

### City Council Formal Meeting

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Wednesday, October 18, 2017

2:30 PM

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

The Phoenix City Council convened in formal session on Wednesday, Oct. 18, 2017, at 2:34 p.m. in the Council Chambers.

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

**Absent:** 1 - Councilman Sal DiCiccio

Note: Councilman Nowakowski entered the Chambers and joined the voting body during Citizen Comments. Councilman Waring temporarily left the voting body following Item 58 and returned prior to Item 87 and left the meeting after Item 93. Councilman Valenzuela and Vice Mayor Pastor left the meeting following Item 94.

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

#### **CITIZEN COMMENTS**

The following individuals spoke about educational, commercial and business aspects and need to preserve the Chinese Cultural Center and Chinese Garden: Jinhui Chen, Yuxuan Den, Ryan Deng and Xiaobo Zhu.

Note: Councilman Nowakowski arrived in the Chambers and joined the voting body.

Vice Mayor Pastor acknowledged the passing of Councilman DiCiccio's father and expressed her condolences to the DiCiccio family on behalf of the City Council.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6369, S-43966 through S-44006, and Resolutions 21580 through 21582 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

### **MINUTES OF MEETINGS**

#### **1 (CONTINUED FROM SEPT. 20, AND OCT. 4, 2017) - For Approval or Correction, the Minutes of the Formal Meeting on July 6, 2017**

##### **Summary**

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

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

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

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

**Absent:** 1 - Councilman DiCiccio

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

The Mayor requested a motion on liquor license items. A motion was made, as appears below.

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

Joe Mendez, Items 3, 5, 7, 18

Eun Seop Choo, Item 9  
Javier Verdugo - Agent, Item 11  
Kelly M. Long - Agent, Item 12  
Matthew G. Bingham - Agent, Item 13  
Liza Smith - Agent, Item 14  
Wesam Taha, Item 15  
Jill L. Smith - Applicant, Item 20  
James Lawson - Applicant, Item 21  
Patrick Mays, Item 21  
Richard Garcia - Agent, Item 22  
Fabian Chavira, Item 24  
Daniel Capote - Applicant, Item 25  
Phil Johnson - Agent, Item 26

**A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that Items 2 through 26 be recommended for approval. The motion carried by voice vote:**

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

**Absent:** 1 - Councilman DiCiccio

**2 Liquor License - Special Event - Pioneer Arizona Foundation**

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

**Summary**

Applicant

Tim Atchley

Location

3901 W. Pioneer Road  
Council District: 1

Function

Festival

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

Oct. 28, 2017 - 9:00 a.m. to 4:00 p.m. / 500 attendees

Oct. 29, 2017 - 9:00 a.m. to 4:00 p.m. / 500 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**3      Liquor License - Fast Market 8137**

Request for a liquor license. Arizona State License 10076918.

**Summary**Applicant

George Engle, Agent

License Type

Series 10 - Beer and Wine Store

Location

2409 W. Union Hills Drive

Zoning Classification: C-1

Council District: 1

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

The sixty-day limit for processing this application is Oct. 27, 2017.

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

established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than one hundred eighty days.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"Since 2007, our company has maintained numerous convenience stores with gas stations. Most of our stores are licensed to sell liquor in other jurisdictions throughout the United States."

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

"Our goal is to comply with all regulations to maintain a favorable and collaborative relationship with those in the communities we serve."

#### Staff Recommendation

Staff recommends approval of this application.

#### Attachments

Liquor License Data - Fast Market 8137

Liquor License Map - Fast Market 8137

**This item was recommended for approval.**

#### **4 Liquor License - AMF Scottsdale 101**

Request for a liquor license. Arizona State License 06070581.

## Summary

### Applicant

Andrea Lewkowitz, Agent

### License Type

Series 6 - Bar

### Location

7000 E. Mayo Blvd., Bldg. 19

Zoning Classification: C-2 HGT/WVR PCD

Council District: 2

This request is for an ownership and location transfer of a liquor license for a bowling alley. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in November 2017.

