres in January 1999, recorded with the Maricopa County Recorder's office as 1999-0025614. This amendment allowed C-1 zoning for the lots on the south side of Greenway Road. According to the CCRs for Sunnyside Acres, approval of the majority of owners is required for these zoning modifications to take place. (Please see attached.)

Through all my research I have determined that there was not an amendment that was filed to change lots #18 and #19 to R-O Residential Office – Restricted Commercial. I want to be provided a zoning case history or proof of a rezoning ordinance for parcel #214-60-021 Lot #19 of Sunnyside Acres. If indeed it can be proven there is an amendment to the CCRs that was filed to allow the change from R1-14 to R-O Residential Office – Restricted Commercial the key to this zoning district is low impact and with residential characteristics.

The City of Phoenix Planning & Development Department's R-O Zoning Guidelines states that there are three types of residential district uses. These are purely residential, combination of residential and commercial, and residential office, where office use of the property dominates. The proposed Metronet unmanned fiber optic communications hub, also known as the Metronet Shelter, does not meet the definition of these three types of uses.

Section 620 of the Phoenix Municipal Codes under Permitted Uses/Section 6 does note public utility buildings subject to a use permit. Metronet is classified as a private utility and this unmanned shelter pushes the limits of the guidelines. It is my understanding that the use permit is granted for special exceptions where the use will not cause a significant

increase in pedestrian traffic, emit odor, dust, gas, noise, vibration, heat, or glare at a level exceeding that of ambient conditions, contribute to the deterioration of the neighborhood, or the downgrading of property values. This neighborhood has only recently gotten the homeless situation under control. It took years of working together to achieve this. This unmanned structure invites the unhoused to settle among the landscaping and then drift into the neighborhood along with the trash that will accumulate on a daily basis contributing to the deterioration of the surrounding homes. One only has to look at all the trash around the construction yard on lot #18 for the Southwest Gas pipeline to confirm this.

Since there is no other facility of this type in a residential Phoenix neighborhood or any residential neighborhood in the surrounding areas, there is nothing to use for comparison. No environmental impact study has been done nor has Climate Action Plan compliance been shown so we have no idea what the effect of this unmanned structure will have on the property values and the rest of Sunnyside Acres. We have also not been assured that fiber optic converters will not be used on the property or that towers will be added at a later date. This facility would be better placed in an industrial setting. Since the fiber lines can no longer run down the east side of 32nd Street and are subject to a redesign, this would be the perfect opportunity for relocation of this fiber optic hub.

Thank you for considering these items. Please let me know if you have any questions regarding my concerns or requests.

Sincerely,

Erika Smith Royal
Erilliam LLC.
Texazgal1@gmail.com
602-330-2847

Attachment

Unofficial Document

When recorded mail to:

CHICAGO TITLE INSRUANCE CO.
2415 E. CAMELBACK RD. #300
PHOENIX, AZ. 85016
ATTN: PATTI KRISIK

MAR

99-0025614 01/11/99 04:22
LILIAN 1 OF 31

CHICAGO TITLE INSURANCE COMPANY

1317 This space reserved for recording information

Order No. 009808698

AMENDMENT TO COVENANTS, CONDITIONS AND RESTRICTIONS

The Covenants, Conditions and Restrictions recorded in Docket 1008, page 281 and modified by Docket 1066, page 309 are hereby amended to allow Commercial use together with Single Family use.

Attached hereto and by this reference made a part hereof are approvals of the majority of the owners of Sunnyside Acres, a subdivision recorded in Book 53 of Maps, page 41, records of Maricopa County, Arizona.

Dated this 8th day of January 1999.

SHAMROCK INVESTMENT COMPANY, a
general partnership

BY: _____
John J. Doherty
Its: General Partner

E & T LIMITED PARTNERSHIP,
an Arizona limited partnership

BY: _____
Erich Spillman
Its: General Partner

_____
Erich Spillman

Attached to AMENDMENT TO COVENANTS, CONDITIONS AND RESTRICTIONS

State of _____)
) ss.
County of _____) Date of Acknowledgement: _____

Acknowledgment of _____

This instrument was acknowledged before me this date by the persons above-subscribed and if subscribed in a representative capacity, then for the principal named and in the capacity indicated.

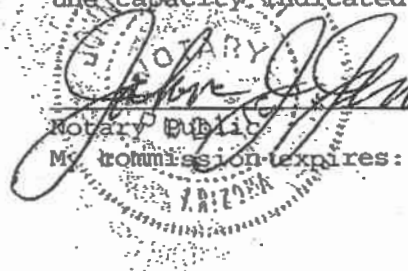
_____
Notary Public
My commission expires: _____

State of Arizona)
) ss.
County of Maricopa) Date of Acknowledgement: 1-8-99

Acknowledgment of ERICH SPILLMAN

Unofficial Document

This instrument was acknowledged before me this date by the persons above-subscribed and if subscribed in a representative capacity, then for the principal named and in the capacity indicated.



_____
Notary Public
My commission expires: My Commission Expires Aug. 26, 1999

State of _____)
) ss.
County of _____) Date of Acknowledgement: _____

Acknowledgment of _____

This instrument was acknowledged before me this date by the persons above-subscribed and if subscribed in a representative capacity, then for the principal named and in the capacity indicated.

_____
Notary Public
My commission expires: _____

ATTACHMENT C

REPORT OF PLANNING COMMISSION ACTION
November 6, 2025

ITEM NO: 14	
	DISTRICT NO.: 3
SUBJECT:	
Application #:	**PHO-4-25—Z-47-87-1(3)**
Existing Zoning:	R-O
Acreage:	1.12
Location:	Northeast corner of 32nd Street and Sunnyside Lane
Request:	Request to modify Stipulation 1 regarding general conformance to the site plan date stamped April 16, 1999 and the elevations date stamped May 18, 1999.
Applicant:	Lee Wright, Metronet Infrastructure Group, LLC
Owner:	Lee Wright, Metronet Infrastructure Group, LLC
Representative:	Lee Wright, Metronet Infrastructure Group, LLC
Appellant:	Patrick Gray and Chinnaz Sayegh

ACTIONS:

Village Planning Committee (VPC) Recommendation:
Paradise Valley 9/8/2025 Denial. Vote: 11-1.

Planning Hearing Officer Recommendation (PHO): The Planning Hearing Officer heard the request on September 17, 2025 and recommended approval with additional stipulations.

Staff Recommendation: Approval with additional stipulations, per the PHO recommendation.

Planning Commission Recommendation: Denial, per the Paradise Valley Village Planning Committee recommendation.

Motion Discussion: Commissioner Matthews made a MOTION to deny PHO-4-25--Z-47-87-1(3), per the Paradise Valley Village Planning Committee recommendation.

Motion details: N/A

Maker: Matthews
Second: James
Vote: 7-1 (Hu)
Absent: Gorraiz
Opposition Present: Yes

Findings:

1. The request to modify Stipulation 1 regarding general conformance to a site plan and elevations is recommended for denial, as the proposal does not meet the public's expectations for an R-O development.

Stipulations:

1. ~~That~~ THE development SHALL be in general conformance with the site plan ~~**AND ELEVATIONS DATE STAMPED AUGUST 7, 2025, AS**~~

~~**MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT**. presented as modified by the site plan dated April 16, 1999, and elevation dated May 18, 1999 for the south portion of site.~~ **PRESENTED AS MODIFIED BY THE SITE PLAN DATED APRIL 16, 1999, AND ELEVATIONS DATED MAY 18, 1999 FOR THE SOUTH PORTION OF SITE.**

2. ~~That~~ An 8-foot landscaped setback SHALL be provided along the east property line including 24-inch box size, drought-resistant shade trees planted 20 feet on center, or in equivalent groupings.

3. ~~That~~ No trash dumpsters SHALL be located within 50 feet of the east property line.

4. ~~That~~ The building height SHALL be limited to one story (17 feet 4 inches)

5. ~~That~~ A one-foot vehicular non access easement SHALL be placed along both Sunnyside Lane and Greenway Lane.

6. ~~That~~ A cross access SHALL be provided on the north portion of the site upon final site plan approval for the north property, or in the alternative, a common driveway entrance be provided, as approved by the Planning and Development Department

~~**7. PRIOR TO FINAL SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.**~~

~~**8. IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL**~~

~~**9. IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.**~~

~~**10. IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33-FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.**~~

This publication can be made available in alternate format upon request. Please contact Saneeya Mir at 602-686-6461, saneeya.mir@phoenix.gov, TTY: Use 7-1-1.

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 74

(CONTINUED FROM NOVEMBER 19, 2025) - Authorization to Grant Sheely Ted D / ET AL c/o William Sheely / ET AL (Sheely Center) a Binding Waiver of Enforcement (Waiver) of the Special Permit Provisions for Data Centers (Ordinance S-52435) - District 5

Request authority to grant Sheely Ted D / ET AL c/o William Sheely / ET AL (Sheely Center) a Binding Waiver of Enforcement (Waiver) of the Special Permit Provisions for Data Centers under Ordinance G-7396. The Council is considering the Planning Hearing Officer's recommendation regarding rezoning application PHO-1-25--Z-29-12-7(5) for this development by a public hearing held on the same council agenda as this item. This item must be heard following that hearing.

Summary

Following the City of Phoenix’s adoption of Ordinance G-7396 on July 2, 2025, which established a regulatory framework for data centers, Sheely Center submitted a demand to the City under A.R.S. § 12-1134, asserting that the ordinance diminished the fair market value of its property located at Parcel No. 102-34-002E.

Parcel Address: 2209 N. 99th Ave.
Owner: Sheely Ted D / ET AL c/o William Sheely / ET AL (Sheely Center)
Representative: Jason Morris, Withey Morris Baugh, P.L.C. and Andrew Gould, Holtzman Vogel Baran Torchinsky & Josefiak PLLC

Pursuant to A.R.S. § 12-1134(E), Ordinance G-7396 authorizes the City Council, in its sole discretion, to grant binding waivers of the special permit requirements for data centers. In accordance with this provision, Sheely Center has formally requested such a waiver. The special permit requirements set forth in Ordinance G-7396 were enacted by the City Council to address public health and safety concerns and to mitigate adverse secondary impacts on surrounding neighborhoods, businesses, and residents.

The purpose of the City's requirements are to protect public health and safety. Therefore, the waiver requires the proposed data center to address and mitigate potential health and safety impacts on neighboring properties, including, among other things, fire and public safety threats, hazardous materials, energy use, water use, and noise pollution. The waiver describes requirements for each category to comply with

Ordinance G-7396. At the City's request, Sheely Center has submitted detailed information and committed to measures designed to mitigate the potential impacts of its proposed data center. Specific requirements will be outlined in the Waiver which will be available to the public 24 hours prior to the meeting. The requirements may be modified after the waiver is published.

The Planning and Development Department reviewed these submissions and determined that the waiver request meets all the submittal requirements. They found that Sheely Center's mitigation commitments appear to adequately address the ordinance's public health and safety objectives. The City Manager reviewed and makes a recommendation to approve the attached Waiver request.

Location
Southeast corner of 99th Avenue and Thomas Road
Council District: 5
Parcel Address: 2209 N. 99th Ave.

Responsible Department
This item is submitted by Deputy City Manager Alan Stephenson and the Law Department.

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: November 18, 2025

From: Joshua Bednarek JB
Planning and Development Director

Subject: CONTINUANCE OF ITEM 68 ON THE NOVEMBER 19, 2025, AUTHORIZATION TO GRANT SHEELY TED D / ET AL C/O WILLIAM SHEELY / ET AL (SHEELY CENTER) A BINDING WAIVER OF ENFORCEMENT (WAIVER) OF THE SPECIAL PERMIT PROVISIONS FOR DATA CENTERS (ORDINANCE S-52435)

Item 68, this is a request authority to grant Sheely Ted D / ET AL c/o William Sheely / ET AL (Sheely Center) a Binding Waiver of Enforcement (Waiver) of the Special Permit Provisions for Data Centers under Ordinance G-7396. The Council is considering the Planning Hearing Officer's recommendation regarding rezoning application PHO-1-25--Z-29-12- 7(5) for this development by a public hearing held on the same council agenda as this item.

In order to continue to work with the applicant, staff recommends that this case be continued to the December 3, 2025, City Council Formal Meeting.

Approved: _____ 11/18/25
Alan Stephenson — Date
Deputy City Manager

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 75

(CONTINUED FROM NOVEMBER 19, 2025) - Public Hearing and Ordinance Adoption - Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-25--Z-29-12-7(5) - Southeast Corner of 99th Avenue and Thomas Road (Ordinance G-7451) - District 5

Request to hold a public hearing and authorize the City Manager, or his designee, to consider the Planning Hearing Officer's recommendation by the City Council on matters heard by the Planning Hearing Officer on June 18, 2025.

Summary

Application: PHO-1-25--Z-29-12-7(5)
Existing Zoning: PUD
Acreage: 197.0

Owner: Sheely Ted D / ET AL c/o William Sheely / ET AL
Applicant / Representative: Jason Morris, Withey Morris Baugh, P.L.C.

Proposal:
1. Request to modify Stipulation 1 regarding the site plan within the development narrative.

VPC Action: The Maryvale Village Planning Committee heard this request on June 12, 2025 and recommended approval with a vote of 12-1.
PHO Action: The Planning Hearing Officer recommended approval with a modification and an additional stipulation.

Location

Southeast corner of 99th Avenue and Thomas Road
Council District: 5
Parcel Address: 2209 N. 99th Ave.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO REZONING APPLICATION Z-29-12-7(5) PREVIOUSLY APPROVED BY ORDINANCE G-5779.

_____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning stipulations applicable to the site located at the southeast corner of 99th Avenue and Thomas Road in a portion of Section 33, Township 2 North, Range 1 East, as described more specifically in Exhibit A and depicted in Exhibit B, are hereby modified to read as set forth below.

STIPULATIONS:

1. An updated Development Narrative for the Sheely Center PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with THE Development Narrative date stamped JUNE 6, 2025 ~~September 27, 2012~~, as modified by the following stipulations.

2. The applicant shall submit a revised Traffic Impact Study to the Street Transportation Department and Planning and Development Department prior to preliminary site plan approval. The applicant shall be responsible for any dedications and required improvements adjacent to the boundaries of the subject property as recommended by the traffic study, as approved by the Street Transportation Department and Planning and Development Department.

DRAFT

3. ALL STREETS, WITHIN AND ADJACENT TO THE DEVELOPMENT, SHALL BE DEDICATED AND CONSTRUCTED PER THE APPROVED SHEELY FAMRS MASTER STREET PLAN. ~~The applicant shall submit a street alignment plan for public streets (design and alignment for all arterial and collector streets), prior to preliminary site plan approval, for review and approval by the Street Transportation Department and Planning and Development Department.~~

4. Access to McDowell Road shall be reviewed by ADOT, Maricopa County, city of Tolleson, and the city of Phoenix. Notification of such review shall be submitted to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan approval.

5. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscape and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

6. PRIOR TO FINAL SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

SECTION 2. Due to the site’s specific physical conditions and the use district granted pursuant to Ordinance G-5779, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5779 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 19th day of November 2025.

DRAFT

_____
MAYOR

_____
Date

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By: _____
_____

REVIEWED BY:

_____
Ed Zuercher, City Manager

Exhibits:
A - Legal Description (4 Pages)
B - Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-25--Z-29-12-7(5)

The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:

LEGAL DESCRIPTION FOR Z-29-12-7(5)

THAT PART OF PARCELS 1, 2 AND 3 LYING WEST OF THE WESTERLY LINE OF THAT PROPERTY CONVEYED TO THE STATE OF ARIZONA BY DEED RECORDED JULY 31, 1998 IN 98-663064 AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF THE ROOSEVELT IRRIGATION DISTRICT **MAIN** CANAL.

PARCEL NO. 1:

THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA:

EXCEPT THE NORTH 33 FEET AND THE WEST 70 FEET; AND

EXCEPT A TRIANGULAR SHAPED PARCEL OF LAND DESCRIBED AS BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE NORTH 200.00 FEET AND THE EAST LINE OF THE WEST 70 FEET OF SAID NORTHWEST QUARTER OF SAID SECTION 33;

THENCE EASTERLY 5 FEET ALONG SAID SOUTHERLY LINE OF THE NORTH 200.00 FEET TO A POINT;

THENCE IN A SOUTH-SOUTHWESTERLY DIRECTION TO A POINT ON THE EAST LINE OF THE WEST 70 FEET THAT IS 600 00 FEET SOUTHERLY FROM SAID POINT OF INTERSECTION;

THENCE NORTHERLY TO SAID POINT OF INTERSECTION; AND EXCEPT A PARCEL DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE NORTH 33 FEET AND THE EAST LINE OF THE WEST 75 FEET OF SAID NORTHWEST QUARTER OF SAID SECTION 33;

THENCE EASTERLY 35 FEET ALONG SAID SOUTH LINE OF THE NORTH 33 FEET TOA POINT;

DRAFT

THENCE IN A SOUTHWESTERLY DIRECTION TO A POINT ON SAID EAST LINE OF THE WEST 75 FEET THAT IS 35 FEET SOUTHERLY FROM SAID POINT OF INTERSECTION;

THENCE NORTHERLY TO SAID POINT OF INTERSECTION, AND EXCEPT THE EAST 5 FEET OF THE WEST 75 FEET OF THE SOUTH 167.00 FEET OF THE NORTH 200.00 FEET OF SAID SECTION 33.

PARCEL NO 2:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTH 100 FEET OF THE WEST 298.72 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, AS CONVEYED TO THE ROOSEVELT IRRIGATION DISTRICT, BY THAT CERTAIN DEED RECORDED IN BOOK 218 OF DEEDS, PAGE 366, RECORDS OF MARICOPA COUNTY, ARIZONA; AND INSTRUMENT 84-3648, AND

EXCEPT RIGHT OF WAY FOR DITCH EXTENDING FROM NORTH TO SOUTH BOUNDARIES OF THE SOUTHWEST QUARTER OF SAID SECTION 33; ALONG AND IMMEDIATELY WEST OF THE EAST LINE THEREOF AS CONVEYED TO UNITED STATES OF AMERICA BY THAT CERTAIN DEED RECORDED IN BOOK 175 OF DEEDS, PAGE 429, RECORDS OF MARICOPA COUNTY, ARIZONA, AND

EXCEPT THE WEST 65 FEET.

PARCEL NO 3:

PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33 BEARS SOUTH 88 DEGREES 48 MINUTES 30 SECONDS WEST 120 FEET;

THENCE SOUTH O DEGREES 11 MINUTES WEST 367 70 FEET;

THENCE SOUTH 44 DEGREEES 36 MINUTES EAST 189.60 FEET;

DRAFT

THENCE SOUTH 27 DEGREES 23 MINUTES EAST 88 90 FEET;

THENCE SOUTH O DEGREES 01 MINUTES EAST 416.71 FEET;

THENCE SOUTH 44 DEGREES 18 MINUTES EAST 246.60 FEET;

THENCE SOUTH 56 DEGREES 58 MINUTES EAST 54.85 FEET;
THENCE NORTH 89 DEGREES 00 MINUTES EAST 2070.23 FEET,
THENCE NORTH O DEGREES 12 MINUTES EAST 50 FEET;
THENCE NORTH 89 DEGREES 00 MINUTES EAST 60 FEET (FROM WHICH POINT THE SOUTH QUARTER CORNER OF SAID SECTION 33 BEARS SOUTH 0 DEGREES 12 MINUTES WEST 160 FEET);

THENCE NORTH O DEGREES 12 MINUTES EAST ALONG THE MIDSECTION LINE OF SAID SECTION 33, A DISTANCE OF 1170 FEET TO NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33;

THENCE SOUTH 88 DEGREES 48 MINUTES 30 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33 A DISTANCE OF 2525.89 FEET TO THE PLACE OF BEGINNING,

EXCEPT RIGHT OF WAY FOR DITCH LYING IMMEDIATELY WEST OF THE EAST LINE CONVEYED TO UNITED STATES OF AMERICA BY DEED RECORDED IN BOOK 175 OF DEEDS, PAGE 429, RECORDS OF MARICOPA COUNTY, ARIZONA; AND

EXCEPT THE EAST 90 FEET OF THE WEST 298.72 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33, LYING NORTH OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE ROOSEVELT IRRIGATION DISTRICT MAIN CANAL;

ALSO BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE WEST 208.72 FEET AND THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 33;

THENCE WEST 75 FEET ALONG SAID NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; 75 FEET TO A POINT;

THENCE WEST 75 FEET ALONG SAID NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, 75 FEET TO A POINT;

THENCE IN A SOUTHEASTERLY DIRECTION TO A POINT ON SAID EAST LINE OF THE WEST 208.72 FEET THAT IS 75 FEET SOUTHERLY FROM SAID POINT OF INTERSECTION;

DRAFT

THENCE NORTHERLY TO THE POINT OF INTERSECTION.

PARCEL NO. 4:

THOSE PORTIONS OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER (S½ OF SW¼) OF SECTION THIRTY-THREE (33), TOWNSHIP TWO (2) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

PARCEL A

THAT PART OF THE WEST 208 72 FEET OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE QUARTER (S½ OF SW¼) OF SAID SECTION 33, LYING WITHIN A STRIP OF LAND NINETY (90) FEET WIDE ON A CENTER LINE DESCRIBED AS FOLLOWS:

USING AS A BASE THE SOUTH ONE-HALF (S½) OF THE WEST LINE OF SECTION THIRTY-THREE (33), TOWNSHIP TWO (2) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, WITH AN ASSUMED BEARING OF NORTH 0'04' EAST;

BEGINNING AT A POINT 256.9 FEET EAST OF AND 308.7 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 33, AND RUNNING THENCE NORTH 0'06' WEST 453 7 FEET TO A POINT;

THENCE NORTH 45'06' WEST 247.6 FEET TO A POINT;

THENCE PARALLEL TO AND 78.0 FEET EAST OF THE WEST LINE OF SAID SECTION 33, NORTH 0'04 EAST 476.0 FEET;

EXCEPT THE WEST SIXTY-FIVE (65) FEET OF SAID SECTION 33.