The sixty-day limit for processing this application is Oct. 28, 2017.

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

### Other Active Liquor License Interest in Arizona

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

### Public Opinion

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

#### Applicant's Statement

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

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

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

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

“AMF would like to offer guests 21 and over the opportunity to enjoy alcoholic beverages as an incident to their bowling experience.”

#### Staff Recommendation

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

#### Attachments

Liquor License Data - AMF Scottsdale 101

Liquor License Map - AMF Scottsdale 101

**This item was recommended for approval.**

### **5 Liquor License - Fast Market 8136**

Request for a liquor license. Arizona State License 10076917.

#### **Summary**

#### Applicant

George Engle, Agent

#### License Type

## Series 10 - Beer and Wine Store

### Location

20205 N. Cave Creek Road

Zoning Classification: C-2

Council District: 2

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

The sixty-day limit for processing this application is Oct. 27, 2017.

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

### Other Active Liquor License Interest in Arizona

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

### Public Opinion

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

### Applicant's Statement

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



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

“Since 2007, our company has maintained numerous convenience stores with gas stations. Most of our stores are licensed to sell liquor in other jurisdictions throughout the United States.”

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

“Our goal is to comply with all regulations to maintain a favorable and collaborative relationship with those in the communities we serve.”

#### Staff Recommendation

Staff recommends approval of this application.

#### Attachments

Liquor License Data - Fast Market 8136

Liquor License Map - Fast Market 8136

**This item was recommended for approval.**

### **6 Liquor License - High & Rye**

Request for a liquor license. Arizona State License 1207B161.

#### **Summary**

##### Applicant

Amy Nations, Agent

##### License Type

Series 12 - Restaurant

##### Location

5310 E. High St., Ste. 100, Bldg. A3

Zoning Classification: C-2 DRSP

Council District: 2

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

This location requires a Use Permit to allow outdoor dining and outdoor alcohol sales. This business has plans to open in November 2017.

The sixty-day limit for processing this application is Oct. 28, 2017.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"We will ensure our employees attend the Title 4 liquor law training course."

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

"We would like to continue to offer our patrons a great place to dine and enjoy a beverage of their choice."

Staff Recommendation

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

Attachments

Liquor License Data - High & Rye

Liquor License Map - High & Rye

**This item was recommended for approval.**

**7 Liquor License - Fast Market 8138**

Request for a liquor license. Arizona State License 10076919.

**Summary**Applicant

George Engle, Agent

License Type

Series 10 - Beer and Wine Store

Location

719 E. Thunderbird Road, Ste. A

Zoning Classification: C-1

Council District: 3

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

The sixty-day limit for processing this application is Oct. 27, 2017.

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

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"Since 2007, our company has maintained numerous convenience stores with gas stations. Most of our stores are licensed to sell liquor in other jurisdictions throughout the United States."

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

"Our goal is to comply with all regulations to maintain a favorable and collaborative relationship with those in the communities we serve."

#### Staff Recommendation

Staff recommends approval of this application.

#### Attachments

Liquor License Data - Fast Market 8138

Liquor License Map - Fast Market 8138

**This item was recommended for approval.**

**8      Liquor License - Special Event - Checkered Flag Run Foundation, Inc.**

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

**Summary**

Applicant

Alan Powell

Location

300 E. Indian School Road

Council District: 4

Function

Veterans Day Celebration

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

Nov. 11, 2017 - 1 p.m. to 6 p.m. / 2,000 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**9      Liquor License - Han Korean BBQ**

Request for a liquor license. Arizona State License 1207B164.

**Summary**

Applicant

Eun Choo, Agent

License Type

Series 12 - Restaurant

Location

1534 W. Camelback Road

Zoning Classification: C-2 TOD-1

Council District: 4

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

The sixty-day limit for processing this application is Oct. 31, 2017.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"I have experience in the restaurant business."