PARCEL B·

THAT PART OF THE WEST 208.72 FEET OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER (S½ OF SW¼) OF SAID SECTION 33, LYING NORTH OF THE NORTH LINE OF THE SOUTH 717.44 FEET OF SAID SECTION 33 AND WEST OF PARCEL A AS DESCRIBED ABOVE:

EXCEPT THE WEST SIXTY-FIVE (65) FEET OF SAID SECTION 33

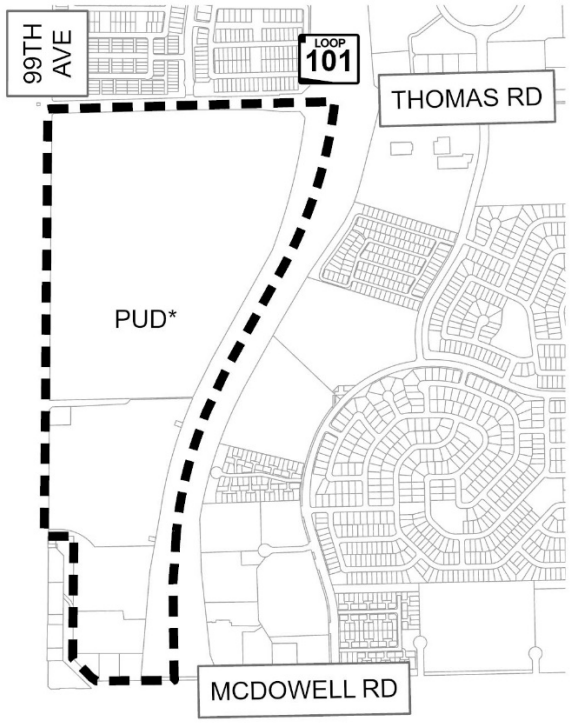
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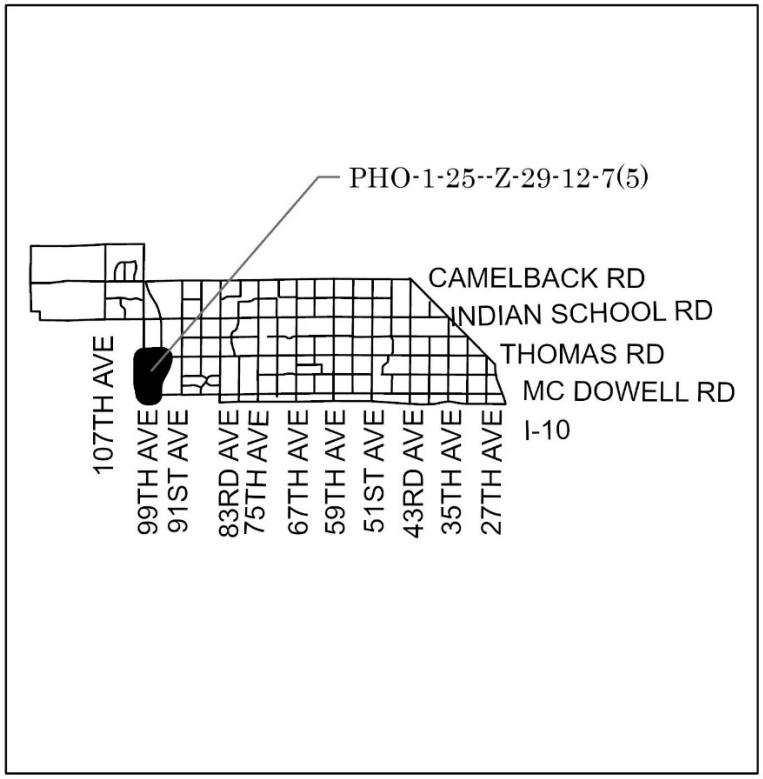
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: PHO-1-25--Z-29-12-7(5)
Zoning Overlay: N/A
Planning Village: Maryvale





0 500 1,000 2,000 Feet

NOT TO SCALE

N

Drawn Date: 7/22/2025

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2025 Ord\8-27-2025\8-27-2025.aprx

ATTACHMENT B

Maryvale
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
PHO-1-25—Z-29-12-7(5)

Date of VPC Meeting	June 12, 2025
Date of Planning Hearing Officer Hearing	June 18, 2025
Request	Modification of Stipulation 1 regarding modifications to the conceptual site plan and updated imagery within the development narrative.
Location	Southeast corner of 99th Avenue and Thomas Road
VPC Recommendation	Approval
VPC Vote	12-1

VPC DISCUSSION:

One member of the public registered to speak on this item.

Staff Background Presentation

Matteo Moric, staff, identified the location of the Sheely Center Planned Unit Development (PUD) and shared a slide showing images from the PUD narrative including the Conceptual Site Plan, Building Height Zones and Birdseye Perspective. Mr. Moric stated the intent of the PUD is to have a mixed-use project with housing, retail, entertainment, hotels, employment centers which include many specialized jobs.

Applicant Presentation

Jason Morris with Withey Morris Baugh, PLC, said the project was a culmination of over 25 years and indicated what was being presented was largely built. Mr. Morris said the Sheely Farms project originally came to the City in the early 2000's. Mr. Morris noted the site plan and PUD matched what was going on in the early 2000's. Mr. Morris said it was designed for all mixed-use developments but there were major amendments which had changed the plans over time. Mr. Morris noted today's portion of the project was the last part and it included the commerce park, manufacturing, commercial, and business park area. Mr. Morris added staff had told him over the previous six months that if the PUD would be amended it would make sense to bring the entire Sheely Center PUD up to date, so it would reflect what was already built. Mr. Morris said the project includes the residential component, Sprouts anchored shopping center, and the area immediately south of Thomas Road which was being constructed as commercial.

Mr. Morris provided background on the developer, IDM Companies, and described a main technology center they constructed out-of-state and felt they wanted to replicate it in a smaller version at this site. Mr. Morris hoped this was the last amendment to the Sheely Center PUD. Mr. Morris said that none of the underlying zoning and all the uses as part of the original PUD are still in place. Mr. Morris said the proposal includes data planning and tech, light manufacturing, business park and some of them could be office showrooms and Mr. Morris equated it with a project at the Airpark area in Scottsdale.

Mr. Morris stated no changes are proposed to the narrative text, permitted uses or development standards. Mr. Morris stated one of the buildings proposed has a governmental service aspect with data planning analysis and a data center component. Mr. Morris said he went to the City Council Office and stated with this type of project there is lots of open space because of the nature of this type of development and the required separation of other uses so they thought of creating a park.

Mr. Morris showed the weekday total trip comparison data as 93,333 in the current plan versus the proposal of 20,087. Mr. Morris said the summary of benefits changes from a vertical mixed-use to horizontal mixed-use project; maintaining employment and commercial objectives of the PUD in a campus-like setting; providing public amenities, meaningful enhancements to the social fabric through new connections; generating new jobs; and activating an underutilized site.

Mr. Morris said there were soccer fields, and a park proposed per a request by the City Council, and it was suggested to be closer to the retail by Thomas Road. Mr. Morris added they would create walking paths to take people to the retail component and the idea is to build and maintain fields which will be controlled.

Questions from the Committee/Applicant Response

Committee Member Jimenez asked if there was a fee for the league. **Mr. Morris** responded no fee as it was through the charity itself.

Committee Member Ramirez asked if there was enough parking and said she did not think it was enough parking for two fields as she had noticed parking was the biggest issue for these types of fields. **Mr. Morris** said they created a little more room adjacent to the fields for overflow parking but there would be a cross-access agreement with all the retail uses for this reason.

Committee Member Ewing asked what makes the traffic less. **Mr. Morris** said the traffic is less because the building itself changed and the original plan asked for very traditional office square footage and the original offices were 3.8 million square feet and it would be reduced down to about one half a million square feet which was the biggest change. Mr. Ewing asked if the soccer fields were turf or grass. Mr. Morris said it was more likely that they would be doing turf, but this decision had not been finalized.

Committee Member DuBose said turf is really hot and people could not stand on it during the summer. Mr. DuBose asked about the current soccer fields that were on the site. **Vice Chair Derie** said the original soccer fields moved up north near the Cardinals Stadium. Vice Chair Derie reminded the group of the concert venue at the property. **Mr. Morris** said the Sheely family ran those venues and said the biggest change was when they built the 101 Freeway in the City they did not sleeve water across to the west side. Mr. Morris explained how water was needed to develop on the west side of the freeway

Committee Member Acevedo asked if the soccer fields would have public restrooms. Mr. Morris said the restroom facilities could not be open all the time as they would be opened and closed with the soccer fields and would be fenced off and controlled by the soccer club. **Vice Chair Derie** said this would be like the same situation with the City park where the restrooms would be locked. **Committee Member Galaviz** expressed concerns for the homeless.

Committee Member Norgaard questioned what the change in the number of buildings and employment would be from the current PUD to now. **Mr. Morris** said somewhere in the magnitude of 60 buildings less. Mr. Morris said compared to the conceptual site plan there would be less employment but felt the conceptual site plan would probably not be applicable to today's market.

Mr. Morris said that this proposal was not a pure data center as these were also training centers. Mr. Morris indicated that there would be over 200 personnel per building as they would be used for manufacturing, light assembly, and some showrooms and office.

Committee Member DuBose asked about the Sprouts. **Mr. Morris** said the Sheely's owned the farm and were not developers. **Vice Chair Derie** said Sheely Farms originally included the eastern side of the 101 Freeway, which developed more quickly because there was water.

Mr. Morris said the Council District was trying to push ownership versus rental.

Public Comments

Saul Perea, resident, asked how many of the jobs were for the local community and if it would benefit everyone in the community. Mr. Perea said many of the community colleges provide standardized job training. Mr. Perea felt there was nothing guaranteeing jobs benefiting the local community in the long term. Mr. Perea added that he wanted to know if the jobs would be for U.S. military veterans. Mr. Perea also added about incorporating solar panels and shade for the parking.

Chair Barba said he wished there were pathways to jobs and as far as green space felt the project was pretty green.

Mr. Morris said in terms of employees they were moving a large number of them from Glendale to Phoenix so it would be net new employees. Mr. Morris said they would follow the employment practices of the U.S. Government.

Mr. Morris added there would be shaded pathways from the retail to the soccer fields and noted the open space would be unpaved and walkable and parts of it would be lit with small ankle lighting.

Chair Barba said he hopes there would be pathways for people in Maryvale to get high school students into these high paying jobs now that it would be in their backyard.

Committee Member Acevedo asked if they do anything about getting Maryvale residents training and jobs to support the community.

Mr. Morris said IDM Cares, the charitable organization associated with the developer does not do job training.

Floor/Public Comment Closed: Motion, Discussion, and Vote

Motion
Committee Member Jimenez motioned to approve PHO-1-25—Z-29-12-7(5).
Committee Member Ewing seconded the motion.

Vote
12-1, Motion to recommend approval of PHO-1-25—Z-29-12-7(5) passes, with Committee Members Acevedo, Alonzo, Demarest, DePascal, DuBose, Ewing, Galaviz, Jimenez, Ramirez, Weber, Derie and Barba in favor; and Norgaard in opposition.

ATTACHMENT C

REPORT OF PLANNING HEARING OFFICER ACTION
Byron Easton, Planner III, Hearing Officer
Teresa Garcia, Planner I, Assisting

June 18, 2025

ITEM NO: 1	
	DISTRICT NO. 5
SUBJECT:	
Application #:	PHO-1-25--Z-29-12-7(5)
Location:	Southeast corner of 99th Avenue and Thomas Road
Zoning:	PUD
Acreage:	197.0
Request:	1) Request to modify Stipulation 1 regarding the updated imagery within the development narrative.
Applicant:	Jason Morris, Withey Morris Baugh, PLC
Owner:	Sheely Ted D / ET AL C/O William Sheely / ET AL
Representative:	Jason Morris, Withey Morris Baugh, PLC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and an additional stipulation.

Village Planning Committee (VPC) Recommendation: The Maryvale Village Planning Committee heard this request on June 12, 2025 and recommended approval with a vote of 12-1.

DISCUSSION:

Jason Morris, representative with Withey Morris Baugh PLC, introduced the subject site and explained that zoning history. He stated that the North Gateway Village Planning Committee (VPC) recommended approval by a vote of 12-1 and this PHO Hearing is the result of a great deal of planning between the applicant and City Council District office to update the PUD to conform with present market conditions and the shared vision between the developer and the City. He stated that the PUD has changed significantly since being approved in the 90's and early 2000's and all stakeholders have agreed that the renderings must be updated to support and reflect the new proposed development plan. There would be no change to the underlying uses that are contained in the PUD.

Mr. Morris went on to explain the history of the Sheely Center PUD, including some of the difficulties that were present that prevented development of the site. IBM developed some of the infrastructure, including bringing water to the site. He continued to explain the updates to the site, including replacing much of the

office uses with more mixed-use, including retail/commercial, multi-family, an as-built, garden-style multi-family development, commerce park uses, and a 58,256 square foot Sprouts grocery shopping center. In addition, new public amenities are included in the exhibits, featuring two standard soccer fields, a park and trails.

Byron Easton, Planning Hearing Officer, asked if Mr. Morris could speak about the large buildings located at the north of the site. Mr. Morris explained that the large buildings will be aligned with employment uses and will include a government building. Mr. Morris followed up with an explanation of the proposed vs. existing exhibits in the PUD including renderings and elevations

Mr. Easton asked if the applicant would have to go through PUD Amendment process in addition to the PHO. Mr. Morris stated that they will not be required to go through a PUD Amendment. Mr. Easton asked if in addition to the renderings, the site plan is being replaced in the PUD Narrative. Mr. Morris stated that yes, replacing the existing site plan with a revised conceptual site plan is part of the request.

Mr. Easton, Planning Hearing Officer, explained that the request was approved by the Village Planning Committee with a vote of 12-1 and he voiced his support for the request and the various mix of uses that are being proposed. He recommended approval.

FINDINGS:

1) The request to modify Stipulation 1 regarding updating the imagery, including renderings and the site plan contained in the PUD Narrative, is recommended to be approved. The modification will include an updated stamp date to be consistent with the latest version of these exhibits.

   The Sheely Center PUD, originally approved in 2013, was approved as mixed-use in nature and this proposal still reflects that intent. Although the site has been partially developed it has been re-designed as a horizontal mixed-use development in replacement of the originally planned, vertical mixed-use development. The original conceptual site plan for the Sheely Center PUD feature a more intense, urban, office centric design that has not come to fruition and is inconsistent with market demands. The applicant's request is limited to updating the exhibits within the PUD and will not change the uses allowed within the original PUD Narrative.

2) Stipulation 3 is recommended to be modified by replacing the existing language with updated language consistent with recommendation from the Streets Transportation Department. The stipulation now references a Master Street Plan that has been completed and approved by STD. The

updated stipulation acknowledges the Master Street Plan and requires compliance with the Plan.

3) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

STIPULATIONS:

1.	An updated Development Narrative for the Sheely Center PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with THE Development Narrative date stamped JUNE 6, 2025 ~~September 27, 2012~~, as modified by the following stipulations.
2.	The applicant shall submit a revised Traffic Impact Study to the Street Transportation Department and Planning and Development Department prior to preliminary site plan approval. The applicant shall be responsible for any dedications and required improvements adjacent to the boundaries of the subject property as recommended by the traffic study, as approved by the Street Transportation Department and Planning and Development Department.
3.	ALL STREETS, WITHIN AND ADJACENT TO THE DEVELOPMENT, SHALL BE DEDICATED AND CONSTRUCTED PER THE APPROVED SHEELY FARMS MASTER STREET PLAN. ~~The applicant shall submit a street alignment plan for public streets (design and alignment for all arterial and collector streets), prior to preliminary site plan approval, for review and approval by the Street Transportation Department and Planning and Development Department.~~
4.	Access to McDowell Road shall be reviewed by ADOT, Maricopa County, city of Tolleson, and the city of Phoenix. Notification of such review shall be submitted to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan approval.
5.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscape and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

6.	PRIOR TO FINAL SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. To request a reasonable accommodation, please contact Saneeya Mir at saneeya.mir@phoenix.gov or (602) 686-6461 or TTY: 7-1-1.

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: November 18, 2025

From: Joshua Bednarek JB
Planning and Development Director

Subject: CONTINUANCE OF ITEM 67 ON THE NOVEMBER 19, 2025, FORMAL AGENDA – PUBLIC HEARING AND ORDINANCE ADOPTION - AMEND CITY CODE - ORDINANCE ADOPTION - REZONING APPLICATION PHO-1-25--Z-29-12-7(5) - SOUTHEAST CORNER OF 99TH AVENUE AND THOMAS ROAD (ORDINANCE G-7451)

Item 67, Planning Hearing Officer Application No. PHO-1-25--Z-29-12-7(5). This is a request to modify Stipulation 1 regarding the updated imagery within the development narrative located at southeast corner of 99th Avenue and Thomas Road.

In order to continue to work with the applicant, staff recommends that this case be continued to the December 3, 2025, City Council Formal Meeting.

Approved: _____ 11/18/25
Alan Stephenson — Date
Deputy City Manager

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 76

(CONTINUED FROM NOVEMBER 19, 2025) - Public Hearing and Ordinance Adoption - Rezoning Application Z-29-A-14-1 (Metro North Corporate Park PUD) - Approximately 550 Feet South of the Southwest Corner of Thunderbird Road and Black Canyon Highway (Ordinance G-7450) - District 1

Request to hold a public hearing and consider amending the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-29-A-14-1 and rezone the site from PUD (Planned Unit Development) to PUD (Planned Unit Development) for a Major Amendment to the Metro North Corporate Park PUD regarding data centers, landscape setbacks, and design standards.

Summary

Current Zoning: PUD
Proposed Zoning: PUD
Acreage: 42.61 acres
Proposal: Major Amendment to the Metro North Corporate Park PUD regarding data centers, setbacks, and design standards

Owner: CMB III, LLC, et. al.
Applicant: Ric Toris, Earl & Curley, P.C.
Representative: Taylor Earl, Earl & Curley, P.C.

Staff Recommendation: Approval, subject to stipulations.
PC Action: The Planning Commission is scheduled to hear this item on November 6, 2025.

Location

Approximately 550 feet south of the southwest corner of Thunderbird Road and Black Canyon Highway.
Council District: 1
Parcel Addresses: 13375, 13515, 13535, and 15355 N. 30th Avenue; and 13440 and 13610 N. Black Canyon Highway

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE SITE DESCRIBED HEREIN (CASE Z-29-A-14-1) FROM PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT).

_____

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 42.61-acre site located approximately 550 feet south of the southwest corner of Thunderbird Road and Black Canyon Highway in a portion of Section 14, Township 3 North, Range 2 East, as described more specifically in Exhibit “A,” is hereby changed from PUD (Planned Unit Development) to “PUD” (Planning Unit Development) to allow for a Major Amendment regarding data centers, setbacks, and design standards.

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit “B.”

DRAFT

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Metro North Corporate PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped October 28, 2025, as modified by the following stipulations.

    a. Front Cover:
    Revise Hearing Draft date to reflect October 28, 2025.
    Add "City Council adopted: [Insert Adoption date]".

    b. Page 17: Section H, Data Center Use Criteria, Second Bullet. Revise as follows:

    - "A contractual agreement from a local utility company that affirms its capacity and commitment to serve the energy demand for the proposed data center shall be submitted to PDD prior to preliminary site plan approval."

    c. Page 18: Section H, Data Center Use Criteria, Noise Generation. Revise as follows:

    - "Noise Generation:
        - Noise generated by the data center, including but not limited to noise generated by mechanical equipment, cooling systems, and on-site power generators shall not exceed 55 dBA during daytime hours (7:00 a.m. – 10:00 p.m.) or 45 dBA during nighttime hours (10:00 p.m. – 7:00 a.m. as measured at the nearest residentially zoned property."
        - Noise levels shall be measured using an ANSI-certified sound level meter on an A-weighted scale at ground level.
        - Compliance shall be demonstrated through submission of a sound study prepared by a qualified acoustical engineer or other equivalent measurement documentation."

    d. Page 19: Section H, Data Center Use Criteria, Law Enforcement and Emergency Management Coordination. Please delete last sentence.

DRAFT

2. All improvements to the I-17 frontage road shall be reviewed and approved by the Arizona Department of Transportation. Documentation of ADOT review and approval shall be provided prior to Preliminary Site Plan approval.

3. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

4. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record. This stipulation shall not be applicable if the property is owned by the City of Phoenix.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 19th day of November, 2025.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:
_____

DRAFT

_____

REVIEWED BY:

_____
Ed Zuercher, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

Lot 7, of Metro North Corporate Park, per Book 445 of Maps, Page 3, at Recording No. 97-0460983 dated July 8, 1997 in the Records of Maricopa County, Arizona, being located in a part of the Northeast Quarter of Section 14, Township 3 North, Range2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. Containing 42.11 Acres+-.

DRAFT

EXHIBIT B

DRAFT

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-29-A-14-1
(Metro North Corporate Park PUD)
October 31, 2025

Planning Commission Hearing Date:	November 6, 2025
Request From:	PUD (Planned Unit Development) (42.61 acres)
Request To:	PUD (Planned Unit Development) (42.61 acres)
Proposal:	Major Amendment to the Metro North Corporate Park PUD regarding data centers, landscape setbacks, and design standards
Location:	Approximately 550 feet south of the southwest corner of Thunderbird Road and Black Canyon Highway
Owner:	CMB III, LLC, et. al.
Applicant:	Ric Torris, Earl & Curley, P.C.
Representative:	Taylor Earl, Earl & Curley, P.C.
Staff Recommendation:	Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Industrial	
Street Map Classification	Black Canyon Highway	Freeway	Approximately 135 to 210-foot west half

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; JOB CREATION (EMPLOYERS); LAND USE PRINCIPLE: Support General Plan Land Use Map and zoning changes that will facilitate the location of employment generating uses in each of the designated employment centers.

The subject site lies within the I-17 North Employment Corridor and is currently developed with employment uses. The proposed PUD Major Amendment allows for continuation and expansion of data center uses that address health and safety.

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; ENTREPRENEURS EMERGING ENTERPRISES; LAND USE PRINCIPLE: Encourage land uses that promote the growth of entrepreneurs or new businesses in Phoenix in appropriate locations. The proposal only allows for commercial uses which will facilitate new businesses on the site.
CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY & CHARACTER; DESIGN PRINCIPLE: Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties. As stipulated, the PUD Major Amendment incorporates development standards that are sensitive and mitigate negative impacts to the surrounding residential area.
Resolution 22316; Data Centers; Location Criteria Policy: Locate away from identified cores, centers and corridors where higher-intensity development is encouraged for mixed-use, walkable communities. The subject site is not in a core, center or corridor and is appropriately located adjacent to a freeway.