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

"We'll be serving very good food & drinks to the Phoenix community!"

Staff Recommendation

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

Attachments

Liquor License Data - Han Korean BBQ

Liquor License Map - Han Korean BBQ

**This item was recommended for approval.**

**10 Liquor License - Original Genos**

Request for a liquor license. Arizona State License 1207B162.

**Summary**Applicant

J. J. Bazzi, Agent

License Type

Series 12 - Restaurant

Location

2211 W. Camelback Road, Ste. 178 & 180

Zoning Classification: C-2

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. This business is currently under construction with plans to open in December 2017.

The sixty-day limit for processing this application is Oct. 28, 2017.

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

application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than one hundred eighty days.

#### Other Active Liquor License Interest in Arizona

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

Chevron (Series 10)

3501 W. Camelback Road, Phoenix

Calls for police service: 43

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 am a current operator at JMA Petro Inc dba Chevron for over a year which holds a #10 license. I am a responsible retailer all my staff will be well trained and will be held responsible to abide by all the rules and regulations."

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



“At one location we will be able to provide both pizza and subs while at the same time offering beer and wine to these same patrons as well as providing a safe and convenient environment for these patrons to enjoy their meals.”

Staff Recommendation

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

Attachments

Liquor License Data - Original Genos

Liquor License Map - Original Genos

**This item was recommended for approval.**

**11 Liquor License - Pueblas Restaurant**

Request for a liquor license. Arizona State License 1207B167.

**Summary**

Applicant

Javier Verdugo, Agent

License Type

Series 12 - Restaurant

Location

2637 N. 16th St.

Zoning Classification: R-5 RI (Approved C-2)

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

The sixty-day limit for processing this application is Oct. 31, 2017.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"Thanks for the opportunity and privilege I am having to apply for a liquor license. I being in bussiness for my self for the last 20 years and I have always paid all my debts on time including tpt."

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

"I was the first one to start renovating abandon buildings on 16st after the rescension in 2008 it helped the community by getting rid of people using drugs on the properties leaving needle behind this is my third building on 16th st that I renovated bringing value to properties around me and a

safer community. It will please neighbors to come in and enjoy a drink and bring revenue to the city of Phoenix and my district that i am part of.”

Staff Recommendation

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

Attachments

Liquor License Data - Pueblas Restaurant

Liquor License Map - Pueblas Restaurant

**This item was recommended for approval.**

**12 Liquor License - Ringside Sports Grill**

Request for a liquor license. Arizona State License 1207B141.

**Summary**

Applicant

Kelly Long, Agent

License Type

Series 12 - Restaurant

Location

2030 W. Camelback Road

Zoning Classification: C-2 TOD-1

Council District: 4

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol sales.

The sixty-day limit for processing this application was Oct. 15, 2017. However, the applicant submitted a written request for more time.

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

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"I have over 18 years experience in the restaurant and bar industry. I have a strong background in all areas of the restaurant industry."

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

"Ringside Bar & Grill, under the new ownership, will provide a unique environment to watch sporting events of all kind, enjoy amazing, made from scratch food, and if they so choose a cold beer to enjoy the food with. My goal is to fill the need of a neighborhood sports bar providing quality, from scratch, food. This is currently not provided in this area."

#### Staff Recommendation

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

Attachments

Liquor License Data - Ringside Sports Grill

Liquor License Map - Ringside Sports Grill

**This item was recommended for approval.**

**13 Liquor License - Rise Distilling Company**

Request for a liquor license. Arizona State License 18073014.

**Summary**

Applicant

Matthew Bingham, Agent

License Type

Series 18 - Craft Distiller

Location

1928 E. McDowell Road

Zoning Classification: C-2

Council District: 4

This request is for a new liquor license for a craft distiller. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in April 2018.

The sixty-day limit for processing this application is Oct. 31, 2017.