Surrounding Land Uses/Zoning		
	Land Use	**Zoning**
On Site	Office, data center, electrical substation	PUD
North	Commercial and related parking	C-2, IND. PK.
East (across freeway)	Townhomes, single-family residential	PAD-10, R1-8
South	Office	IND.PK.
West	Multifamily residential	R-4

Background/Issues/Analysis

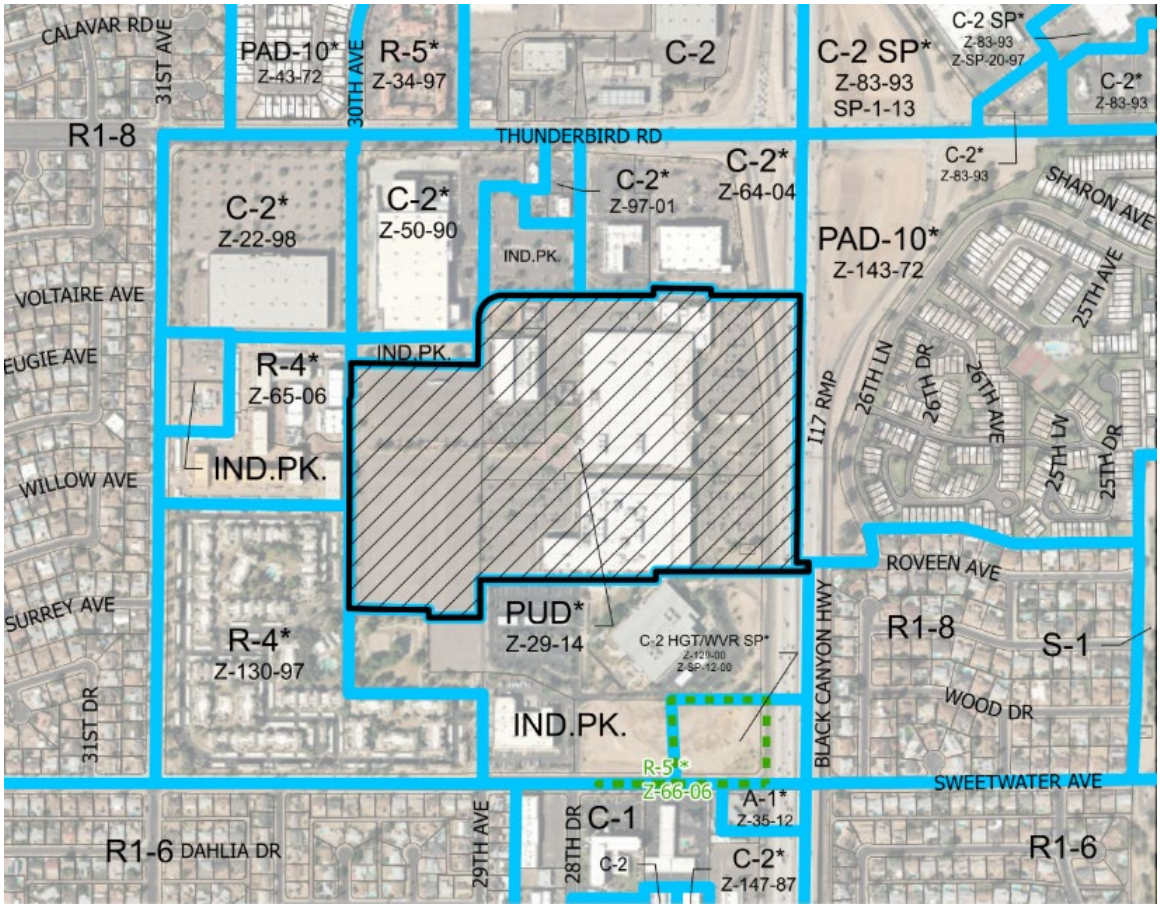
SUBJECT SITE

1. This request is to rezone a 42.61-acre site located approximately 550 feet south of the southwest corner of Thunderbird Road and Black Canyon Highway from PUD (Planned Unit Development) to PUD (Planned Unit Development). This request is a Major Amendment to the Metro North Corporate Park PUD regarding data centers, landscape setbacks, and design standards. The proposed PUD Major Amendment seeks to:

   1) Clarify that data centers are a principally permitted use;
   2) Establish use criteria for data centers that include health and safety measures such as data center size, noise mitigation, water and power consumption, fire prevention, and hazardous materials;
   3) Revise the north boundary landscape setback; and,
   4) Eliminate the color palette requirements contained in the Design Guidelines section of the PUD.

SURROUNDING LAND USES AND ZONING

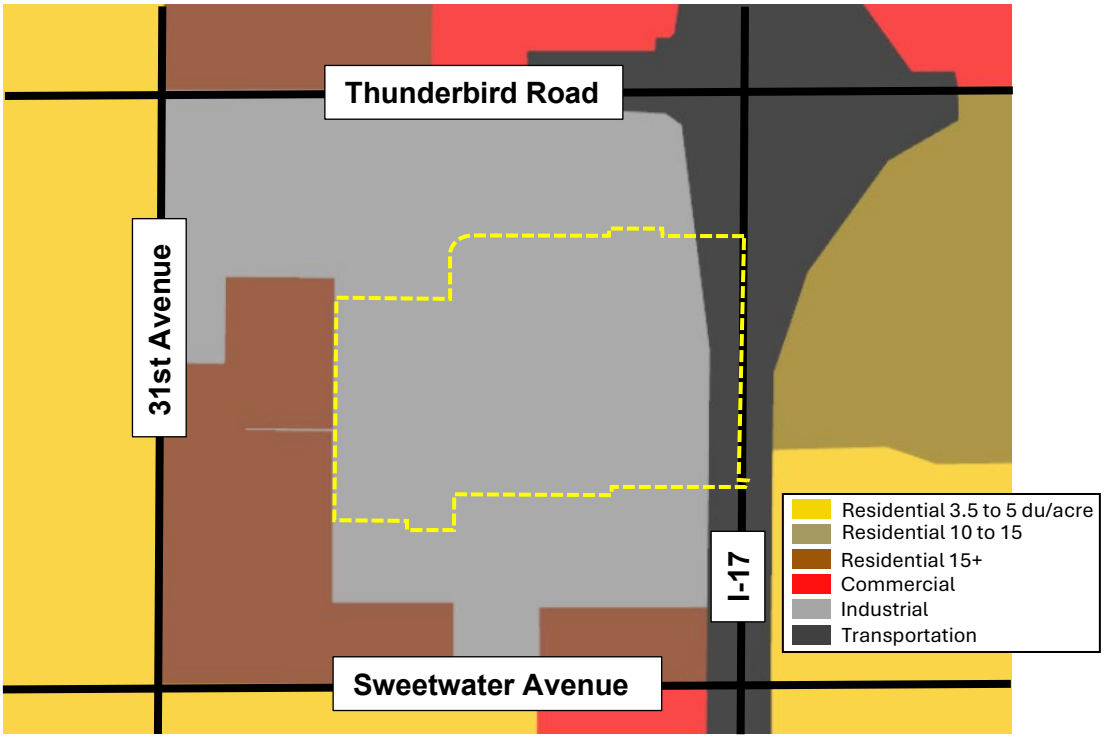
2. The area to the north consists of retail establishments, in-line shops, and associated parking, zoned C-2 (Intermediate Commercial) and IND. PK. (Industrial Park). To the east of the site is Interstate 17, while beyond the freeway are townhomes zoned PAD-10 (Planned Area Development) and single-family homes zoned R1-8 (Single-Family Residence District). South of the site is an office building, also zoned IND. PK. West of the site are multifamily residences zoned R-4 (Multifamily Residence District).



Existing Zoning Aerial Map
Source: Planning and Development Department

GENERAL PLAN LAND USE MAP DESIGNATION

3. The General Plan Land Use Map designates the subject site as Industrial. The area to the north of the site is also designated as Industrial, while the area to the east of the freeway is designated as Residential 3.5 to 5 dwelling units per acre and Residential 10 to 15 dwelling units per acre. The area to the south is designated as Industrial, while the area to the west is designated as Residential 15+ dwelling units per acre. The proposal is consistent with the General Plan Land Use Map designation.



General Plan Land Use Map
Source: Planning and Development Department

PROPOSAL

4. The proposal was developed utilizing the Planned Unit Development (PUD) zoning district. The PUD is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant authors and proposes standards and guidelines that are tailored to the context of a site on a case-by-case basis. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.

5. The original PUD was designed to allow for employment uses with development standards that are specific to this site. The proposed PUD Major Amendment seeks to amend these criteria. Below is a summary of the proposed development plan and permitted uses for the subject site as described in the attached PUD Major Amendment Narrative date stamped October 28, 2025.

Conceptual Development Plan and Permitted Uses

The original PUD proposed a regulatory framework structured around employment uses. The primary uses allowed under the proposed PUD Major Amendment are consistent with those currently approved under the original PUD, which include those allowed under C-O (Commercial Office), C-1 (Neighborhood Retail), C-2 (Intermediate Commercial), CP (Commerce Park), and A-1 (Light Industrial), with certain prohibitions. Since data centers were not specifically listed as a permitted use in the original PUD Narrative, or any of the zoning districts referenced within the PUD, the applicant has included data centers in the list of allowed uses under Section G.1 of the PUD Major Amendment Narrative. The

PUD Major Amendment Narrative also includes a robust list of prohibited uses as outlined in Section G.4 of the PUD Narrative, which includes but is not limited to adult businesses, rabbit slaughtering, and residential uses.

The applicant is also proposing certain use criteria specific to data centers to address health and safety concerns, which are discussed in Section H of the PUD Major Amendment Narrative and summarized below.

- Maximum cumulative building area of 100,000 square feet.
- Prohibition of nuclear generators
- Sound study and noise mitigation
- Limiting generator testing between the hours of 8:00 AM and 6:00 PM, Monday through Friday, excluding holidays
- Fuel storage tank secondary containment per the Phoenix Fire Code
- Fire suppression and early detection systems
- Battery Energy Storage associated with data centers per applicable code to include:
  - Ventilation and suppression systems
  - Battery inventory
  - Facility Map
  - Thermal runaway prevention
  - Off-gas monitoring systems
- Emergency access per the Phoenix Fire Code to include:
  - Emergency shutoffs
  - Digital site plan
- Wastewater discharge pretreatment
- Bacteria control for water-based cooling towers
- Access controls and surveillance
- Emergency Response Plan
- Large Water User Ordinance (Ordinance G-7237): If applicable, the facility will comply with Ordinance G-7237, which provides that developments that use an average of 250,000-gallons of water or more per day are required to provide a Water Conservation Plan. In addition, developments that use an average of 500,000-gallons of water or more per day are required to demonstrate a minimum of 30% water reuse in the Water Conservation Plan. The Water Conservation Plan must be reviewed and approved by the Water Services Department (WSD) prior to preliminary site plan approval.
- Disclosure of Hazardous Materials, which includes the submission of a hazardous materials management plan that clearly identifies all hazardous materials stored on site, including their quantities and reporting thresholds to be updated annually and made available to local fire and emergency management agencies

Utility Agreement for Power Consumption
As identified in the Health and Safety Impacts Report 2025 prepared by the Planning and Development Department, it is important to understand where a data center will receive its power. A data center that produces its own power – either permanently or while a local utility is ramping up its generating capacity – presents different health and safety considerations than a data center that gets all its power from a public utility, and large-scale on-site power production may not be compatible with existing residential or other uses. Even when a data center can be fully powered by the local utility, it may need a new substation or the installation of new high-capacity transmission lines, and the impact of such infrastructure on existing nearby uses should be understood. This is addressed in Stipulation No. 1.b.

Noise Generation
The applicant proposes a sound level of 70 dB(A) for all times of the day and exemptions for backup and emergency generators. This is inconsistent with the sound levels outlined in Section 647.A.2.kk(3)(a) of the Phoenix Zoning Ordinance, which limits the sound levels to no more than 55 dB(A) when measured at the property line of the nearest residentially zoned property to the proposed data center property between the hours of 7:00 a.m. and 10:00 p.m. and 45 dB(A) between the hours of 10:00 p.m. and 7:00 a.m.

Given the health concerns linked to noise pollution, staff recommends the sound levels be consistent with the 55dB(A) daytime sound level and 45 dB(A) nighttime sound level when located near residentially zoned properties. Staff recognize the proximity to the Interstate 17 freeway to the east, the size limitations of the potential data center(s) and existing industrial users in the surrounding area that currently generate noise in the area and therefore further refinement of the sound levels can be considered through a study of noise. This is addressed in Stipulation No. 1.c.

Law Enforcement and Emergency Management Coordination
Includes a site tour and training for Phoenix Fire Department on suppression systems, hazardous materials, and emergency shutdown procedures prior to the issuance of a Certificate of Occupancy. Staff recommends removing the last sentence. According to the International Association of Fire Fighters the growing presence of data centers requires specialized training, lots of planning and close cooperation with on-site security and engineering teams at these new sites; the site tour and training of Phoenix Fire Department are essential to address health and safety concerns with data centers. This is addressed in Stipulation No. 1.d.

Development Standards
Section I of the PUD Major Amendment Narrative proposes development standards intended to respond to the unique conditions associated with the site. Table 1 of Section I includes the proposed development standards. A summary of the proposed development standards as compared to those currently approved is provided below. The applicant proposes a change to one development standard,

that being the landscape setback associated with the northern property line from 20 feet to zero feet.

COMPARATIVE ZONING STANDARDS			
Standard		**Original PUD**	**Amended PUD**
Minimum Lot Width / Depth		None	None
Minimum Building Setbacks			
	North Property Line	Minimum 20 feet	Minimum 20 feet
	East Property Line	Minimum 30 feet	Minimum 30 feet
	West Property Line	Minimum 20 feet	Minimum 20 feet
	South Property Line	Minimum 20 feet	Minimum 20 feet
Landscape Setbacks			
	North Property Line	Minimum 20 feet	**Minimum 0 feet**
	East Property Line	Minimum 30 feet	Minimum 30 feet
	West Property Line	Minimum 20 feet	Minimum 20 feet
	South Property Line	Minimum 20 feet	Minimum 20 feet
Building Height		Maximum 60 feet and 5 stories	Maximum 60 feet and 5 stories
Building Separation		Per City of Phoenix Building Code	Per City of Phoenix Building Code
Lot Coverage		Maximum 60%	Maximum 60%
Floor Area Ratio		None	None

The applicant is seeking the reduction of the landscape setback associated with the north property of the site from 20 feet to zero feet. Staff is comfortable with this provision due to the northern perimeter's proximity to non-residential uses.

Landscape Standards

Section I.2 pertains to the landscape standards. The currently approved PUD Narrative references "Commerce Park Zoning District Standards"; however, that language is omitted from the proposed PUD Major Amendment Narrative, in deference to Table 1, which establishes certain landscape setbacks. While not specifically noted in either PUD Narrative, landscaping of the site must comply with Section 507 Tab A of the Phoenix Zoning Ordinance.

Walls and Screening

Section I.3 of the PUD Major Amendment Narrative refers to Section 702.B.7.b of the Phoenix Zoning Ordinance and notes that an eight-foot-high solid masonry wall will be provided along any property line that abuts residential zoning, except if that line is adjacent to a street. The PUD also requires that any open use or storage area will be screened by an eight-foot-high solid fence or continuous plantings. These criteria remain unchanged with the proposed PUD Major Amendment.

Parking Standards

Section I of the PUD Major Amendment Narrative also refers to Section 702 of the Phoenix Zoning Ordinance and includes provisions that require a solid, eight-

foot-high screen wall for loading spaces or loading docks located adjacent to a public street or within 100 feet of a residential use or zoning district. These criteria remain unchanged with the proposed Major Amendment.

Design Guidelines
Section J establishes design guidelines, which remain intact with the proposed PUD Major Amendment; however, the applicant is proposing that the currently approved Color Palette be omitted. The proposed omissions include:

"Color Palette
Colors and light materials for redevelopment or new development should be used to create visual harmony within ***Metro North Corporate Park*** *PUD. The approved colors are as follows:*

- *Desert hues and other "earth tones".*
- *Muted shades of blues, greens and reds found in the natural desert color vocabulary.*
- *Colors appearing in natural stone utilized in buildings."*

Other provisions relating to building materials and configurations, such as the use of common clay brick, ceramic tile, and internalized roof drains remain intact.

Special Consideration for Data Centers
Section J.1 includes design criteria specific to data centers, which include architectural embellishments for building facades that exceed 100 feet in length.

Signage
Section K of the PUD Major Amendment Narrative states that all signage will comply with Section 705 of the Phoenix Zoning Ordinance including a provision for off-premise signs and a reference to an approved Comprehensive Sign Plan.

6. COMMUNITY INPUT SUMMARY
As of the writing of this report, staff has received two letters of support.

INTERDEPARTMENTAL COMMENTS

7. The Street Transportation Department provided standard stipulations as follows:

- All improvements to the I-17 frontage road shall be reviewed and approved by the Arizona Department of Transportation. Documentation of ADOT review and approval shall be provided prior to Preliminary Site Plan approval.

This is addressed in Stipulation No. 2.

8. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery, and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 3.

9. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to final site plan approval. This is addressed in Stipulation No. 4.

10. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements such as obtaining a use permit if applicable. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The proposal is consistent with the General Plan Land Use Map designation and as stipulated, several General Plan policies related to data centers.

2. The proposal clarifies that data centers are an allowed use within the PUD and establishes criteria for such use.

3. The proposal will allow for continued use as an employment center.

Stipulations

1. An updated Development Narrative for the Metro North Corporate PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped October 28, 2025, as modified by the following stipulations.

    a. Front Cover:
    Revise Hearing Draft date to reflect October 28, 2025.
    Add “City Council adopted: [Insert Adoption date]”.

    b. Page 17: Section H, Data Center Use Criteria, Second Bullet. Revise as follows:

    - “A contractual agreement from a local utility company that affirms its capacity and commitment to serve the energy demand for the proposed data center shall be submitted to PDD prior to preliminary site plan approval.”

    c. Page 18: Section H, Data Center Use Criteria, Noise Generation. Revise as follows:

    - “Noise Generation:
        - Noise generated by the data center, including but not limited to noise generated by mechanical equipment, cooling systems, and

on-site power generators shall not exceed 55 dBA during daytime hours (7:00 a.m. – 10:00 p.m.) or 45 dBA during nighttime hours (10:00 p.m. – 7:00 a.m. as measured at the nearest residentially zoned property."
- Noise levels shall be measured using an ANSI-certified sound level meter on an A-weighted scale at ground level.
- Compliance shall be demonstrated through submission of a sound study prepared by a qualified acoustical engineer or other equivalent measurement documentation."

d. Page 19: Section H, Data Center Use Criteria, Law Enforcement and Emergency Management Coordination. Please delete last sentence.

2. All improvements to the I-17 frontage road shall be reviewed and approved by the Arizona Department of Transportation. Documentation of ADOT review and approval shall be provided prior to Preliminary Site Plan approval.

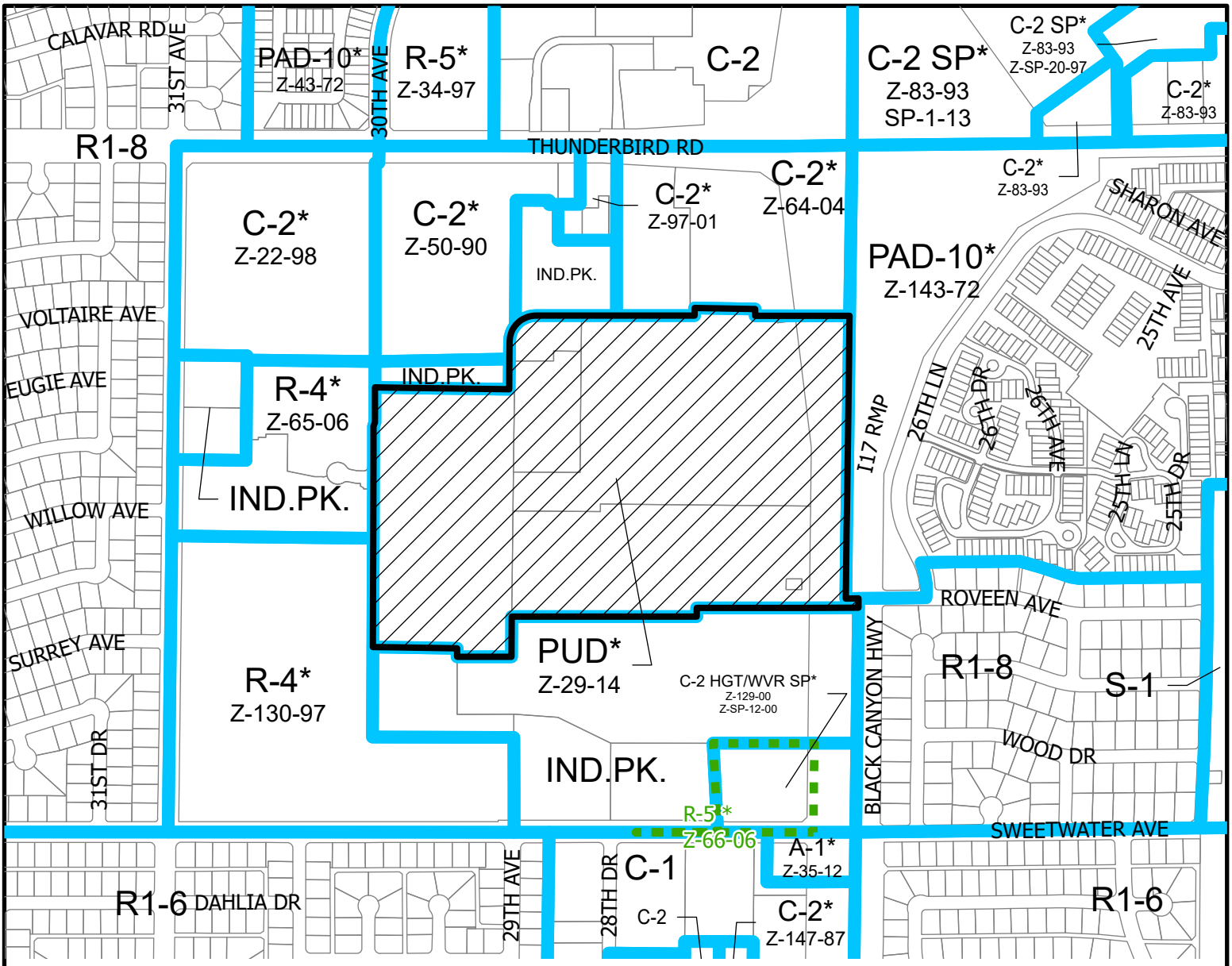
3. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

4. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record. This stipulation shall not be applicable if the property is owned by the City of Phoenix.

Writer
Robert Kuhfuss
October 31, 2025

Team Leader
Racelle Escolar

Exhibits
Sketch Map
Aerial Map
Correspondence (3 pages)
Metro North Commerce Park – PUD Amendment No.1 date stamped October 28, 2025

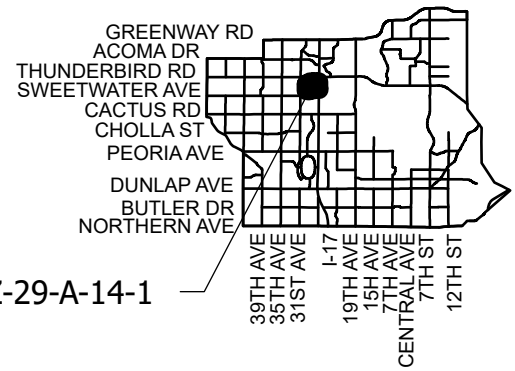


N

0 0.05 0.1 0.2 Miles

NORTH MOUNTAIN VILLAGE

COUNCIL DISTRICT: 1



Z-29-A-14-1

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICANT'S NAME:	Earl & Curley, P.C.
APPLICATION NO:	Z-29-A-14-1
DATE:	9/23/2025
REVISION DATES:	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.	42.61 Acres
AERIAL PHOTO & QUARTER SEC. NO.	QS 32-22
ZONING MAP	L-7

REQUESTED CHANGE:

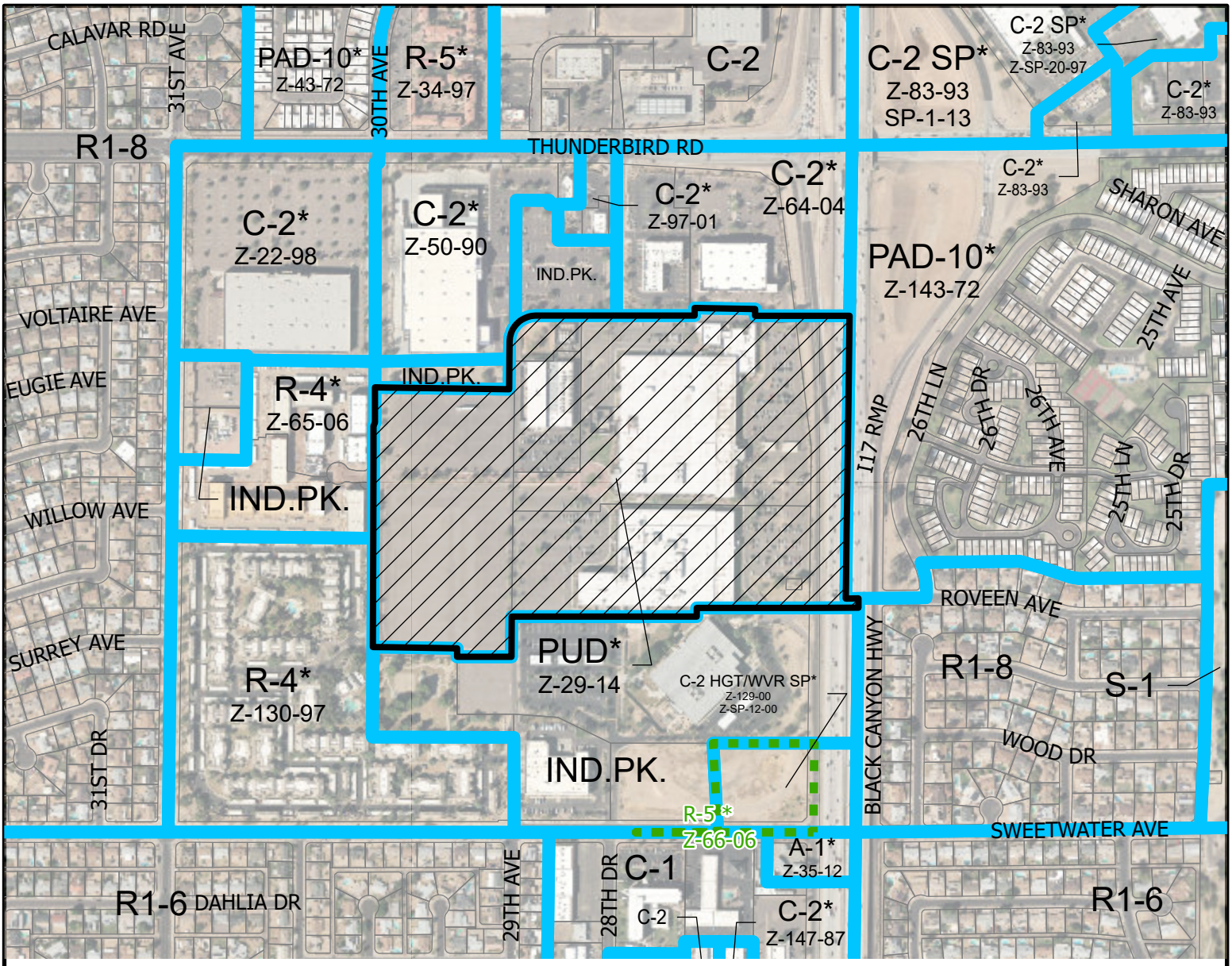
FROM: PUD (42.61 ac.)

TO: PUD (42.61 ac.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D OPTION
PUD	N/A	N/A
PUD	N/A	N/A

* Maximum Units Allowed with P.R.D. Bonus

Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\2014\Z-29-A-14-1.aprx

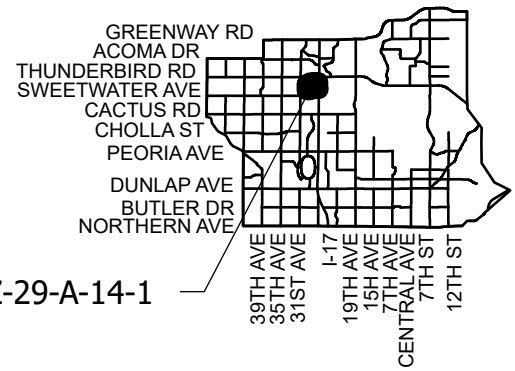


N

0 0.05 0.1 0.2 Miles

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ZONING MAP	L-7

REQUESTED CHANGE:

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TO: PUD (42.61 ac.)

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PUD	N/A	N/A
PUD	N/A	N/A

* Maximum Units Allowed with P.R.D. Bonus

Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\2014\Z-29-A-14-1.aprx

Jerry Tokoph
Dimension Financial & Realty Investments, Inc.
2920 E Camelback Road, Ste #200
Phoenix, Arizona 85016

August 5, 2025

RE: Site Plan Approval and Approval of Data Center use for Lot 7A1 & 7B1 of Metro North Corporate Park

Dear Mr. Tokoph,

We are the Owners of the Land and Real Property located at 13404 N. 30th Avenue within Metro North Corporate Park known as "The Reserve at Thunderbird" via our affiliated entities Thunderbird Developers Holding Company, LLC, Reserve at Thunderbird, LP and Reserve at Thunderbird II, LP. The purpose of this letter is to offer you our whole hearted and full support of the Data Center which you have planned for at the above referenced property.

If you have questions or need future assistance, please let me know.

Thank you,

Jessica Raymond
Executive Vice President
Atlantic Development & Investments, Inc.
jraymond@atlanticdev.com/480-433-3507

Ricardo Toris

Subject: Non-opposition - Best Buy

From: Green, Ryan <Ryan.Green@bestbuy.com>
Sent: Wednesday, October 1, 2025 11:06 AM
To: Taylor Earl <tearl@EarlCurley.com>
Subject: RE: Aerial

Thanks Taylor,
I don't have any concern about the color pallet or the proposed [data center] use. If the landscape setback request is simply intended to permit building owners to maintain the existing landscape setback in it's as-is form, I don't have any issue with that component of the request either.
Regards,

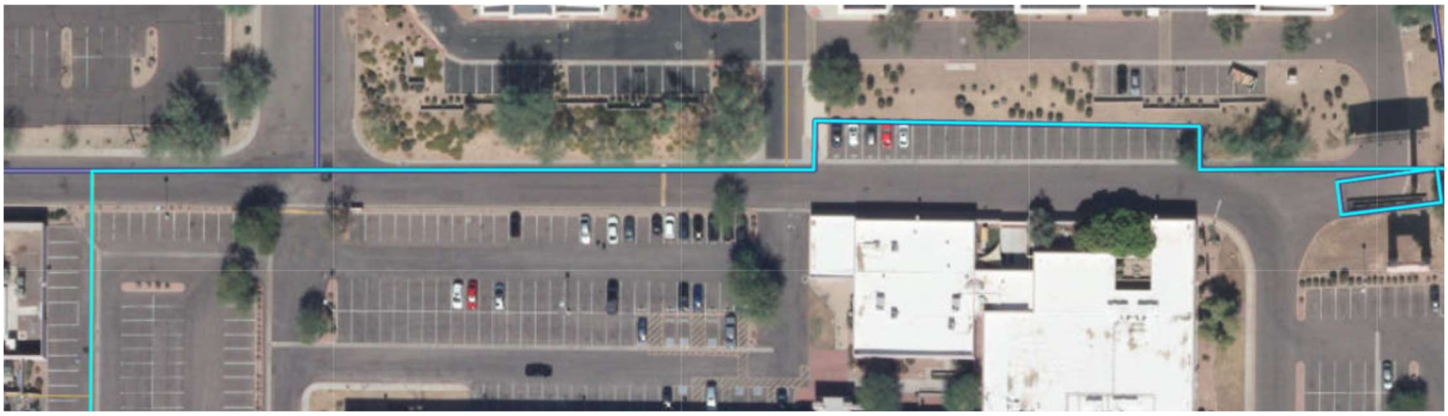
Ryan Green
Sr. Director, Real Estate
Best Buy Co., Inc.
612-214-1655 m

From: Taylor Earl <tearl@EarlCurley.com>
Sent: Monday, September 29, 2025 3:29 PM
To: Green, Ryan <Ryan.Green@bestbuy.com>
Subject: Aerial

Ryan,

Here is the zoom in I was looking at.

As part of our outreach process, we'd like to keep a record of neighbor feedback. Accurate to say Best Buy is not opposed to our PUD amendment request?



Taylor C. Earl
Managing Partner
Earl & Curley

(602) 265-0094
3101 N. Central Avenue
Suite 1000
Phoenix, Arizona 85012
www.earlcurley.com

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City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: November 18, 2025

From: Joshua Bednarek JB
Planning and Development Director

Subject: CONTINUANCE OF ITEM 69 ON THE NOVEMBER 19, 2025, FORMAL AGENDA – PUBLIC HEARING AND ORDINANCE ADOPTION - REZONING APPLICATION Z-29-A-14-1 (METRO NORTH CORPORATE PARK PUD) - APPROXIMATELY 550 FEET SOUTH OF THE SOUTHWEST CORNER OF THUNDERBIRD ROAD AND BLACK CANYON HIGHWAY (ORDINANCE G-7450)

Item 69, Rezoning Application No. Z-29-A-14-1, is a request to rezone 42.61 acres located at approximately 550 feet south of the southwest corner of Thunderbird Road and Black Canyon Highway from PUD (Planned Unit Development) to PUD (Planned Unit Development) for a Major Amendment to the Metro North Corporate Park PUD regarding data centers, landscape setbacks, and design standards.

At the request of the applicant, staff recommends that this case be continued to the December 3, 2025, City Council Formal Meeting.

Approved: _____ 11/18/25
Alan Stephenson
Deputy City Manager
Date

Attachment:
Exhibit A – Applicant's request for continuance

Tricia Gomes

From: Taylor Earl <tearl@EarlCurley.com>
Sent: Monday, November 17, 2025 7:21 PM
To: Joshua Bednarek; Tricia Gomes
Cc: David H Benton; Lori Van Haren; Derrik C Rochwalik; Council District 1 PCC; Tony J Motola; Mayor Gallego
Subject: Request for Continuance - Z-29-A-14-1

CAUTION: This email originated outside of the City of Phoenix.
Do not click links or open attachments unless you know the sender and were expecting this email.

Report Suspicious

RE: Request for Continuance
Z-29-A-14-1 (Metro North Corporate Park PUD)
Item 69 on the 11.19.2025 City Council Formal Agenda

Dear Josh,

In the spirit of continued cooperation between our client and the City, we respectfully submit this request for a continuance of the above-referenced matter from the November 19, 2025 City Council Hearing to the December 3, 2025 City Council Hearing.

Based on our recent discussions, it has become clear that additional time is necessary for the parties to jointly address the final items still under review. As such, we respectfully request this continuance be granted.

We look forward to continuing our collaborative efforts with the City. Please let us know if any further information is required to support this request.

Sincerely,

Taylor C. Earl
Managing Partner
Earl & Curley
(602) 265-0094
3101 N. Central Avenue
Suite 1000
Phoenix, Arizona 85012
www.earlcurley.com [earlcurley.com]

Earl & Curley
ZONING & LAND USE LAW

BEST LAW FIRMS
UNITED STATES
2025

City of Phoenix

Report

Agenda Date: 12/3/2025, **Item No.** 77

REQUEST TO CONTINUE (SEE ATTACHED MEMO) (CONTINUED FROM OCTOBER 15 AND NOVEMBER 5, 2025) - Public Hearing and Modification of Stipulation Request - Rezoning Application PHO-1-25--Z-323-79-6 - Northwest Corner of 24th Street and Missouri Avenue - District 6

Request to hold a public hearing on the Planning Hearing Officer rezoning application for the following item and consider adoption of the Planning Commission recommendation on September 4, 2025.

Summary

Application: PHO-1-25--Z-323-79-6
Existing Zoning: C-O
Acreage: 1.16

Applicant: Brett Slavicek, Slavicek Holdings, LLC
Owner: Slavicek Holdings, LLC
Representative: Jason Morris, Withey Morris Baugh P.L.C.
Appellant: Kurt Waldier, Gilbert Blilie, PLLC

Proposal:
1. Request to modify Stipulation 1 regarding general conformance to the site plan and rendering.
2. Request to delete Stipulation 2 regarding parking ratios.
3. Request to delete Stipulation 3 regarding commencement of construction.
4. Request to modify Stipulation 4 regarding building height.

VPC Action: The Camelback East Village Planning Committee (VPC) opted not to hear this item.
PHO Action: On May 21, 2025, the Planning Hearing Officer took the item under advisement. On July 7, 2025, the Planning Hearing Officer took the item out from under advisement and recommended denial as filed, approval with a modification and an additional stipulation.
PC Action: The Planning Commission heard this item on September 4, 2025, and recommended denial as filed, approval with a modification and an additional stipulation, per the Planning Hearing Officer recommendation, with a modification, by a

vote of 5-1.
The Planning Commission recommendation was appealed on September 10, 2025.

Location
Northwest corner of 24th Street and Missouri Avenue
Council District: 6
Parcel Address: 5500 N. 24th Street

Responsible Department
This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: November 24, 2025

From: Joshua Bednarek
Planning and Development Director

Subject: CONTINUANCE OF ITEM 77 ON THE DECEMBER 3, 2025, PUBLIC HEARING AND MODIFICATION OF STIPULATION REQUEST – REZONING APPLICATION PHO-1-25--Z-323-79-6 – NORTHWEST CORNER OF 24TH STREET AND MISSOURI AVENUE

This memo serves to request the continuance of the agenda item scheduled for the December 3, 2025, Formal Meeting, concerning the request to modify stipulations of entitlement for a 1.16-acre site located at the northwest corner of 24th Street and Missouri Avenue.

The applicant and appellant continue developing modifications and additions to the stipulations for the request. Staff recommends continuing this item to the January 7, 2026, City Council Formal meeting to allow additional time for the applicant and appellant to finalize the stipulations.

Approved: _____ 11/24/25
Alan Stephenson
Deputy City Manager
Date

ATTACHMENT A

Planning Commission Recommended Stipulations
PHO-1-25—Z-323-79-6

Location: Northwest corner of 24th Street and Missouri Avenue

STIPULATIONS:

1.	THE ~~D~~development SHALL be ~~to~~ in GENERAL conformance with the site plan and ELEVATIONS ~~rendering~~ DATE STAMPED APRIL 2, 2025, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2.	The parking ratio to be one space for every 250 square feet.
~~3.~~	~~Construction to commence within 24 months.~~
~~4.~~ ~~2.~~ 3.	That it be a one-story office complex with a height limitation not to exceed 24 feet.
~~3.~~ 4.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

ATTACHMENT B

City of Phoenix

***REVISED**
Staff Report: PHO-1-25--Z-323-79-6
***September 12, 2025**

APPLICATION #: PHO-1-25--Z-323-79-6

LOCATION: Northwest corner of 24th Street and Missouri Avenue

EXISTING ZONING: C-O

ACREAGE: 1.16

REQUEST: 1) Request to modify Stipulation 1 regarding general conformance to the site plan and rendering.
2) Request to delete Stipulation 2 regarding parking ratios.
3) Request to delete Stipulation 3 regarding commencement of construction.
4) Request to modify Stipulation 4 regarding building height.

APPLICANT: Brett Slavicek, Slavicek Holdings, LLC

OWNER: Slavicek Holdings, LLC

REPRESENTATIVE: Jason Morris, Withey Morris Baugh, PLC.

STAFF RECOMMENDATION

Denial as filed, approval with a modification and an additional stipulation, per the Planning Hearing Officer (PHO) recommendation.

PLANNING HEARING OFFICER RECOMMENDATION

On May 21, 2025, the Planning Hearing Officer took the case under advisement. On July 7, 2025, the Planning Hearing Officer took the case out from under advisement and recommended denial as filed, approval with a modification and an additional stipulation.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The Camelback East Village Planning Committee (VPC) opted not to hear this request.

BACKGROUND/ANALYSIS

The subject site consists of 1.16 gross acres located at the northwest corner of 24th Street and Missouri Avenue and is zoned C-O (Commercial Office-Restricted Commercial). The applicant requested the following modification requests (*Enclosure B):

- Modification to Stipulation 1 regarding general conformance with the site plan and rendering.
- Deletion of Stipulation 2 regarding parking ratios.
- Deletion of Stipulation 3 regarding commencement of construction.
- Modification to Stipulation 4 regarding building height.

* The conceptual site plan depicted the proposed second floor addition (957 square feet), existing bay unit at mezzanine, and 33 parking spaces (*Enclosure G). The conceptual elevations depicted a 24-foot-tall building with proposed slate roof tile, stone veneer framing to match the existing stone, a metal roof, and decorative wood pop-outs (*Enclosure H).

The appellant argues the PHO states in his findings for Request 4 “I support the rationale in the original decision" in regards to the original zoning case, during which the original applicant at the City Council hearing stated there would be "no mezzanine on the inside and they would not have two-story use of the structure." However, despite the PHO's concurrence, the PHO still recommended approval of modifying the original site plan and renderings that provides for a potential use of a 'mezzanine level' which we are appealing as well as allowing an increase in the parking ratio (*Enclosure A).

PREVIOUS HISTORY

On March 10, 1980, the Phoenix City Council approved Rezoning Case No. Z-323-79-6, a request to rezone approximately 1.16 acres located at the northwest corner of 24th Street and Missouri Avenue from RE-35 (Single-Family Residence) to C-O (Commercial Office-Restricted Commercial) (*Enclosure E). The proposed development was intended for professional offices.

The Planning Commission recommended denial of the case by a vote of 6-1 on, per staff recommendation, on November 28, 1979 (*Enclosure K). The staff recommendation indicated the following pros and cons of the case (*Enclosure L):

Pros:

- The parcel is on a major street.
- C-O zoning requires a site plan review.

Cons:

- The property was reasonably developed under the RE-35 zoning.
- Approval would lead to similar requests for lots on the west side of 24th Street and worsen traffic congestion on this street.
- Does not meet the recommended density designation of the 0-2 residential units per the 1985 Urban Forms Plan.

*

The City Council approved the rezoning to C-O with four stipulations to ensure the property remain compatible with the surrounding land uses (*Enclosure E).

NEIGHBORHOOD CONCERNS

Public Correspondence
Ninety-seven letters of support were received, indicating the proposed improvements will not cause any harm to the neighborhood, will not change its character, and will provide architecture that will make the building look more iconic (*Enclosure M).

Fifty-two letters of opposition were received, indicating concerns with the building height, the applicant's failure to obtain proper permits, the promotion of commercial development in a residential neighborhood, the building not meeting building code requirements, and privacy issues (*Enclosure N). A petition of opposition was submitted, containing over 140 signatures, including some members who rescinded their support for the case due to misinformation (*Enclosure O).

GENERAL PLAN LAND USE MAP DESIGNATION

Residential 1 to 2 dwelling units / acre

CHARACTER OF SURROUNDING LAND USE

	Zoning	Land Use
On-site:	C-O	Professional Office
North:	RE-35	Vacant Residential Lot
East: (Across 24th Street):	PAD-6	Single-Family Residential

South (Across Missouri Avenue):	RE-35	Single-Family Residential
West:	RE-35	Single-Family Residential

PLANNING HEARING OFFICER FINDINGS

1) The request to modify Stipulation 1 regarding conformance to the site plan and rendering is recommended to be approved with a modification. The modification is to replace the existing language with a standard language stipulation regarding general conformance to the site plan and elevations. The original stipulated site plan depicts an office building situated at the southeast corner of the lot. The proposed site plan depicts an 8,764 square foot office with a height of 26 feet-2 inches measured to the top of ridge. Note that maximum building height is addressed in Stipulation 4. The proposal is not changing the building footprint so there is no real change to the site plan. The building height is also not being modified.

   The stipulated rendering shows a well landscaped, commercial office that resembles a single-family residential home. The building features a large, pronounced front door, stone façade, a turret and undulating roof line. The office that was built onsite was consistent with the stipulated rendering.

   The proposed elevations reflect the existing office with modifications that include architecturally distinct facades, additional turrets, and several building additions including roof vents, pop-out windows and/or dormers. The west elevation shows a new large dormer with four new windows and a variety of building materials including stone veneer, decorative wood pop-outs, stucco and metal finishes that match the existing building. The windows appear to align with the proposed interior addition of office space to the existing mezzanine. The south elevation features two new turrets with windows that are also shown on mezzanine level. The east elevation shows several new roof vents and two new pop-outs with windows, one at mezzanine level and one on the ground floor. The north elevation features several proposed dormers and roof vents.

2) The request to delete Stipulation 2 regarding the parking ratio for required parking is recommended to be approved. The parking provided on the proposed site plan will allow the development to comply with current ordinance standards for this use.

3) The request to delete Stipulation 3 regarding the commencement of construction is recommended to be approved. This stipulation was met and the zoning was subsequently vested with adoption of an Official Supplementary Zoning Map.

4) The request to modify Stipulation 4 regarding building height is recommended to be denied. The applicant requested a modification to remove the language requiring the building to be built as one-story. The existing stipulation was intended to ensure that a one-story building was built on the site. The original stipulation was approved by City Council on March 10, 1980 and the minutes reflect that the original plan for the development was revised from a two-story to a one-story as a result of public concern related to the height of the building. In addition, it was noted by the original applicant at the City Council hearing that the maximum height would be 30 feet, with no mezzanine on the inside and they would not have two-story use of the structure. The City Council was concerned about the height and amended the motion to indicate one-story with a height limitation of 24 feet rather than 30 feet. I support the rationale in the original decision.

   At the PHO hearing, the applicant acknowledged the building will remain one-story after construction and they will not be adding an additional story to the building. The applicant noted that the proposed improvements will add an additional 1,035 square feet to an existing mezzanine that was constructed at some point since the original rezoning case approval. The applicant will be required to submit construction documents to the Planning and Development Department for approval and will therefore be required to comply with the stipulation, the Zoning Ordinance, and International Building Code requirements, which will be addressed during the plan review process.

5) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

1.	THE ~~D~~development SHALL be ~~to~~ in GENERAL conformance with the site plan and ELEVATIONS ~~rendering~~ DATE STAMPED APRIL 2, 2025, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
~~2.~~	~~The parking ratio to be one space for every 250 square feet.~~
~~3.~~	~~Construction to commence within 24 months.~~
2. ~~4.~~	That it be a one-story office complex with a height limitation not to exceed 24 feet.