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

convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than one hundred eighty days.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

One letter supporting the issuance of this license has been received and is on file in the Office of the City Clerk. The letter is from a local resident. They believe the issuance of the license will have a positive impact on the surrounding neighborhood.

#### 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:

“As a responsible business person and healthcare professional, I understand the importance of responsible liquor consumption. I have trained and received certification as a distiller of spirituous liquor at Dry Fly Distilling School in Spokane, WA. I have completed the Arizona State Department of Liquor Basic and Manager training courses, and am committed to the highest standards for alcohol production and for retail sales to customer 21 and older. Staff will also be trained in AZ Liquor Laws and maintain high standards of responsibility.”

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

“As a community oriented craft distillery, our focus is to provide quality, hand crafted spirits from grains that are locally or regionally sourced. Because of the quality and uniqueness of our products, we are filling a niche in an underserved public market for locally produced spirits. Our goal is to do so openly and responsibly, as good stewards for the

community, for safe enjoyment by those 21 and older with interest in hand crafted products. This extends beyond the interests of the consumer and includes agricultural interests as well.”

Staff Recommendation

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

Attachments

Liquor License Data - Rise Distilling Company

Liquor License Map - Rise Distilling Company

**This item was recommended for approval.**

**14 Liquor License - Select Imported Wines**

Request for a liquor license. Arizona State License 10076711S.

**Summary**

Applicant

Liza Smith, Agent

License Type

Series 10S - Addition of Sampling Privileges

Location

3508 N. 7th St., Ste. 110

Zoning Classification: C-1

Council District: 4

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

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

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

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

#### 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:

“With over 30 years of wine and alcohol service experience, I understand the affects wine has on the body, and I hold a title 4 Alcohol Awareness and management certificate. I have travelled extensively to discover and promote boutique winemakers and bring high quality fine wines to the consumer. With a sampling permit, I can guide and direct people to a wine that suits their taste from a one ounce sample.”

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

“This sampling permit will enable the representatives of Select Imported Wines to educate the public on the appreciation of international wine not only about the history, culture, diversity and nuances of wines, but also to enlighten people on the health benefits associated with moderate wine consumption.”

#### Staff Recommendation

Staff recommends approval of this application.



Attachments

Liquor License Data - Select Imported Wines

Liquor License Map - Select Imported Wines

**This item was recommended for approval.**

**15 Liquor License - Tobacco Shack**

Request for a liquor license. Arizona State License 10076904.

**Summary**Applicant

Taha Taha, Agent

License Type

Series 10 - Beer and Wine Store

Location

2720 W. Indian School Road

Zoning Classification: C-2

Council District: 4

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

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

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

use for more than one hundred eighty days.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"I am over 25 years old I know to check for ID's of customers, the hours of operation for a liquor store, I must have a liquor licence to operate."

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

"Issuance of the liquor licence is required to operate legally and the city of Phoenix/State makes sure rules and regulations meet the business to provide public convenience the best interests the community."

#### Staff Recommendation

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

#### Attachments

Liquor License Data - Tobacco Shack

Liquor License Map - Tobacco Shack

**This item was recommended for approval.**

- 16      Liquor License - Special Event - St. Benedict Roman Catholic  
Parish Phoenix**

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

**Summary**

Applicant

Robert Binta

Location

16035 S. 48th St.

Council District: 6

Function

Festival

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

Oct. 28, 2017 - 4:00 p.m. to 10:00 p.m. / 750 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**17 Liquor License - Doughbird**

Request for a liquor license. Arizona State License 07073614.

**Summary**

Applicant

Amy Nations, Agent

License Type

Series 7 - Beer and Wine Bar

Location

4385 E. Indian School Road

Zoning Classification: C-2 HGT/WVR

Council District: 6

This request is for a new liquor license for a beer and wine bar. This location is currently licensed for liquor sales with a Series 12 -

Restaurant, liquor license.