3.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

Enclosures:

A- Appeal Documents (3 pages)
B- Applicant's Narrative for PHO-1-25--Z-323-79-6 (17 pages)
C- Aerial Map
D- Zoning Map
E- Approval Letter for Z-323-79-6 (1 page)
F- PHO Summary for PHO-1-25--Z-323-79-6 from May 21, 2025 (7 pages)
G- Conceptual Site Plan, date stamped April 2, 2025
H- Conceptual Elevations, date stamped April 2, 2025 (3 pages)
I- Stipulated Site Plan for Z-323-79-6
J- Stipulated Elevations for Z-323-79-6
K- Planning Commission Summary for Z-323-79-6 (3 pages)
L- Staff Recommendation from original staff report for Z-323-79-6 (2 pages)
M- Letters of support for PHO-1-25--Z-323-79-6 (102 pages)
N- Letters of opposition for PHO-1-25--Z-323-79-6 (62 pages)
O- Petition of opposition for PHO-1-25--Z-323-79-6 (46 pages)

ENCLOSURE A

PLANNING HEARING OFFICER APPEAL

***REVISED – 7/8/2025**

I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:

CASE NUMBER:	**PHO-1-25--Z-323-79-6**		
LOCATION:	Northwest Corner of 24th Street and Missouri Avenue		
PHO HEARING DATE:	May 21, 2025 (taken out from under advisement on July 7, 2025)	**RECEIVED:**	July 7, 2025
APPEALED BY:	☒ Opposition	☐ Applicant	
APPEALED TO:	**PLANNING COMMISSION**	*September 4, 2025 **TENTATIVE DATE**	
	CITY COUNCIL	*October 15, 2025 **TENTATIVE DATE**	

APPELLANT NAME AND ADDRESS/EMAIL:	**PHONE:**
Kurt Waldier Gilbert Blilie PLLC 701 North 44th Street Phoenix, AZ 85008 kwaldier@gilbertblilie.com	480-429-3061

RECEIPT NUMBER:	N/A

REASON FOR REQUEST:

The PHO states in Findings #4 that "I support the rational in the original decision" in regards to the original zoning case during which the original applicant at the City Council hearing stated there would be "no mezzanine on the inside and they would not have two-story use of the structure." However, despite the PHO's concurrence, the PHO still recommended approval of modifying the original site plan and renderings that provides for a potential use of a 'mezzanine level' which we are appealing, as well as allowing an increase in the parking ratio.

TAKEN BY:	Greg Harmon

Joshua Bednarek
Tricia Gomes
Racelle Escolar
Adam Stranieri
Byron Easton
PHO Planner Asst – Teresa Garcia
PC Planner Asst – Camryn Thompson
PHO Secretary – Ruth Somoza
PC Secretary – Vikki Cipolla-Murillo
GIS Team
Raquel Moreno – Posting

*REVISED 7/8/2025

CITY OF PHOENIX

JUL 07 2025

Planning & Development Department

City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

May 21, 2025 – PHO-1-25--Z-323-79-6
Taken out from under
The PLANNING HEARING OFFICER agenda for *Advisement on **July 7, 2025*** is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on *August 27, 2025*, Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on ***July 14, 2025***. (There is a **$630.00 fee** for hearings requested by the applicant.)

  Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. ***July 14, 2025***.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

PHO-1-25--Z-323-79-6 (APPLICATION NO.) **Northwest corner of 24th Street and Missouri Avenue** (LOCATION OF APPLICATION PROPERTY)

Kurt Waldier, Gilbert Blilie PLLC (NAME (PLEASE PRINT)) ☒ OPPOSITION ☐ APPLICANT

701 N 44th St (STREET ADDRESS:) kwaldier@gilbertblilie.com (EMAIL:)

Phoenix, AZ 85008 (CITY, STATE AND ZIP CODE) 480-429-3061 (TELEPHONE NO)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

May 21, 2025 – PHO-1-25--Z-323-79-6
Taken out from under
APPEALED FROM *advisement **July 7, 2025*** (DATE) **PHO HEARING TO** *9/4/2025 (DATE) **PC HEARING**

SIGNATURE: Kurt Waldier DATE: 7/7/2025

REASON FOR APPEAL: The PHO states in Findings #4 that "I support the rationale in the original decision" in regards to the original zoning case during which the original applicant at the City Council hearing stated there would be "no mezzanine on the inside and they would not have two-story use of the structure." However, despite the PHO's concurrence, the PHO still recommended approval of modifying the original site plan and renderings that provides for a potential use of a 'mezzanine level' which we are appealing, as well as allowing an increase in the parking ratio.

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

PLANNER TAKING APPEAL: GLH

Copies to: Case File PHO Planner – Teresa Garcia PHO Secretary – Ruth Somoza

City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION
APPLICATION NO: PHO-1-25--Z-323-79-6
Council District: 6

Request For: Stipulation Modification
Reason for Request: Request to modify Stipulation 1 regarding general conformance to the site plan and rendering.;Request to delete Stipulation 2 regarding parking ratios.;Request to delete Stipulation 3 regarding commencement of construction.;Request to modify Stipulation 4 regarding building height.

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Slavicek Holdings LLC	Owner	5500 North 24th Street Phoenix AZ 85016	602-285-4425		brett@slaviceklaw.com
Jason Morris, Withey Morris Baugh, PLC	Representative	2525 E Arizona Biltmore Cir, Suite A-212 Phoenix AZ 85016	6022300600		hannah@wmbattorneys.com
Brett Slavicek, Slavicek Holdings LLC	Applicant	5500 North 24th Street Phoenix AZ 85016	602-285-4425		brett@slaviceklaw.com
Kurt Waldier, Gilbert Blilie, PLLC	Appellant	701 North 44th Street Phoenix AZ 85008	480-429-3061		kwaldier@gilbertblilie.com

Property Location: Northwest corner of 24th Street and Missouri Avenue
Acreage: 1.16

Geographic Information

Zoning Map	APN	Quarter Section
I9	164-46-017	Q20-32
Village: Camelback East		

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning@phoenix.gov or visit our website at https://www.phoenix.gov/pdd/licensing-time-frames

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

Signature: K J Waldier DATE: 7/7/2025

Fee Information

Fee	Fee Waived	Fee Date	Purpose
$1,725.00	$0.00	04/02/25	PHO (3+ stipulations)

ENCLOSURE B

WITHEY MORRIS BAUGH

April 2, 2025

VIA HAND DELIVERY

Byron Easton
Planning Hearing Officer
Phoenix Planning & Development Department
200 West Washington Street, 2nd Floor
Phoenix, Arizona 85003

Re: Modification of Stipulations - Case No. Z-323-79 – NWC 24th Street and Missouri Avenue, Phoenix

Dear Mr. Easton:

This firm represents Brett Slavicek (the "Owner") regarding the proposal to renovate their law office building located at 5500 N. 24th Street in Phoenix, which is also known as Maricopa County APN 164-46-017 (the "Property"). This Property is a transitional piece between single-family residential and the Camelback Road corridor, which has intensive development and height. Please see attached **Exhibit A** for an aerial view of the Property. As explained herein, the proposed development requires modification of stipulations, which were approved 46 years ago per rezoning case Z-323-79, to accommodate the minor renovation to the existing office building.

BACKGROUND

The current office is a well-known charming building along 24th Street that resembles a stone home with architecturally distinct facades, copper turret, ample landscaping, flowers, and no signage. The C-O zoning for the site was approved in 1980, and the structure was built in 1982. The low impact of the current use on the site, the considerate design of the building, and care of the Property has created an asset to the neighborhood.

The original rezoning approval and exhibits are attached at **Exhibit B**.

PROPOSAL

Due to the age of the existing building and need to modernize, the Owner would like to improve the interior of the building and offer additional office space (approximately 1,000 square feet beyond what exists in the current mezzanine). These offices will stay within the current building footprint and existing building height of 24 feet. In addition to interior improvements, the building exterior will keep its charm, while updating aged elements such as the roof, which will convert to slate and add more copper, and additional landscaping.

The proposed site plan, elevation, and rendering are attached at **Exhibit C.**

STIPULATION MODIFICATION

To allow the proposed renovation of the Property, the Owner requests the following modification of stipulations approved for Z-323-79:

1. THE ~~D~~development SHALL ~~to~~ be in GENERAL conformance with the site plan and ~~rendering.~~ ELEVATIONS DATED_____, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

P: 602.230.0600
F: 602.212.1787
wmbattorneys.com
info@wmbattorneys.com
2525 E Arizona Biltmore Circle, Suite A-212
Phoenix, AZ 85016

Rationale: This stipulation has been modified to reflect the updated site plan and elevations for the minor office renovation.

~~2. The parking ratio to be one space for every 250 square feet.~~

Rationale: The parking should be consistent with the current and more modern city of Phoenix parking ratios, which are met with the proposal.

~~3. Construction commences within 24 months.~~

Rationale: This stipulation was accomplished with the original building and therefore is obsolete for this request.

4. THE BUILDING HEIGHT SHALL ~~That it be one-story office complex with a height limitation~~ not ~~to~~ exceed 24 feet.

Rationale: The intent of the original stipulation is still met with the height limitation of 24 feet, and this modification would clarify and accommodate the proposed building renovation.

CONCLUSION

This minor office renovation will maintain the appeal and architectural integrity of the current building, while providing more modern office building. The thoughtful proposal of the additional space positioned within the existing building footprint and height continues the tradition of being a good neighbor.

Very truly yours,

WITHEY MORRIS BAUGH P.L.C.



By
Jason B. Morris

Attachments

EXHIBIT A

E Luke Ave
E Marshall Ave
N Thunderbird
E Denton Ln
E Thunderbird Trl
N 25th St
N 23RD Pl
E MISSOURI AVE
E Marshall Ave
3RD St

EXHIBIT B

CITY OF PHOENIX
CITY CLERK DEPARTMENT

MAR 1980
RECEIVED
City of Phoenix
Planning Dept.
ADM.

March 14, 1980

Mr. Richard W. Schreiber
Schreiber & McGrew
6962 First Avenue
Scottsdale, Arizona 85251

Dear Mr. Schreiber:

The Phoenix City Council, at its meeting held Monday, March 10, 1980, considered Application No. 323-79, request of Richard W. Schreiber, on behalf of Irving Horowitz, to rezone the northwest corner of Missouri Avenue and 24th Street from RE-35 to C-O.

The City Council granted this rezoning, subject to the following stipulations:

1. Development to be in conformance with the site plan and rendering.

2. The parking ratio to be one space for every 250 square feet.

3. Construction to commence within 24 months.

4. That it be a one-story office complex with a height limitation not to exceed 24 feet.

The rezoning change will not become effective until the right-of-way dedications have been made, if necessary, and a supplementary zoning map has been adopted.

If you require further assistance or information, please contact the Planning Department, located on the sixth floor of the Municipal Building, 251 West Washington, or call 262-7131.

Sincerely,

Donna Culbertson
City Clerk Director

DC:al

Application No. 323-79
Applicant: Richard W. Schreiber (Owner: Irving Horowitz)
Subject: To rezone the northwest corner of Missouri Avenue and 24th Street from RE-35 to C-O.

EXISTING LAND USE

Single family residence

PROPOSED LAND USE

Professional Offices

NEIGHBORHOOD LAND USES

East - Townhouses
West - Single family residence
North - Vacant
South - Single family residence

EXISTING STREETS AND RIGHT-OF-WAY

Missouri Avenue - 73' of right-of-way with a 40' north half street and a 33' south half street. The street is improved with curbs and gutters.

24th Street - 100' of right-of-way with a 40' west half street and a 60' east half street. The street is improved with curbs and gutters.

ZONING HISTORY

On this Parcel: None

In the Area:

#146-78 A request to rezone a parcel beginning approximately 168.72' north of Missouri Avenue on the west side of 24th Street (2.5 acres) from RE-35 to PAD-6. The case was withdrawn at the Planning Commission hearing.

ADDITIONAL INFORMATION

The 1985 Urban Forms Plan designates the area for 0 - 2 dwelling units per acre. The plan recommends that developed areas showing specific residential densities should be preserved and any new development or redevelopment should conform to those recommended limits.

PRO'S AND CON'S

PRO'S: 1. The parcel is on a major street.

2. C-O requires site plan review.

- continued -

Application No. 323-79 (Continued)

CON'S:

1. The property has been reasonably developed under the current zoning.

2. Approval would lead to similar requests for the similarly situated lots on the west side of 24th Street. This would worsen traffic congestion on this street.

3. The 1985 Urban Forms Plan recommends 0 - 2 residential units for this area.

RECOMMENDATION

We recommend denial of this request.

RIGHT-OF-WAY NEEDED

None.

* * * * * * * * * * *

24TH. STREET
NORTH
SITE PLAN
1/8" = 1'-0"
MISSOURI
E-303.79

EXHIBIT C

ARCHITECT:

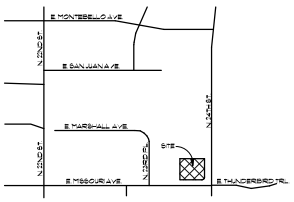
CHAVEZ AIA
4720 E CHOLLA ST.
PHOENIX, AZ 85028
(602) 992-9600
echavez@echavez.net

APPLICANT:

CHAVEZ AIA
4720 E CHOLLA ST.
PHOENIX, AZ 85028
(602) 992-9600
echavez@echavez.net

OWNER

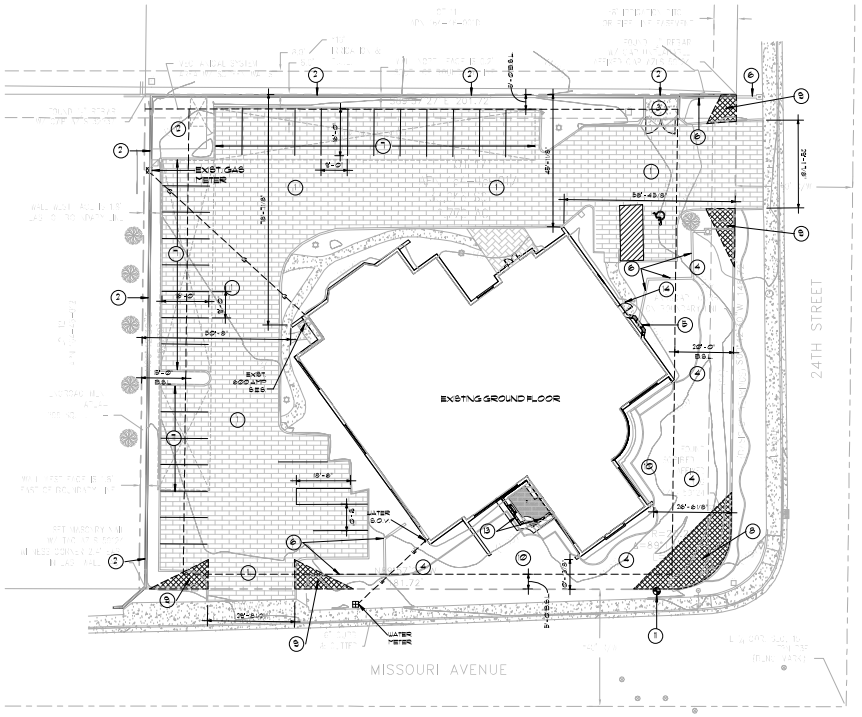
SLAVICEK HOLDINGS LLC
5500 N. 24TH ST.
PHOENIX AZ. 85016



VICINITY MAP
N.T.S.

KEY NOTES:

1. EXISTING PAVERS.
2. EXISTING STUCCO SITE WALLS 6'-0"
3. EXISTING 7'-0" X 6'-0" REFUSE.
4. EXISTING LAWN.
5. BUILDING ADDITION.
6. EXISTING SITE WALL 3'-0"
7. COVERED PARKING.
8. 33'X33' VISIBILITY TRIANGLE
9. 10'X10' VISIBILITY TRIANGLE
10. EXISTING RETENTION.
11. EXISTING FIRE HYDRANT.
12. EXISTING MECHANICAL EQUIPMENT.
13. EXISTING WALL, NOT ON 180 RENDERING.
14. EXISTING BAY UNIT AT MEZZANINE, NOT ON 180 RENDERING.



SITE PLAN
1" = 20'-0"

GRAPHIC SCALE: INCH = 20 feet
0 20' 40' 60' 80'

SITE DATA:

PROJECT DESCRIPTION:	REMODEL OF EXISTING MEZZANINE NTO SECOND FLOOR
LEGAL DESCRIPTION:	LOT 7, SAN SOUCI ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 59 OF MAPS, PAGE 2.
SITE ADDRESS:	5500 N. 24TH ST. PHOENIX, AZ 85016
A.P.N.:	164-46-017
LOT ZONING:	C-O
NET LOT SIZE:	34,404 SQ. FT. (0.80 ACRES)
GROSS LOT SIZE:	50,465 SQ. FT. (1.16 ACRES)
EXISTING GROUND FLOOR (FOOTPRINT):	8,764 SQ. FT.
PROPOSED 2ND FLOOR ADDITION:	957 SQ. FT.
LOT COVERAGE:	25.4%
EXST. BLDG HEGHT:	+/-26'-0" A.F.F. (TOP OF RIDGE)

EXISTING PARKING:

PARKING SPACES:	32
ADA SPACES:	1
TOTAL:	33

PARKING CALCULATION:

2,182 SQ. FT. x 80%=8 TS4/300=33 SPACES

ZONING CASE #:

Z-303-78

STIPULATIONS:
1. DEVELOPMENT TO BE IN CONFORMANCE WITH THE SITE PLAN AND RENDERING.
2. THE PARKING RATIO TO BE ONE SPACE FOR EVERY 250 SQUARE FEET.
3. CONSTRUCTION TO COMMENCE WITHIN 24 MONTHS.
4. THAT IT BE A ONE-STORY OFFICE COMPLEX WITH A HEIGHT LIMITATION NOT TO EXCEED 24 FEET.

P.H.O. REQUEST

1. ALLOW PARKING RATIO EQUAL TO CURRENT STANDARDS.
2. ALLOW SECOND STORY IN BUILDING, CONSISTENT WITH NEIGHBORHOOD AND AS PERMITTED IN STANDARD C-O ZONING.
3. ALLOW MODIFICATION OF EXTERIOR BUILDING ELEVATIONS.

REGISTERED ARCHITECT
21360
EDWARD D. CHAVEZ
ARIZONA U.S.A.

CHAVEZ ◇ AIA
ARCHITECTURE • DEVELOPMENT • COMMERCIAL • RESIDENTIAL • INTERIOR DESIGN
4720 EAST CHOLLA STREET PHOENIX, ARIZONA
602.493.9711 / 992.9600 / EMAIL: ECHAVEZ@ECHAVEZ.NET
SINCE 1972

EDWARD D. CHAVEZ
A.I.A. ARCHITECT
(602) 992-9600

CHAVEZ & ASSOCIATES RETAINS ALL STATUTORY OWNERSHIP OF THIS DESIGN, INCLUDING, BUT NOT LIMITED TO, ALL COPYRIGHTS, AND ALL OTHER RIGHTS AND INTERESTS THEREIN. ALL DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS PREPARED BY CHAVEZ & ASSOCIATES, INCLUDING THOSE IN ELECTRONIC FORM, ARE AND SHALL REMAIN THE PROPERTY OF CHAVEZ & ASSOCIATES. THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY PURPOSE OR PROJECT OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY WERE PREPARED, AND ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND ADAPTATION OF CHAVEZ & ASSOCIATES.

SLAVICEK
5500 N. 24TH ST., PHOENIX, AZ 85016

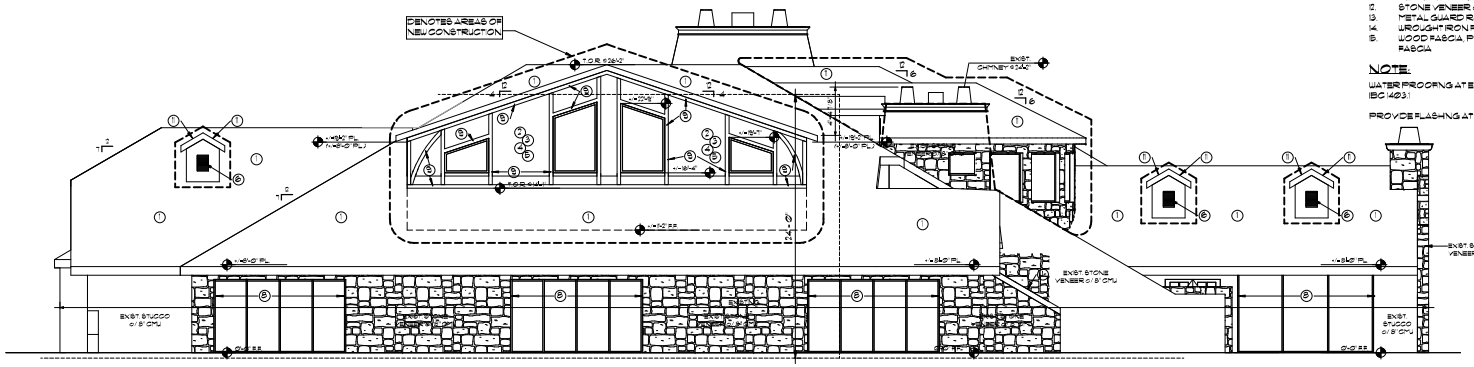
date	issue/revisions
08.18	
08.18	

JOB NUMBER
--

SHEET DESCRIPTION
SITE PLAN

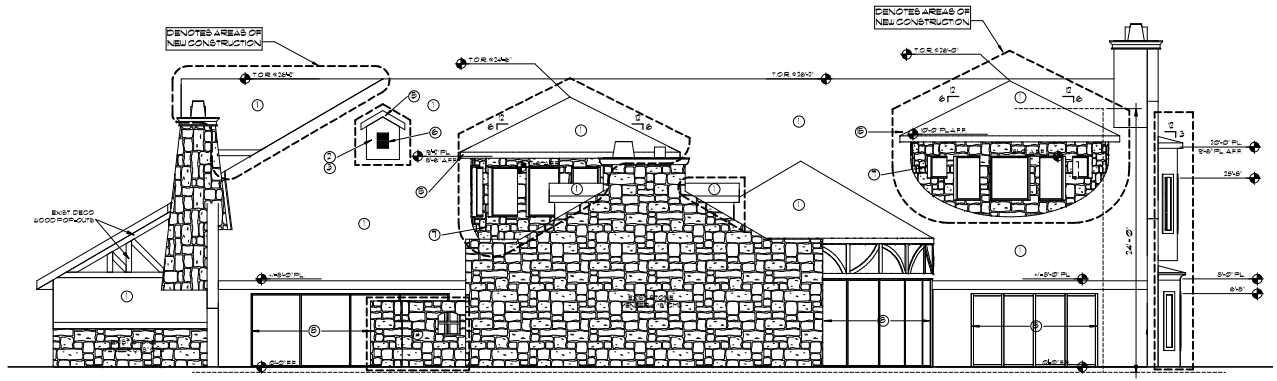
DATE
MARCH 18, 2025

A1



WEST ELEVATION

1 3/16" = 1'-0"



SOUTH ELEVATION

2 3/16" = 1'-0"

NOTES:

1. SLATE ROOF TILE.
2. SANKOTE STUCCO PER ICC ESR#1729 (SAND FINISH TEXTURE)
3. 2x WOOD STUDS AT 16" O.C.
4. TWO LAYERS OF GRADE 'D' FLAPPER TYP.
5. OSB SHEATHING PER STRUCTURAL PLANS.
6. ROOF VENT- SEE 'ROOF VENT PLAN' ON SHEET A8.
7. STONE VENEER (PER ICC ESR#2868 OR EQUAL) o/ FRAMING- MATCH EXISTING STONE.
8. EXISTING DOOR / DOW TO REMAIN.
9. DECORATIVE WOOD POP-OUTS. MATCH EXISTING DECORATIVE DESIGN.
10. STUCCO FINISH o/ 8" CMU.
11. METAL ROOF PER ICC ESR#3486 OR EQUAL
12. STONE VENEER o/ CMU.
13. METAL GUARD RAIL PER BC.
14. WROUGHT IRON FENCING
15. WOOD FASCIA, PAINTED TO MATCH EXISTING WOOD FASCIA

NOTE:

WATER PROOFING AT EXTERIOR SHALL COMPLY WITH IBC 1403.1

PROVIDE FLASHING AT ALL OPENINGS PER IRC 703.8

SLAVICEK

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A.I.A. ARCHITECT
602/955-6600

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SINCE 1972

date	issue / revisions
date	

JOB NUMBER

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SHEET DESCRIPTION

EXTERIOR ELEVATIONS

DATE

MARCH 18, 2025

A9

759

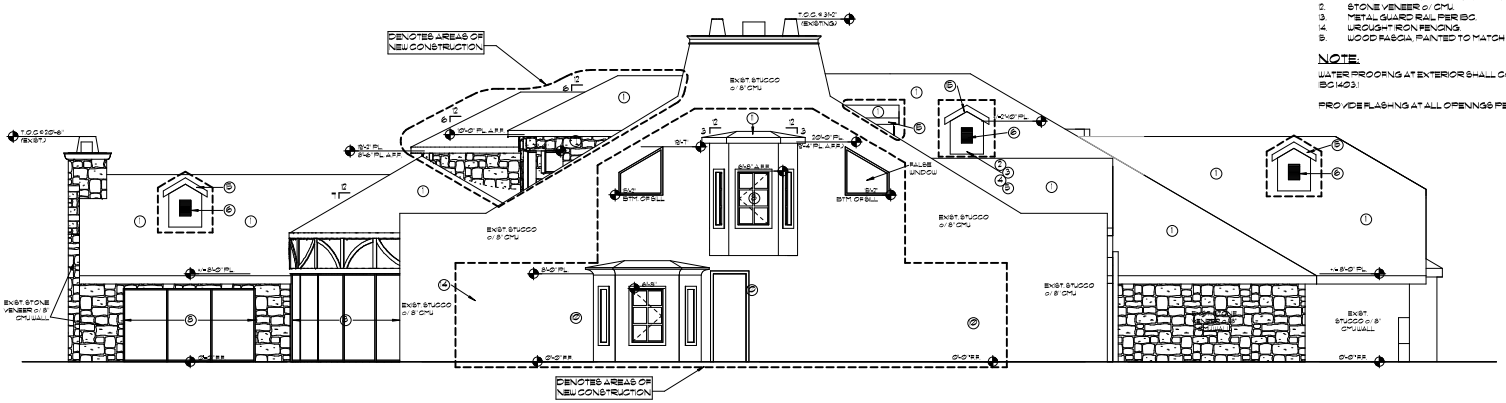
NOTES:

1. COMPOSITE ROOF TILE (PER ICC ESR #3 OR EQUAL)
2. SAN-KOTE STUCCO PER ICC ESR #1125 (SAND FINISH TEXTURE)
3. 2x WOOD STUDS AT 16" O.C.
4. TWO LAYERS OF GRADE 'D' PAPER TYP.
5. OSB SHEATHING PER STRUCTURAL PLANS.
6. ROOF VENT - SEE 'ROOF VENT PLAN' ON SHEET A8.
7. STONE VENEER (PER ICC ESR #1668 OR EQUAL) O/ FRAMING MATCH EXISTING STONE
8. EXISTING DOOR (DOU TO REMAIN.
9. DECORATIVE WOOD POP-OUTS. MATCH EXISTING DECORATIVE DESIGN.
10. STUCCO FINISH O/ 8" CMU.
11. METAL ROOFING MATCH EXISTING.
12. STONE VENEER O/ CMU.
13. METAL GUARD RAIL PER IBC.
14. WROUGHT IRON FENCING.
15. WOOD FASCIA PAINTED TO MATCH EXISTING WOOD FASCIA

NOTE:

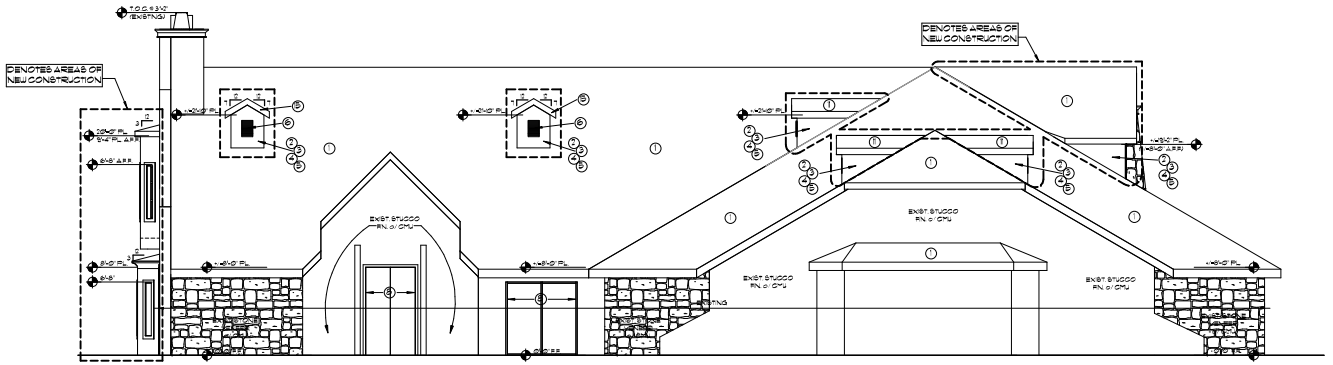
WATER PROOFING AT EXTERIOR SHALL COMPLY WITH IBC 1403.1

PROVIDE FLASHING AT ALL OPENINGS PER IRC 703.8



EAST ELEVATION

1 3/16" = 1'-0"



NORTH ELEVATION

2 3/16" = 1'-0"

SLAVICEK

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date	issue:
date	revisions

JOB NUMBER
--

SHEET DESCRIPTION
EXTERIOR ELEVATIONS

DATE
MARCH 18, 2025

A10

760

R-New Exterior View 2

R-New Exterior View 1

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issue	date
revisions	date

JOB NUMBER 1

SHEET DESCRIPTION RENDERINGS

DATE MARCH 18, 2025

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A.I.A. ARCHITECT

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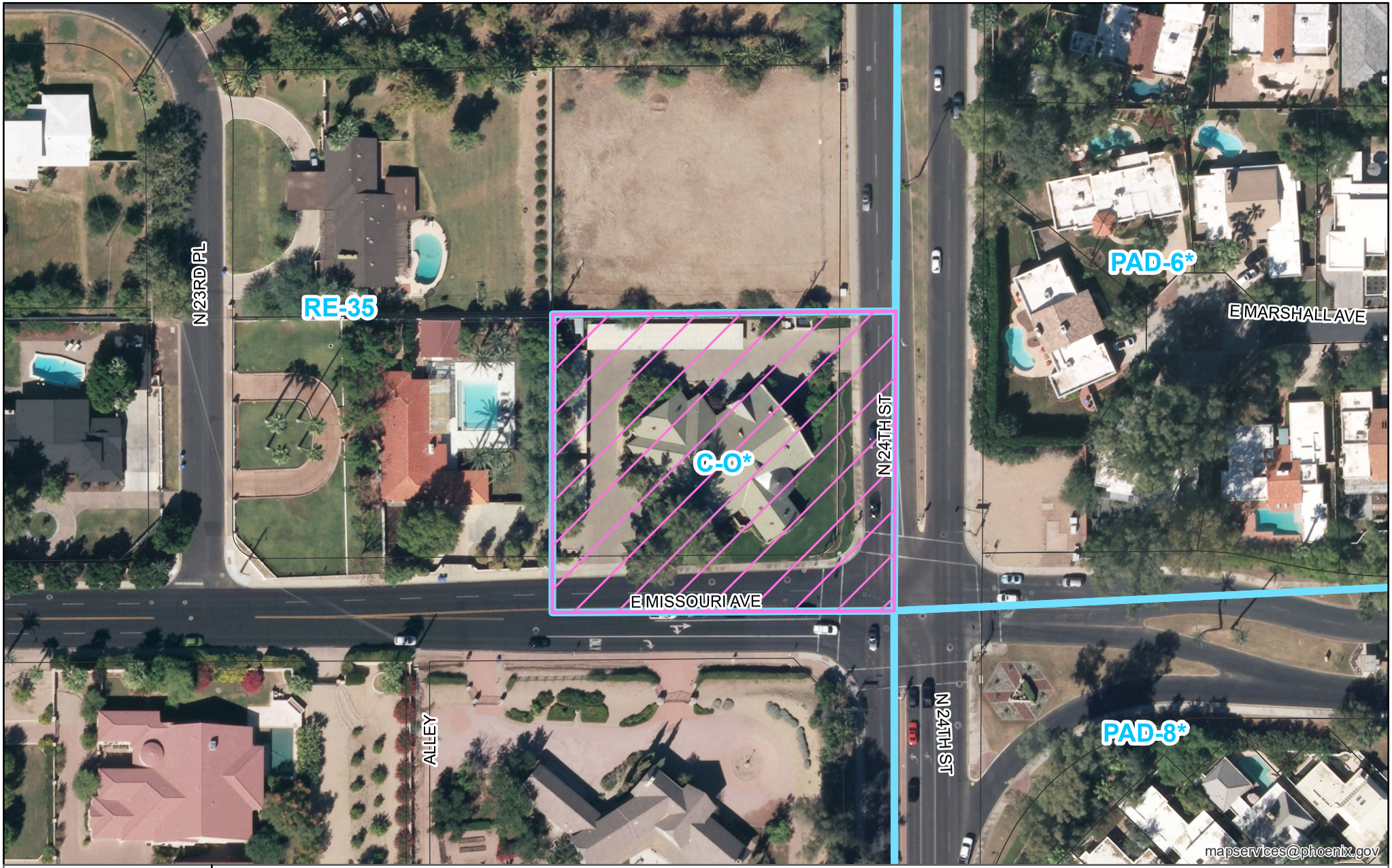
SLAVICEK

3500 N 14TH ST, PHOENIX AZ 85016





ENCLOSURE C



PHO-1-25--Z-323-79-6	**Property Location: Northwest corner of 24th Street and Missouri Avenue**

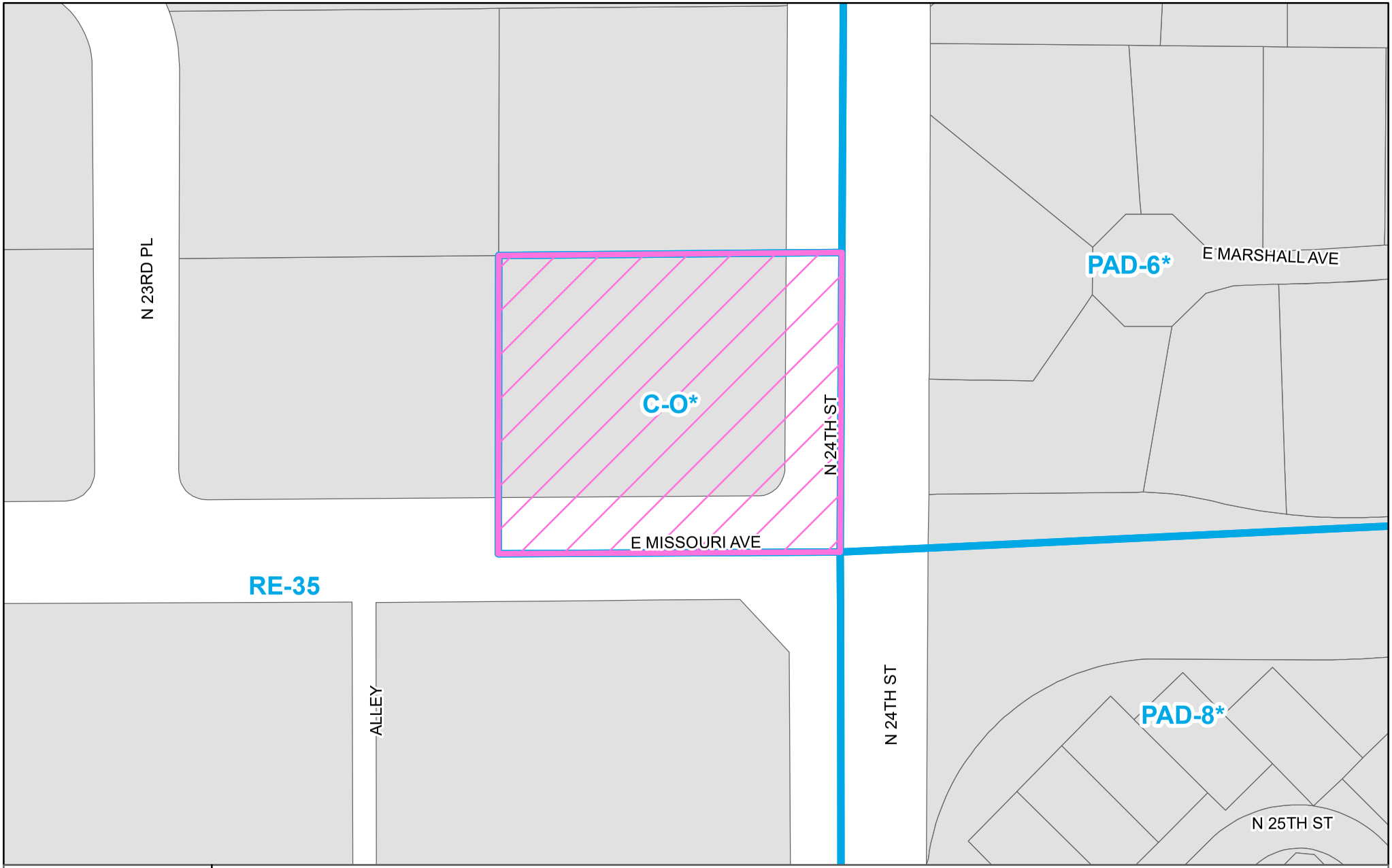
765

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 40 80 160 Feet

ENCLOSURE D



PHO-1-25--Z-323-79-6

Property Location: Northwest corner of 24th Street and Missouri Avenue

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 40 80 160 Feet

ENCLOSURE E

CITY OF PHOENIX
CITY CLERK DEPARTMENT

MAR 1980
RECEIVED
City of Phoenix
Planning Dept.
ADM.

March 14, 1980

Mr. Richard W. Schreiber
Schreiber & McGrew
6962 First Avenue
Scottsdale, Arizona 85251

Dear Mr. Schreiber:

The Phoenix City Council, at its meeting held Monday, March 10, 1980, considered Application No. 323-79, request of Richard W. Schreiber, on behalf of Irving Horowitz, to rezone the northwest corner of Missouri Avenue and 24th Street from RE-35 to C-O.

The City Council granted this rezoning, subject to the following stipulations:

Mod 1. Development to be in conformance with the site plan and rendering.

Del 2. The parking ratio to be one space for every 250 square feet.

Del 3. Construction to commence within 24 months.

Mod 4. That it be a one-story office complex with a height limitation not to exceed 24 feet.

The rezoning change will not become effective until the right-of-way dedications have been made, if necessary, and a supplementary zoning map has been adopted.

If you require further assistance or information, please contact the Planning Department, located on the sixth floor of the Municipal Building, 251 West Washington, or call 262-7131.

Sincerely,

Donna Culbertson
City Clerk Director

DC:al

ENCLOSURE F

REPORT OF PLANNING HEARING OFFICER ACTION
Byron Easton, Planner III, Hearing Officer
Teresa Garcia, Planner I, Assisting

May 21, 2025

ITEM NO: 5	
	DISTRICT NO. 6
SUBJECT:	
Application #:	PHO-1-25--Z-323-79-6
Location:	Northwest corner of 24th Street and Missouri Avenue
Zoning:	C-O
Acreage:	1.16
Request:	1) Request to modify Stipulation 1 regarding general conformance to the site plan and rendering. 2) Request to delete Stipulation 2 regarding parking ratios. 3) Request to delete Stipulation 3 regarding commencement of construction. 4) Request to modify Stipulation 4 regarding building height.
Applicant:	Brett Slavicek, Slavicek Holdings LLC
Owner:	Slavicek Holdings LLC
Representative:	Jason Morris, Withey Morris Baugh, LLC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer took the case under advisement. On July 7, 2025, the Planning Hearing Officer took the case out from under advisement and recommended denial as filed, approval with a modification and an additional stipulation.

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee opted not to hear this request.

DISCUSSION:

Jason Morris, representative of Withey Morris Baugh PLC, stated he is familiar with the subject site and thought this would be a straightforward PHO request, however, based on the amount of correspondence from the neighborhood, he now thinks differently. He gave an overview of the site and his request to delete Stipulations 1-4. He indicated the area was a target for urbanization in 1979 and the City Council recognized the need for a professional office at this intersection. He stated the current owner has owned the building since 2013 and has been a good neighbor and has maintained the look of the building and landscaping.

He noted the building and parking lot are often underutilized and surrounding neighbors have used the parking lot when they have social gatherings. He stated there are parking canopies along the north and west boundaries of the parking lot and the building is pushed more towards the intersection of 24th Street and Missouri Avenue, thus creating separation from the surrounding residential uses.

He explained that the project will primarily be an interior remodel with just a few exterior changes; they do not intend to increase the building height, change the use, or add a second floor. He stated there is an existing mezzanine that meets the definition of a mezzanine in the Zoning Ordinance and in addition, a City of Phoenix Municipal Judge who heard the original Neighborhood Services violation case. He explained that the applicant is proposing the addition of two and a half meeting rooms to an existing space that contains a law library and a small kitchen and the total square footage they are requesting includes an interior mezzanine space addition of approximately 1,000 square feet.

Byron Easton, Planning Hearing Officer, asked Mr. Morris to clarify why the existing 1,411 square foot mezzanine space is being incorporated into the new total floor space.

Mr. Morris clarified there are three levels to the building: a small basement, the main level and the existing mezzanine space, which has been in place for some time. He stated their request is just to add an additional 1,035 square feet; there will be no new mezzanine or new floor space added.

Mr. Easton asked if the total floor space is the sum of the new floor space and the existing floor space. Mr. Morris confirmed this was correct.

Mr. Morris gave an overview of their request to modify Stipulation 1 regarding general conformance to the site plan and rendering. The request is meant to address the exterior changes proposed on the site. The project scope originally focused on updating the roof to a slate roof and that warranted a larger remodel of the building, including a new turret structure featuring a copper roof. He reiterated the height of the building will remain under the approved 24-foot height limit that was stipulated in the original rezoning case. He noted the mezzanine level on the west side of the building will include windows that will be screened by 4 levels of foliage and will face southwest towards Missouri Avenue. In addition, the windows will be 5 feet above floor level to provide interior light and views of the sky but will not provide views into the neighbor’s property adjacent to the west.

He discussed his request to modify Stipulation 2 regarding parking ratios by noting the current parking standards are being met and the parking lot has rarely been at maximum capacity. The parking lot is only full occasionally on the weekends, when the owner has allowed neighbors to use it for personal gatherings. He stated the renovations will be uniform with the neighborhood

character and a second floor will not be added. He clarified that the mezzanine is not a second story, and the property owner does not intend to exceed 24 feet in height. Mr. Morris stated regardless of how much misinformation had been circulated in the neighborhood, they have received 78 letters and 91 signatures in support of the PHO request.

Paul Gilbert, representative of Beus Gilbert, stated he spoke on behalf of several neighbors in opposition. He gave an overview of the site and the history of the rezoning case. He indicated the original zoning stipulations were intended to protect the neighborhood and make lasting commitments to the surrounding neighbors. He stated the applicant has not been the good neighbor that he claims to be.

He noted the site is “spot zoned” and is the only commercial zoned property within a 2,000-foot radius. He noted the surrounding density is low density residential, therefore the use is inconsistent with the General Plan designation of Residential 1 to 2 du/acre. He stated the original case faced public opposition, and Staff and the Planning Commission recommended denial of the application. The City Council minutes indicated the building was revised from a two-story building to a one-story building with no mezzanine and the windows were not to exceed 8 feet in height. He stated the applicant intended to change the parking ratio to 1 space for every 300 square feet instead of 1 space for every 250 square feet. He noted the owner proceeded with construction of the second story without obtaining the proper permits, even though the building was deemed unsafe. He stated the only permit obtained was a roof permit, but no permits were pulled for the other renovations. He stated the owner’s claims about the existing mezzanine were not consistent with the narrative nor Mr. Morris’ presentation. He states the project will support multistory office uses along 24th Street and encourage other property owners to start construction without acquiring the appropriate permits first. He stated the parking lot has been full on multiple occasions, prompting people to park in the surrounding neighborhood, including himself when he’s attended a seminar in the building.

Mr. Morris expressed his disagreement with Mr. Gilbert. He stated some neighbors who switched their position on the case were given incorrect information. He reiterated the applicant is only adding 1,035 square feet, the site plan Mr. Gilbert presented was incorrect, and they intend to meet the parking standards per the Planning and Development Department. He stated he appreciates and respects Mr. Gilbert’s opinion, but the applicant never made a commitment to preserving the current appearance of the building, he only committed to keeping the building appearance consistent with the character of the neighborhood. He reiterated that a mezzanine is not the same as a new floor or story. The applicant is remaining compliant with the definition of a mezzanine and are not increasing the building height. He said the PHO hearing is not a litigation regarding the non-permitted construction, but a way for the owner to demonstrate compliance with City requirements.

Brett Slavicek, the current property owner, stated he wanted more space to accommodate his son going to law school. He noted that he was not advised the proper permits were not obtained nor of the window height restriction. He reiterated the definition of a mezzanine may be considered a floor, but not a story and intends on meeting the 24-foot building height. He stated he is undergoing the PHO process to correct the violations.

Peter Drake, a member of the public speaking in opposition to the request, stated he is familiar with this case and has lived in the neighborhood for many years. He stated there is no justification to change the building since the neighborhood has not been subject to any residential to commercial conversions since 1980.

Bill Shubert, a member of the public speaking in opposition to the request, stated he's an active member of the neighborhood and has experience with contracting and development. He stated the original applicant of the rezoning case was able to convince some neighbors to withdraw their opposition because of the original stipulations that were granted. He reiterated that modifying the stipulations and doing unpermitted construction is no way to treat the neighborhood.