The sixty-day limit for processing this application is Oct. 30, 2017.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"We train all of our employees in responsible liquor service. Our employees will also undergo regular audits to ensure they comply."

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

"We would like the ability to offer our patrons drinks with their meals if they choose to have one."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Doughbird

Liquor License Map - Doughbird

**This item was recommended for approval.**

**18 Liquor License - Fast Market 8139**

Request for a liquor license. Arizona State License 10076920.

**Summary**Applicant

George Engle, Agent

License Type

Series 10 - Beer and Wine Store

Location

4305 E. Ray Road

Zoning Classification: C-1 PCD

Council District: 6

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

The sixty-day limit for processing this application is Oct. 27, 2017.

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

established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than one hundred eighty days.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"Since 2007, our company has maintained numerous convenience stores with gas stations. Most of our stores are licensed to sell liquor in other jurisdictions throughout the United States."

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

"Our goal is to comply with all regulations to maintain a favorable and collaborative relationship with those in the communities we serve."

#### Staff Recommendation

Staff recommends approval of this application.

#### Attachments

Liquor License Data - Fast Market 8139

Liquor License Map - Fast Market 8139

**This item was recommended for approval.**

### **19 Liquor License - Sushi Nakano**

Request for a liquor license. Arizona State License 1207B143.

## Summary

### Applicant

Leo Nakano, Agent

### License Type

Series 12 - Restaurant

### Location

4025 E. Chandler Blvd., Ste. 44

Zoning Classification: C-2 PCD

Council District: 6

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

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

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

### Other Active Liquor License Interest in Arizona

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

### Public Opinion

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

comment period.

#### Applicant's Statement

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

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

"I've been working in the restaurant industry for 16 yrs. I want to build a restaurant where people will respect having a traditional Japanese food in 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: "Sushi Nakano will bring a different cultural experience to the community."

#### Staff Recommendation

Staff recommends approval of this application.

#### Attachments

Liquor License Data - Sushi Nakano

Liquor License Map - Sushi Nakano

**This item was recommended for approval.**

### **20 Liquor License - Special Event - Careers Through Culinary Arts Program, Inc.**

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

#### **Summary**

#### Applicant

Jill Smith

#### Location

734 W. Polk St.

Council District: 7



Function

Dinner

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

Nov. 5, 2017 - 4:30 p.m. to 9:30 p.m. / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**21     Liquor License - Special Event - Luke-Greenway Post No. 1, The American Legion, Department of**

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

**Summary**

Applicant

James Lawson

Location

364 N. 7th Ave.

Council District: 7

Function

Car Show

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

Nov. 4, 2017 - 10 a.m. to 10 p.m. / 900 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**22     Liquor License - Thirdspace**

Request for a liquor license. Arizona State License 1207A227.

**Summary**

Applicant

Richard Garcia, Agent

License Type

Series 12 - Restaurant

Location

1028 Grand Ave.

Zoning Classification: C-3 ACSBO

Council District: 7

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

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

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

“Both my partner, Ramon Rice, and I have established our careers in the restaurant and bar industry. I am a central Phoenix native and an active member of the arts community of lower Grand Avenue where Thirdspace is located. We strive to continue to improve the neighborhood by providing jobs and being the hub for artists, creatives, students, and the

community.”

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**23 Liquor License - Native Grill & Wings**

Request for a liquor license. Arizona State License 1207B147.

**Summary**

Applicant

Amy Nations, Agent

License Type

Series 12 - Restaurant

Location

5020 W. Baseline Road, Ste. 123

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

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

Other Active Liquor License Interest in Arizona

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

## Native Grill &amp; Wings (Series 12)

1837 W. Guadalupe Road #120, 121 & 122, Mesa

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

Liquor license violations: In April 2002, a fine of \$375 was paid for having an underage person on premises without a parent. In March 2009, a fine of \$750 was paid for failure to request ID from an underage buyer and for selling, giving or furnishing an underage person with alcohol.