Dennis Clifford, a member of the public speaking in support of the request, lives across the street from the site and does not see an increase in height. He stated the members of the public that spoke in opposition to the request are exaggerating the impact of the requests and the building modifications will not negatively affect the neighborhood. He stated the owner is trying to accommodate the neighbors and indicated he attended the same seminar Mr. Gilbert attended and that was the only time the parking lot was full.

Greg Nadeau, a member of the public speaking in support of the request, said the property owner is doing a great job of keeping the property clean. He stated the new square footage added will not affect the building height and will enhance the appearance of the building.

Mr. Easton asked Mr. Morris if he knew when the mezzanine was built. Mr. Morris stated he remembers being inside the building in the 80's and thinks it was part of the original rezoning case. He stated the City Council minutes Mr. Gilbert referred to were referring to a proposed building that was intended to be 30' in height. Mr. Easton asked if they provided a rendering that indicated the window height. Mr. Morris stated they did not. He asked Mr. Morris to elaborate on how a mezzanine is not considered a floor or story. Mr. Morris said the definition is laid out in the Zoning Ordinance.

He asked Mr. Morris if a mezzanine is not a story, then why is the applicant requesting to delete Stipulation 4. Mr. Morris stated he is asking to work in the confines of the height requirement.

Mr. Easton stated he received a large amount of correspondence from members of the public during the review period. He received several more letters and emails directly leading up to the hearing and did not have an opportunity to review all the correspondence. In addition, information was presented during the hearing that he would like to verify, including the definition of mezzanine, any past rulings related to the mezzanine and the permit history tied to this parcel. He stated that he would take the case under advisement in order to consider the multitude of arguments in opposition and support of the request, both as presented at the hearing and received via mail and/or email.

FINDINGS:

1) The request to modify Stipulation 1 regarding conformance to the site plan and rendering is recommended to be approved with a modification. The modification is to replace the existing language with a standard language stipulation regarding general conformance to the site plan and elevations. The original stipulated site plan depicts an office building situated at the southeast corner of the lot. The proposed site plan depicts an 8,764 square foot office with a height of 26'-2" measured to the top of ridge. Note that maximum building height is addressed in Stipulation 4. The proposal is not changing the building footprint so there is no real change to the site plan. The building height is also not being modified.

   The stipulated rendering shows a well landscaped, commercial office that resembles a single-family residential home. The building features a large, pronounced front door, stone façade, a turret and undulating roof line. The office that was built onsite was consistent with the stipulated rendering.

   The proposed elevations reflect the existing office with modifications that include architecturally distinct facades, additional turrets, and several building additions including roof vents, pop-out windows and/or dormers. The west elevation shows a new large dormer with four new windows and a variety of building materials including stone veneer, decorative wood pop-outs, stucco and metal finishes that match the existing building. The windows appear to align with the proposed interior addition of office space to the existing mezzanine. The south elevation features two new turrets with windows that are also shown on mezzanine level. The east elevation shows several new roof vents and two new pop-outs with windows, one at mezzanine level and one on the ground floor. The north elevation features several proposed dormers and roof vents.

2) The request to delete Stipulation 2 regarding the parking ratio for required parking is recommended to be approved. The parking provided on the proposed site plan will allow the development to comply with current ordinance standards for this use.

3) The request to delete Stipulation 3 regarding the commencement of construction is recommended to be approved. This stipulation was met and the zoning was subsequently vested with adoption of an Official Supplementary Zoning Map.

4) The request to modify Stipulation 4 regarding building height is recommended to be denied. The applicant requested a modification to remove the language requiring the building to be built as one-story. The existing stipulation was intended to ensure that a one-story building was built on the site. The original stipulation was approved by City Council on March 10, 1980 and the minutes reflect that the original plan for the development was revised from a two-story to a one-story as a result of public concern related to the height of the building. In addition, it was noted by the original applicant at the City Council hearing that the maximum height would be 30 feet, with no mezzanine on the inside and they would not have two-story use of the structure. The City Council was concerned about the height and amended the motion to indicate one-story with a height limitation of 24 feet rather than 30 feet. I support the rationale in the original decision.

   At the PHO hearing, the applicant acknowledged the building will remain one-story after construction and they will not be adding an additional story to the building. The applicant noted that the proposed improvements will add an additional 1,035 square feet to an existing mezzanine that was constructed at some point since the original rezoning case approval. The applicant will be required to submit construction documents to the Planning and Development Department for approval and will therefore be required to comply with the stipulation, the Zoning Ordinance, and International Building Code requirements, which will be addressed during the plan review process.

5) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

1.	THE ~~D~~development SHALL be ~~to~~ in GENERAL conformance with the site plan and ELEVATIONS ~~rendering~~ DATE STAMPED APRIL 2, 2025 AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
~~2~~.	~~The parking ratio to be one space for every 250 square feet.~~

~~3.~~	~~Construction to commence within 24 months.~~
2. ~~4.~~	That it be a one-story office complex with a height limitation not to exceed 24 feet.
3.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

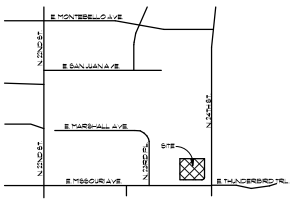
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ENCLOSURE G

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(602) 992-9600
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APPLICANT:
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4720 E CHOLLA ST.
PHOENIX, AZ 85028
(602) 992-9600
echavez@echavez.net

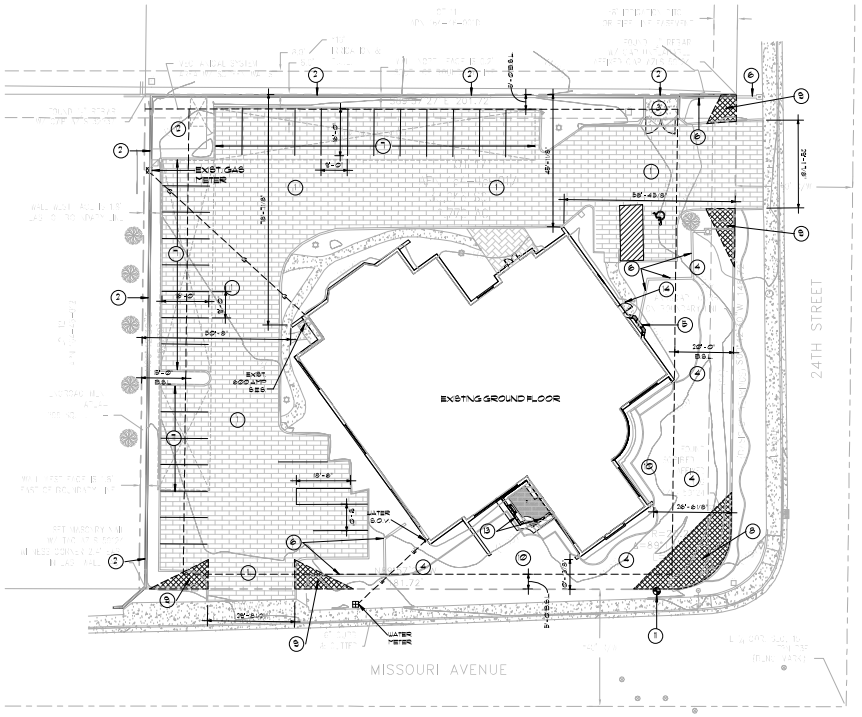
OWNER
SLAVICEK HOLDINGS LLC
8500 N. 24TH ST.
PHOENIX AZ. 85016



VICINITY MAP
N.T.S.

KEY NOTES:

1. EXISTING PAVERS.
2. EXISTING STUCCO SITE WALLS 6'-0"
3. EXISTING 7'-0" X 6'-0" REFUSE.
4. EXISTING LAWN.
5. BUILDING ADDITION.
6. EXISTING SITE WALL 3'-0"
7. COVERED PARKING.
8. 33'X33' VISIBILITY TRIANGLE
9. 10'X10' VISIBILITY TRIANGLE
10. EXISTING RETENTION.
11. EXISTING FIRE HYDRANT.
12. EXISTING MECHANICAL EQUIPMENT.
13. EXISTING WALL, NOT ON 180 RENDERING.
14. EXISTING BAY UNIT AT MEZZANINE, NOT ON 180 RENDERING.



SITE PLAN
1"=20'-0"

GRAPHIC SCALE: INCH = 20 feet
0 20' 40' 60' 80'

SITE DATA:

PROJECT DESCRIPTION:	REMODEL OF EXISTING MEZZANINE INTO SECOND FLOOR
LEGAL DESCRIPTION:	LOT 7, SAN SOUCI, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 50 OF MAPS, PAGE 2.
SITE ADDRESS:	8500 N. 24TH ST. PHOENIX, AZ 85016
A.P.N.:	164-46-017
LOT ZONING:	C-O
NET LOT SIZE:	34,404 SQ. FT. (0.80 ACRES)
GROSS LOT SIZE:	50,468 SQ. FT./1.16 ACRES)
EXISTING GROUND FLOOR (FOOTPRINT):	8,764 SQ. FT.
PROPOSED 2ND FLOOR ADDITION:	957 SQ. FT.
LOT COVERAGE:	28.4%
EXST. BLDG HEIGHT:	+/-26'-0" A.F.F. (TOP OF RIDGE)

EXISTING PARKING:

PARKING SPACES:	32
ADA SPACES:	1
TOTAL:	33

PARKING CALCULATION:

2,782 SQ. FT. x 80%=2,8 "B4/300= 33 SPACES

ZONING CASE #:

Z-323-79

STIPULATIONS:
1. DEVELOPMENT TO BE IN CONFORMANCE WITH THE SITE PLAN AND RENDERING.
2. THE PARKING RATIO TO BE ONE SPACE FOR EVERY 250 SQUARE FEET.
3. CONSTRUCTION TO COMMENCE WITHIN 24 MONTHS.
4. THAT IT BE A ONE-STORY OFFICE COMPLEX WITH A HEIGHT LIMITATION NOT TO EXCEED 24 FEET.

P.H.O. REQUEST

1. ALLOW PARKING RATIO EQUAL TO CURRENT STANDARDS.
2. ALLOW SECOND STORY IN BUILDING, CONSISTENT WITH NEIGHBORHOOD AND AS PERMITTED IN STANDARD C-O ZONING.
3. ALLOW MODIFICATION OF EXTERIOR BUILDING ELEVATIONS.

CITY OF PHOENIX
APR 02 2025
Planning & Development Department

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8500 N. 24TH ST., PHOENIX, AZ 85016

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date	date

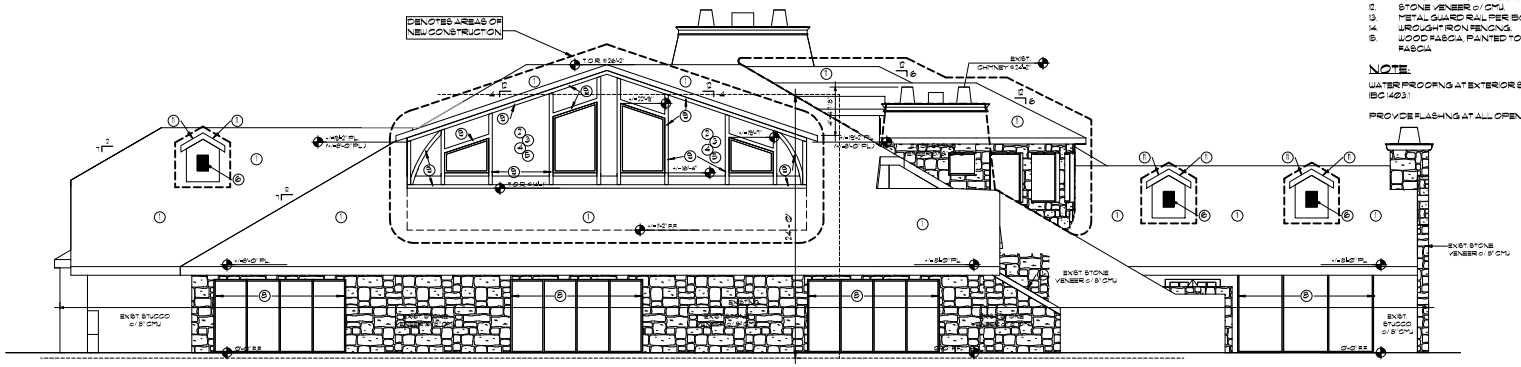
JOB NUMBER
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SHEET DESCRIPTION
SITE PLAN

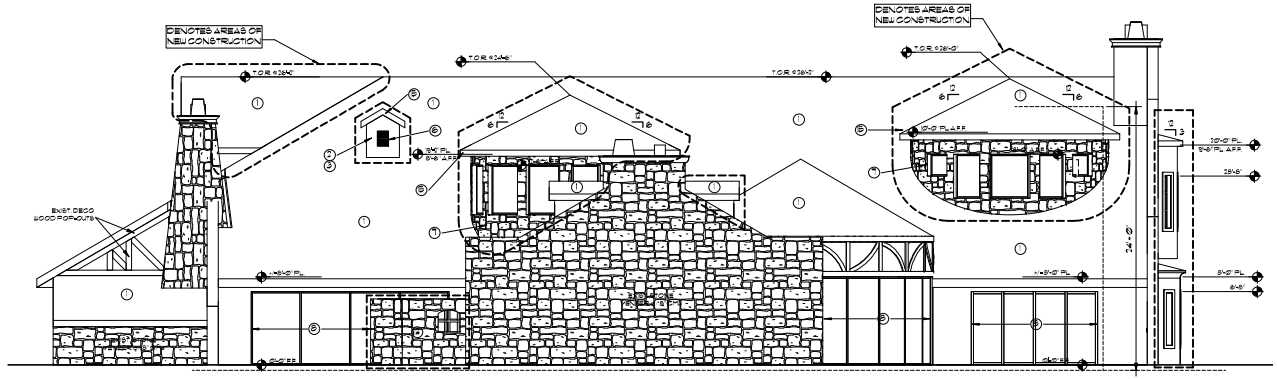
DATE
MARCH 18, 2025

A1

ENCLOSURE H



WEST ELEVATION
1 3/16" = 1'-0"



SOUTH ELEVATION
2 3/16" = 1'-0"

NOTES:

1. SLATE ROOF TILE.
2. SANKOTE STUCCO PER ICC ESR#1729 (SAND FINISH TEXTURE)
3. 2x WOOD STUDS AT 16" O.C.
4. TWO LAYERS OR GRADE 'D' FELT PER TYP.
5. OSB SHEATHING PER STRUCTURAL PLANS.
6. ROOF VENT- SEE 'ROOF VENT PLAN' ON SHEET A8.
7. STONE VENEER (PER ICC ESR#2868 OR EQUAL) o/ FRAMING- MATCH EXISTING STONE.
8. EXISTING DOOR / WDW TO REMAIN.
9. DECORATIVE WOOD POP-OUTS. MATCH EXISTING DECORATIVE DESIGN.
10. STUCCO FINISH o/ 8" CMU.
11. METAL ROOF PER ICC ESR#3486 OR EQUAL
12. STONE VENEER o/ CMU.
13. METAL GUARD RAIL PER IBC.
14. WROUGHT IRON FENCING.
15. WOOD FASCIA, PAINTED TO MATCH EXISTING WOOD FASCIA

NOTE:

WATER PROOFING AT EXTERIOR SHALL COMPLY WITH IBC 1403.1

PROVIDE FLASHING AT ALL OPENINGS PER IRC 703.8

CITY OF PHOENIX

APR 0 2 2025

Planning & Development Department

REGISTERED ARCHITECT
21340
EDWARD D. CHAVEZ
ARIZONA U.S.A.

SLAVICEK
3500 N. 24TH ST., PHOENIX, AZ 85016

EDWARD D CHAVEZ
A.I.A. ARCHITECT
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ARCHITECTURE • DEVELOPMENT • COMMERCIAL • RESIDENTIAL • INTERIOR DESIGN
4720 EAST CHOLLA STREET PHOENIX, ARIZONA
602.483.9711 / 992.9800 / EMAIL: EDHAVEZ@EDCHAVEZ.NET
SINCE 1972

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date	issue / revisions
date	

JOB NUMBER
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SHEET DESCRIPTION
EXTERIOR ELEVATIONS

DATE
MARCH 18, 2025

A9

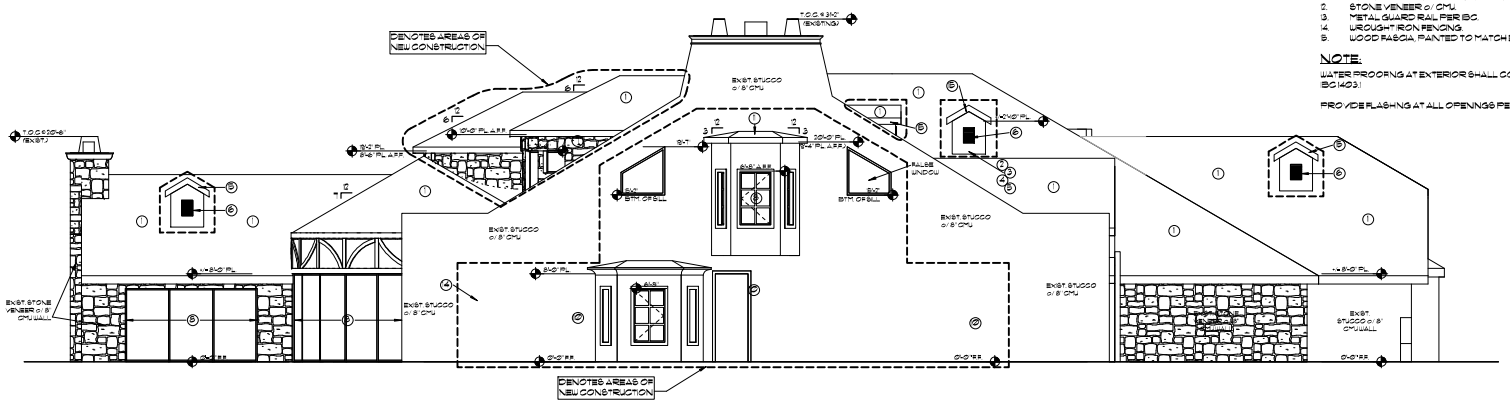
NOTES:

1. COMPOSITE ROOF TILE (PER ICC ESR 1478 OR EQUAL)
2. SAN-KOTE STUCCO PER ICC ESR 1779 (SAND FINISH TEXTURE)
3. 2x WOOD STUDS AT 16" O.C.
4. TWO LAYERS OF GRADE 'D' PAPER TYP.
5. OSB SHEATHING PER STRUCTURAL PLANS.
6. ROOF VENT - SEE 'ROOF VENT PLAN' ON SHEET A8.
7. STONE VENEER (PER ICC ESR 1668 OR EQUAL) O/ FRAMING MATCH EXISTING STONE
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15. WOOD FASCIA PAINTED TO MATCH EXISTING WOOD FASCIA

NOTE:

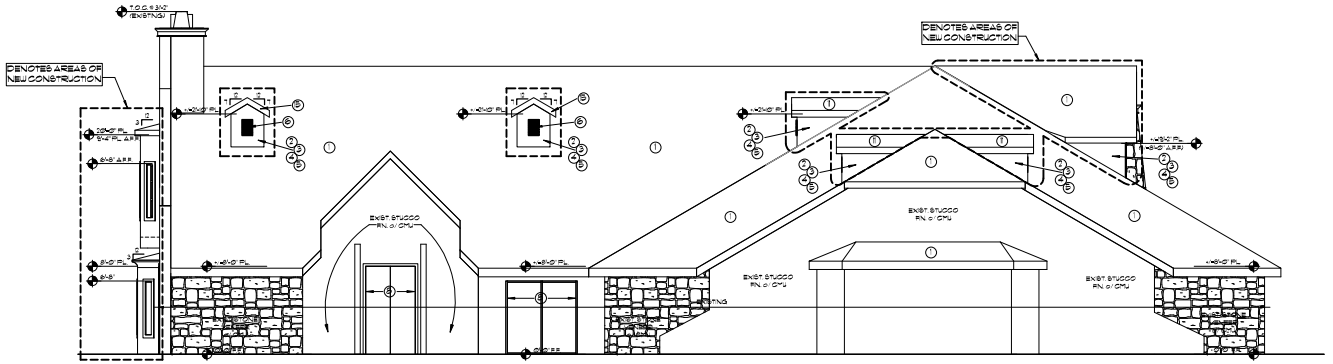
WATER PROOFING AT EXTERIOR SHALL COMPLY WITH IBC 1403.1

PROVIDE FLASHING AT ALL OPENINGS PER IRC 703.8



EAST ELEVATION

1 3/16" = 1'-0"



NORTH ELEVATION

2 3/16" = 1'-0"

CITY OF PHOENIX

APR 02 2025

Planning & Development Department

SLAVICEK
3500 N. 24TH ST., PHOENIX, AZ 85016

EDUARD D. CHAVEZ
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SINCE 1972

date	issue/revisions
date	date

JOB NUMBER

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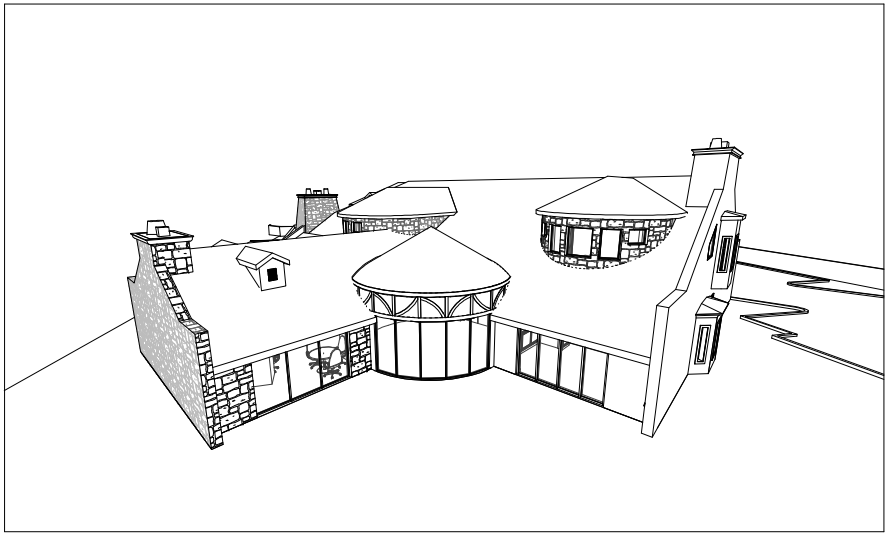
SHEET DESCRIPTION

EXTERIOR ELEVATIONS

DATE

MARCH 18, 2025

A10

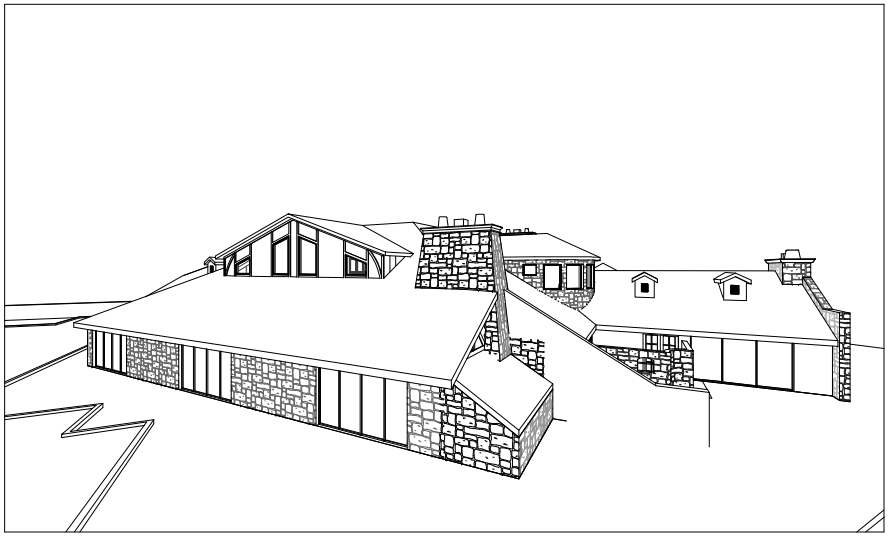


R- New Exterior View 1

CITY OF PHOENIX

APR 0 2 2025

Planning & Development Department



R- New Exterior View 2

SLAVICEK

3609 N. 24TH ST. PHOENIX, AZ 85016

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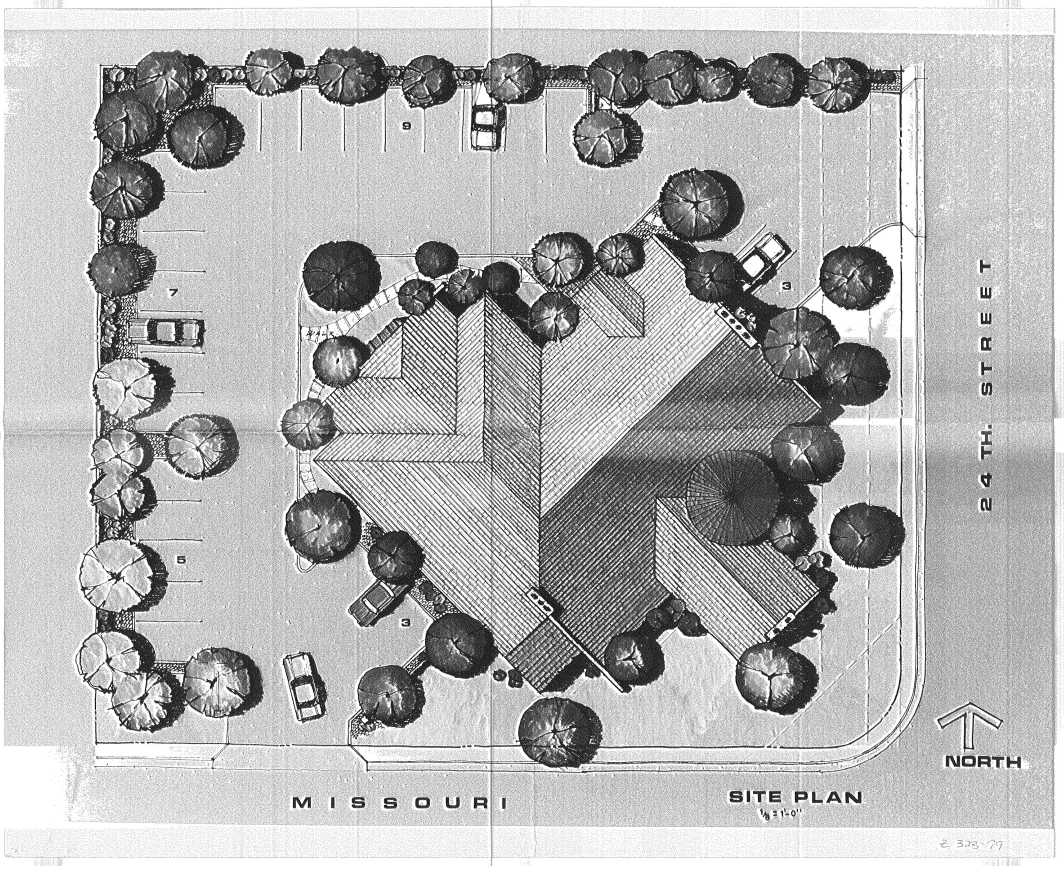
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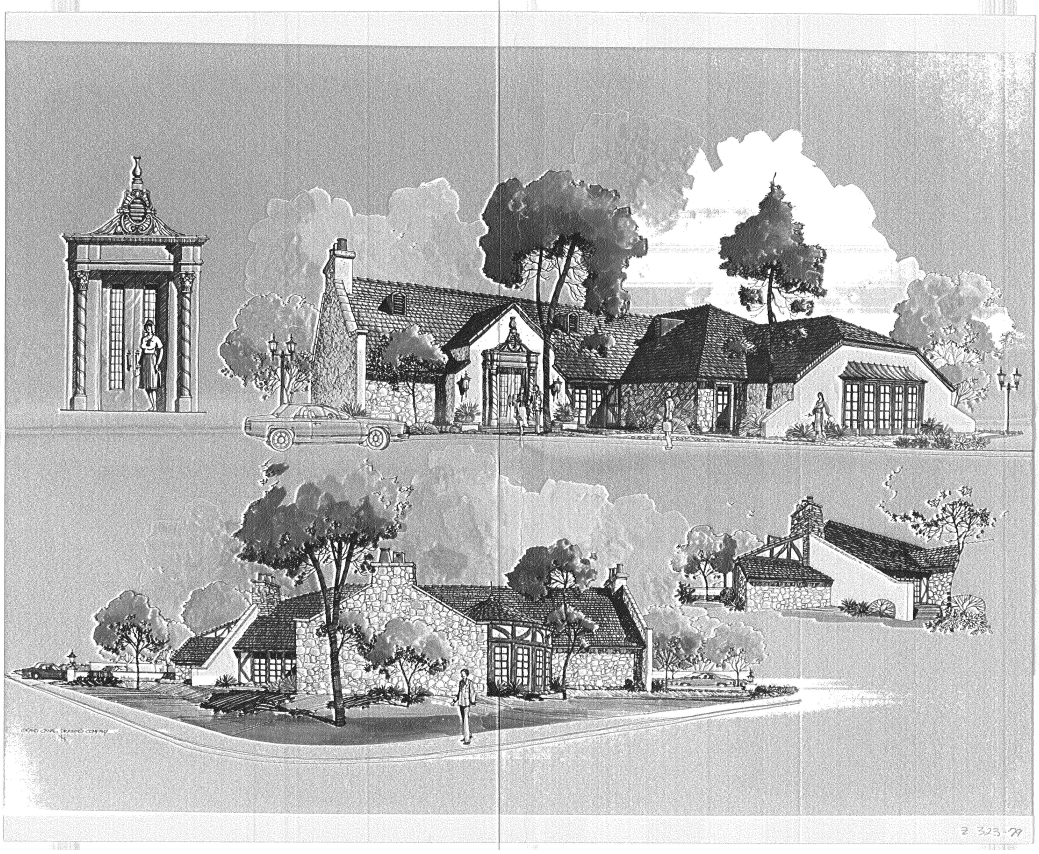
SHEET DESCRIPTION
RENDERINGS

DATE
MARCH 18, 2025

ENCLOSURE I


9
7
5
3
3
24TH. STREET
NORTH
MISSOURI
SITE PLAN
1/8 = 1'-0"
Z-323-79

ENCLOSURE J



ENCLOSURE K

November 28, 1979

Application No.: 323-79
Applicant: Richard W. Schreiber (Owner: Irving Horowitz)
Subject: To rezone the northwest corner of Missouri Avenue and 24th Street from RE-35 to C-O.

Mr. Forde read the staff recommendation which was for denial. There has been a petition submitted in opposition to this request (this petition was not submitted in time to plot).

Mr. Richard Schreiber, 7833 North 7th Street, spoke regarding this request. He presented a site plan to illustrate his presentation. He agreed that the property was reasonably developed under its current zoning. He added that there are some prime corners which are not developed and one reason for that was because the corner lots in congested areas are not highly recommended for use on a residential street. He pointed out that the April 6, 1979 traffic count for Missouri and 24th Street indicated a total of 53,000 cars per day at this location; 22,000 vehicles on 24th Street and 31,000 vehicles on Missouri.

Regarding CON No. 2 in the staff report, Mr. Schreiber felt this would not apply in their case because there were not too many similarly situated lots on the west side of 24th Street; this site is unique in that it is a corner lot and is on a major arterial. Regarding CON No. 3, he pointed out that the site was less than 35,000 feet; if developed residentially, there would be only one home built upon it.

Mr. Schreiber reiterated the fact that the parcel is located at the corner of two major streets. He asserted that the trends on 24th Street and on Missouri (from 7th to 17th Street) are towards office buildings and/or related uses. He felt this site would relate to a neighborhood-type office building. He pointed out that they are proposing a 9,000 square foot building, two stories in height. This building would cover approximately 4,500 square feet of the 33,000 square feet of land. He added this would provide a 13 percent lot coverage (the Ordinance allows no more than 30 percent).

Mr. Schreiber continued by saying that will provide landscaping, buffers, perimeter walls, and tree areas. He noted that C-O zoning required site plan approval.

Mr. Schreiber pointed out the many commercial uses in the general area. He added that the divided highway on 24th Street was very wide and was landscaped; it carried the density of traffic well.

Mr. Schreiber noted that there is a subdivision on 24th Street which, when planned, contained a service road and large setbacks; this gives an adequate horizontal division between the cars going by and the homes. However, this site does not have that benefit; it has been fully improved.

There were no others present to speak in favor of this request.

Speaking in opposition was the following person:

Mr. Michael Pierce, 2333 North Central Avenue

Mr. Pierce stated that he represented 14 of the residents in the subdivision which surrounded this site. He presented petitions in opposition to this request. He stated that the corner was residentially zoned; both sides of the Biltmore had been master planned as residential. They agree with the staff's recommendation for denial.

Mr. Schreiber stated that the uniqueness of a site is considered by the Commission and Council on an individual basis. He reiterated his points on the trends of the Missouri Corridor and 24th Street. He added that the property to the north of the site was not developed. He pointed out that the corners of the Biltmore entrance was heavily landscaped. He stated that the residence on the west was approximately 75 feet from the property line. Many of the residences in this area are heavily landscaped.

Mr. Schreiber stated that because of the required site plan approval, they would be able to meet area demands. He asserted that this would be a residentially-styled office building

Mr. Ervanian asked if the traffic count given during the applicant's presentation was the current count or the projected increase when the Southwest Forest Industries and the Western Savings projects were completed.

Mr. Schreiber replied that the count mentioned was the April 6, 1979 Traffic Engineering figure.

Mr. Ervanian asked what the building height would be.

Mr. Schreiber replied that it would be a two-story building, not to exceed 36 feet in height.

Mrs. Roberts stated that anything would look better than what was presently on that corner. However, she had seen two high-priced homes built to the west of this location. She asserted that this is a residential neighborhood and should remain as such.

November 28, 1979

Mrs. Roberts made the MOTION that Application No. 323-79 be forwarded to the City Council with a recommendation for denial.

Mr. Clark SECONDED the motion.

There being no further discussion, Chairman King called for a vote and the MOTION PASSED six to one with Mr. Ervanian in opposition.

* * * * *

ENCLOSURE L

Application No. 323-79
Applicant: Richard W. Schreiber (Owner: Irving Horowitz)
Subject: To rezone the northwest corner of Missouri Avenue and 24th Street from RE-35 to C-O.

EXISTING LAND USE

Single family residence

PROPOSED LAND USE

Professional Offices

NEIGHBORHOOD LAND USES

East - Townhouses
West - Single family residence
North - Vacant
South - Single family residence

EXISTING STREETS AND RIGHT-OF-WAY

Missouri Avenue - 73' of right-of-way with a 40' north half street and a 33' south half street. The street is improved with curbs and gutters.

24th Street - 100' of right-of-way with a 40' west half street and a 60' east half street. The street is improved with curbs and gutters.

ZONING HISTORY

On this Parcel: None

In the Area:

#146-78 A request to rezone a parcel beginning approximately 168.72' north of Missouri Avenue on the west side of 24th Street (2.5 acres) from RE-35 to PAD-6. The case was withdrawn at the Planning Commission hearing.

ADDITIONAL INFORMATION

The 1985 Urban Forms Plan designates the area for 0 - 2 dwelling units per acre. The plan recommends that developed areas showing specific residential densities should be preserved and any new development or redevelopment should conform to those recommended limits.

PRO'S AND CON'S

PRO'S: 1. The parcel is on a major street.

2. C-O requires site plan review.

- continued -

Application No. 323-79 (Continued)

CON'S:

1. The property has been reasonably developed under the current zoning.

2. Approval would lead to similar requests for the similarly situated lots on the west side of 24th Street. This would worsen traffic congestion on this street.

3. The 1985 Urban Forms Plan recommends 0 - 2 residential units for this area.

RECOMMENDATION

We recommend denial of this request.

RIGHT-OF-WAY NEEDED

None.

* * * * * * * * * * *

ENCLOSURE M

For support correspondence, please see the link on the staff report website (PHO-1-25—Z-323-79-6):
https://www.phoenix.gov/administration/departments/pdd/about-us/reports-data/staff-reports.html

ENCLOSURE N

For opposition correspondence, please see the link on the staff report website (PHO-1-25—Z-323-79-6):
https://www.phoenix.gov/administration/departments/pdd/about-us/reports-data/staff-reports.html

ATTACHMENT C

REPORT OF PLANNING COMMISSION ACTION
September 4, 2025

ITEM NO: 17	
	DISTRICT NO.: 6
SUBJECT:	
Application #:	PHO-1-25—Z-323-79-6
Location:	Northwest corner of 24th Street and Missouri Avenue
Existing Zoning:	C-O
Acreage:	1.16
Proposal:	1) Modify Stipulation 1 regarding general conformance to the site plan and rendering. 2) Delete Stipulation 2 regarding parking ratios. 3) Delete Stipulation 3 regarding commencement of construction. 4) Modify Stipulation 4 regarding building height.
Applicant:	Brett Slavicek, Slavicek Holdings LLC
Owner:	Slavicek Holdings LLC
Representative:	Jason Morris, Withey Morris Baugh, PLC
Appellant:	Kurt Waldier, Gilbert Blilie, PLLC

ACTIONS:

Village Planning Committee (VPC) Recommendation: N/A

Planning Hearing Officer Recommendation (PHO): The Planning Hearing Officer heard the request on May 21, 2025 and took the case under advisement. On July 7, 2025, the Planning Hearing Officer took the case out from under advisement and recommended denial as filed, approval with a modification and an additional stipulation

Staff Recommendation: Approval, per the Planning Hearing Officer recommendation.

Planning Commission Recommendation: Denial as filed, approval with a modification and an additional stipulation, per the Planning Hearing Officer recommendation, with a modification.

Motion Discussion: N/A

Motion details: Commissioner Gorraiz made a MOTION to deny PHO-1-25—Z-323-79-6 as filed, and approve with a modification and an additional stipulation, per the Planning Hearing Officer recommendation with a modification to keep Stipulation No. 2.

Maker: Gorraiz
Second: James
Vote: 5-1 (Jaramillo)
Absent: Odegard-Begay, Matthews
Opposition Present: Yes

Findings:

1. The request to modify Stipulation 1 regarding conformance to the site plan and rendering is recommended to be approved with a modification. The modification is to replace the existing language with a standard language stipulation regarding general conformance to the site plan and elevations. The original stipulated site plan depicts an office building situated at the southeast corner of the lot. The proposed site plan depicts an 8,764 square foot office with a height of 26’-2” measured to the top of ridge. Note

that maximum building height is addressed in Stipulation 4. The proposal is not changing the building footprint so there is no real change to the site plan. The building height is also not being modified.

The stipulated rendering shows a well landscaped, commercial office that resembles a single-family residential home. The building features a large, pronounced front door, stone façade, a turret and undulating roof line. The office that was built onsite was consistent with the stipulated rendering.

The proposed elevations reflect the existing office with modifications that include architecturally distinct facades, additional turrets, and several building additions including roof vents, pop-out windows and/or dormers. The west elevation shows a new large dormer with four new windows and a variety of building materials including stone veneer, decorative wood pop-outs, stucco and metal finishes that match the existing building. The windows appear to align with the proposed interior addition of office space to the existing mezzanine. The south elevation features two new turrets with windows that are also shown on mezzanine level. The east elevation shows several new roof vents and two new pop-outs with windows, one at mezzanine level and one on the ground floor. The north elevation features several proposed dormers and roof vents.

2. The request to delete Stipulation 2 regarding the parking ratio for required parking was added back to ensure the property abides by the originally required parking ratio and reduce the possibility of parking in the right-of-way.

3. The request to delete Stipulation 3 regarding the commencement of construction is recommended to be approved. This stipulation was met and the zoning was subsequently vested with adoption of an Official Supplementary Zoning Map.

4. The request to modify Stipulation 4 regarding building height is recommended to be denied. The applicant requested a modification to remove the language requiring the building to be built as one-story. The existing stipulation was intended to ensure that a one-story building was built on the site. The original stipulation was approved by City Council on March 10, 1980 and the minutes reflect that the original plan for the development was revised from a two-story to a one-story as a result of public concern related to the height of the building. In addition, it was noted by the original applicant at the City Council hearing that the maximum height would be 30 feet, with no mezzanine on the inside and they would not have two-story use of the structure. The City Council was concerned about the height and amended the motion to indicate one-story with a height limitation of 24 feet rather than 30 feet. I support the rationale in the original decision.

   At the PHO hearing, the applicant acknowledged the building will remain one-story after construction and they will not be adding an additional story to the building. The applicant noted that the proposed improvements will add an additional 1,035 square feet to an existing mezzanine that was constructed at some point since the original rezoning case approval. The applicant will be required to submit construction documents to the Planning and Development Department for approval and will therefore be required to comply with the stipulation, the Zoning Ordinance, and International Building Code requirements, which will be addressed during the plan review process.

5. The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

Stipulations:

1. THE ~~D~~development SHALL be ~~to~~ in GENERAL conformance with the site plan and ELEVATIONS ~~rendering~~ DATE STAMPED APRIL 2, 2025, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~2. The parking ratio to be one space for every 250 square feet.~~

2. THE PARKING RATIO TO BE ONE SPACE FOR EVERY 250 SQUARE FEET.

~~3. Construction to commence within 24 months.~~

~~4.~~ That it be a one-story office complex with a height limitation not to exceed
~~2.~~ 24 feet.
3.

~~3.~~ PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER
4. SHALL EXECUTE PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

This publication can be made available in alternate format upon request. Please contact Saneeya Mir at 602-686-6461, saneeya.mir@phoenix.gov, TTY: Use 7-1-1.

ATTACHMENT D

CITY OF PHOENIX
PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC **I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:**					
APPLICATION NO/ LOCATION	PHO-1-25—Z-323-79-6 Northwest corner of 24th Street and Missouri Avenue	***(SIGNATURE ON ORIGINAL IN FILE)***			
		opposition	**X**	**applicant**	
APPEALED FROM:	PC 9/4/2025	701 North 44th Street Phoenix, AZ 85008			
	PC DATE	*STREET/ADDRESS/CITY/STATE/ZIP*			
TO PC/CC HEARING	CC 10/15/2025	Kurt Waldier Gilbert Blilie PLLC 480-429-3061 kwaldier@gilbertblilie.com			
	CC DATE	*NAME / PHONE / EMAIL*			
REASON FOR REQUEST: Second story windows should not be permitted on the property that is stipulated to be a one-story building.					
RECEIVED BY:	9/10/2025	**RECEIVED ON:**		Andrew Birkelbach	

Joshua Bednarek
Tricia Gomes
Racelle Escolar
Sarah Stockham
Adam Stranieri
Heather Klotz
Stephanie Vasquez

Dalia Adams
Camryn Thompson/Teresa Garcia
Micah Alexander
GIS
Byron Easton (for PHO appeals only)
Village Planner - Robert Kuhfuss
Applicant

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

The **PLANNING COMMISSION** agenda for September 4, 2025 is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

   There is a $630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. September 11, 2025.

   Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m., September 11, 2025.

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

   To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. September 11, 2025.

   The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an $830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. September 18, 2025.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

PHO-1-25--Z-323-79 --Lo
APPLICATION NO.

164-46-017 Northwest Corner of 24th Street and Missouri Avenue
LOCATION OF APPLICATION SITE

9/10/2025
DATE APPEALED FROM

☒ OPPOSITION
☐ APPLICANT

PLANNER
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Kurt Waldier
PRINTED NAME OF PERSON APPEALING

Kurt Waldier
SIGNATURE

701 N 44th St
STREET ADDRESS

9/9/2025
DATE OF SIGNATURE

Phoenix, AZ 85008
CITY, STATE & ZIP CODE

480-429-3061
TELEPHONE NO.

kwaldier@gilbertblilie.com
EMAIL ADDRESS

REASON FOR REQUEST

2nd story windows should not be permitted on the property that is stipulated to be a one-story building.

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: September 29, 2025

From: Joshua Bednarek
Planning and Development Director

Subject: CONTINUANCE OF ITEM 114 ON THE OCTOBER 15, 2025, FORMAL AGENDA – PUBLIC HEARING AND MODIFICATION OF STIPULATION REQUEST - REZONING APPLICATION PHO-1-25--Z-323-79-6 - NORTHWEST CORNER OF 24TH STREET AND MISSOURI AVENUE

This memo requests the continuance of the following item on the October 15, 2025, Formal Agenda – Northwest corner of 24th Street and Missouri Avenue. The item is for a proposed one-story office complex.

The Council District 6 Office has requested the item be continued to the November 5, 2025, City Council Formal Meeting to provide the applicant additional time to engage with the community regarding their concerns.

Staff concurs with this request for continuance.

Approved: _____
Alan Stephenson
Deputy City Manager

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: November 4, 2025

From: Joshua Bednarek JB
Planning and Development Director

Subject: CONTINUANCE OF ITEM 50 ON THE NOVEMBER 5, 2025, PUBLIC HEARING AND MODIFICATION OF STIPULATION REQUEST – REZONING APPLICATION PHO-1-25--Z-323-79-6 – NORTHWEST CORNER OF 24TH STREET AND MISSOURI AVENUE

This memo serves to request the continuance of the agenda item scheduled for the November 5, 2025, Formal Meeting, concerning the request to modify stipulations of entitlement for a 1.16-acre site located at the northwest corner of 24th Street and Missouri Avenue.

The applicant and appellant have begun developing modifications and additions to the stipulations for the request. Staff recommends continuing this item to the December 3, 2025, City Council Formal meeting to allow additional time for the applicant and appellant to finalize the stipulations.

Approved: _____ 11/4/25
Alan Stephenson Date
Deputy City Manager