## Native Grill &amp; Wings (Series 12)

21164 N. John Wayne Pkwy., Maricopa

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 will ensure that all of my employees attend the Title 4 liquor law training provided by ALIC."

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

“Laveen needs a restaurant that you can come to sit down enjoy great pizza and wings with a beer. Native Grill & Wings is the perfect fit for the area.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Native Grill & Wings

Liquor License Map - Native Grill & Wings

**This item was recommended for approval.**

**24 Liquor License - Special Event - Heritage Square Foundation**

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

**Summary**

Applicant

Michelle Reid

Location

113 N. 6th St.

Council District: 8

Function

Festival

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

Nov. 4, 2017 - Noon to 8 p.m. / 5,000 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**25 Liquor License - Special Event - Phoenix Rotary Club Charities, Inc.**

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

## Summary

### Applicant

Daniel Capote

### Location

113 N. 6th St.

Council District: 8

### Function

Festival

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

Oct. 29, 2017 - 1 p.m. to 5 p.m. / 700 attendees

### Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

## **26 Liquor License - BBQ Trapp Haus**

Request for a liquor license. Arizona State License 1207B145.

### **Summary**

### Applicant

Philip Johnson, Agent

### License Type

Series 12 - Restaurant

### Location

511 E. Roosevelt St.

Zoning Classification: DTC - East Evans Churchill ACBSO

Council District: 8

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor alcohol sales. A Use Permit hearing has been scheduled. This business is

currently being remodeled with plans to open in November 2017.

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

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"I have worked as a manager over 10 years in restaurants that has liquor. I also have been a business owner in the food industry for over 15 years."

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

"This location has been providing liquor for the neighborhood convenience."

I want to continue the tradition.”

Staff Recommendation

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

Attachments

Liquor License Data - BBQ Trapp Haus

Liquor License Map - BBQ Trapp Haus

**This item was recommended for approval.**

**ORDINANCES, RESOLUTIONS, AND NEW BUSINESS**

**A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that Items 27 through 94 be approved or adopted, except Items 27, 30-33, 49, 54, 58-59, 62, 79, 87-88, and 93-94; and noting that Item 65 is withdrawn. The motion carried by the following vote:**

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

**Absent:** 1 - Councilman DiCiccio

Items 27-38, Ordinance S-43966 were requests to authorize the City Controller to disburse funds up to amounts indicated for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code Section 42-13.

**28 Jackson White PC, Trust Account for Defendants**

For \$153,474.16 to pay a court order entered against the City for judgement, plus statutory interest and taxable costs, in *City of Phoenix v. DRS Investments LLC*, Case CV2014-009958, a condemnation case for land acquisition for Avenida Rio Salado/Broadway Road Street



Improvement Project, for the Finance Department, pursuant to Phoenix City Code Chapter 42.

**This item was adopted.**

**29 Martin, Kerrick & Bell, LLC in Trust for New Era Phoenix LLC**

For \$279,067.81 to pay a court order entered against the City for judgment, plus statutory interest and taxable costs, in *City of Phoenix v. Security Title Agency, Inc.*; Case CV2014-014375, a condemnation case for land acquisition for Lift Station 61 Project, for the Finance Department, pursuant to Phoenix City Code Chapter 42.

**This item was adopted.**

**34 E-Z Go Division of Textron, Inc.**

For \$9,300.00 in payment authority to purchase a 2017 Cushman Hauler Pro 72V utility cart for the Police Department Training Academy. The utility cart is needed to haul large amounts of ammunition and firearms from the armory to the shooting range.

**This item was adopted.**

**35 Triple Investments, LLC, doing business as Boyd Equipment - Karcher Cuda**

For \$50,000.00 in additional payment authority for Contract 140531 for the purchase, rental, maintenance and repair of aqueous and solvent parts washers for the Public Works Department. The Fleet Services Division is requesting to purchase two-aqueous parts washers, designed for heavy and extra-large capacity parts. This additional funding will also be used for future repair and replacement of parts washers at various fleet maintenance locations.

**This item was adopted.**

**36 Various Vendors for Geographic Information System Technician Services**

For \$390,000.00 in additional payment authority to hire Geographic Information System (GIS) technician services for the Street Transportation Department to assist with the Transportation 2050 Mobility Plan specific asset management and GIS Projects.

RW Staffing Solutions LLC, Contract 138517

PDS Technical Services, Contract 138915

**This item was adopted.**

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

For \$38,238.33 in payment authority to provide engineering and construction services at 2650 N. 64th St., in conjunction with City Project WS85100037, for the Street Transportation Department. Work includes removing existing facilities that are feeding a service entrance to Booster Pumps 2C-B4, which were relocated.

**This item was adopted.**

**38 Compliance Assurance Associates, Inc.**

For \$35,100.00 in payment authority for a new contract, entered on or about Oct. 19, 2017, for a term of three years, to provide Opacity Method 9 training for the Water Services and Public Works departments. The Maricopa County Air Quality Department (MCAQD) enforces a limit of 20 percent opacity for sources of visible emissions which include generators, flares, boilers, bulk material handling and construction activities. To maintain compliance with MCAQD, applicable staff must attend an initial and refresher training every six months.

**This item was adopted.**

**ADMINISTRATION**

**39 Maintenance, Repair, Operating Supplies, Industrial Supplies, and Related Products and Services - Serial 16154 RFP (Ordinance S-43967)**

Request to authorize the City Manager, or his designee, to adopt the US Communities contract with HD Supply Facility Maintenance and Interline Brands DBA SupplyWorks to provide maintenance, repair, operating supplies, industrial supplies, and related products and services in an amount not to exceed \$5,000,000 over the life of the contracts. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Contractors provide building materials, hardware, plumbing supplies, metals, tools, electrical, and other facility operation products and

equipment to citywide departments on an as-needed basis. The primary departments using the contracts are Housing, Parks and Recreation, Street Transportation, Water Services, and Fire. Locations are throughout the City. The requested goods are critical to citywide facility operations.

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement. The Intergovernmental Agreement with US Communities allows the City of Phoenix to adopt its agreements when it is beneficial to do so. Using the US Communities cooperative agreement allows the City to benefit from the US Community pricing and volume discounts. The US Communities contracts, serial number 16154 RFP, were awarded on Jan. 11, 2017.

### **Contract Term**

The five-year contract term will begin on or about Oct. 23, 2017. Provisions of the contract include an option to extend the contract up to five additional years, which may be exercised by the City Manager or his designee.

### **Financial Impact**

The aggregate contract value through Oct. 31, 2022 shall not exceed \$5,000,000 with an estimated annual value of \$1,000,000. Funds are available in all City of Phoenix departments' budgets.

**This item was adopted.**

**40 Grant Drainage Easements on City-owned Property Located at 22841 N. Cave Creek Road to Cave Buttes Development Partners, LLC for Sky Crossing (Ordinance S-43969)**

Request to authorize the City Manager, or his designee, to grant drainage easements to Cave Buttes Development Partners, LLC across City-owned property located at 22841 N. Cave Creek Road for consideration in the amount of the appraised value and other considerations. Further request authorization for the City Treasurer to accept all funds related to this item.

### **Summary**

The City-owned property will be encumbered with two drainage easements commencing at the eastern property line, adjacent to the Sky

Crossing development. The northern drainage easement consists of approximately 3,542 square feet, and the southern drainage easement consists of approximately 44,089 square feet (Attachment A). The easements are required for construction and development of Sky Crossing, a 409-acre planned community district. Water Services Department staff have reviewed the location of the drainage easements and determined there are no adverse impacts to the City-owned property.

The northern drainage easement is required due to grading in an existing wash. Several homes and a cul-de-sac will be built over a small portion of this channel, therefore the drainage easement is needed to perform re-grading to direct runoff around these homes and cul-de-sac and back into the natural channel.

The southern drainage easement is required due to expansion of Deer Valley Road on the southern property line of the Cave Creek Water Reclamation Plant. The drainage easement is needed so re-grading can be performed on the site to ensure that drainage follows historical flow paths.

#### **Financial Impact**

Compensation for the easements will be reflective of market value.

#### **Location**

22841 N. Cave Creek Road, identified by assessor parcel number 213-02-169A.

Council District: 2

**This item was adopted.**

#### **41 Citywide Security Guard Services - Requirements Contract IFB 13-061 (Ordinance S-43971)**

Request to authorize the City Manager, or his designee, to extend contracts 135158 and 135156 for one additional year with Blackstone Security Services Inc. and Surveillance Security Inc., and add additional expenditures in an amount of \$900,000 to continue to provide security guard services as needed by citywide departments. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

This contract provides licensed Security Officers and supervisors to provide high-quality uniformed unarmed security guard services on emergency and as-needed basis. Unarmed and uniformed security guard services are used citywide to secure public property, private property, outside property and inside premises. These security guard services may require outside or inside patrol on foot, or outside patrol in a company-provided vehicle. The extension of these contracts ensures that services are not interrupted while a new procurement is completed.

**Financial Impact**

Funds are available in various departments' budgets.

**Concurrence/Previous Council Action**

These contracts are a result of IFB 13-061, awarded Dec. 19, 2012.

**This item was adopted.**

**42 Grant of Easement to Salt River Project Across City-owned Property for Booster Pump Station 2C-B1 (Ordinance S-43973)**

Request to authorize the City Manager, or his designee, to grant a power distribution easement to Salt River Project (SRP) across City-owned property located at 6301 E. Thomas Road, for consideration of one dollar and/or other valuable consideration.

**Summary**

The electrical easement of approximately 3,526 square feet is required by SRP for installation of underground electrical infrastructure to accommodate replacement of the Water Services Department's booster pump station 2C-B1.

**Location**

6301 E. Thomas Road, identified by assessor parcel number 129-25-001C, is located out of the City.

**This item was adopted.**

**43 Authorization to Amend Lease with Olson Precast of Arizona, Inc., to Extend the Term (Ordinance S-43978)**

Request to authorize the City Manager, or his designee, to amend Contract 120324 with Olson Precast of Arizona Inc., to extend the lease

term for a five-year period with one additional five-year option period. Revenue during the initial five-year contract term will be \$7,440. Further request authorization for the City Treasurer to accept all funds related to this item.

**Summary**

Olson Precast of Arizona Inc., leases approximately 3,720 square feet of vacant City-owned land, adjacent to Olson's eastern property line at 3045 S. 35th Ave. The leased site is an approximate nine foot strip of land along the 27th Avenue landfill perimeter. The current lease term expires Dec. 28, 2017, with no remaining options. Annual base rent during the five-year extension period will be \$1,488 per year plus applicable taxes, beginning Dec. 29, 2017. Annual base rent during the five-year option period will be at the then prevailing market rent plus applicable taxes.

**Financial Impact**

Revenue during the initial five-year contract term will be \$7,440, or \$1,488 annually.

**Concurrence/Previous Council Action**

Contract 120324 was approved by Ordinance S-32019, adopted June 1, 2005.

**Location**

The leased site is approximately 640 feet west of S. 35th Avenue and approximately 960 feet south of W. Lower Buckeye Road, identified by assessor parcel numbers 105-43-004 (portion) and 105-49-010C (portion), located at 3045 S. 35th Ave.

Council District: 7

**This item was adopted.**

**44 Traffic Signal Lens Quick Change Kits - RFA 18-019 (Ordinance S-43979)**

Request to authorize the City Manager, or his designee, to enter into a contract with The Get Go Inc. to provide traffic signal lens quick change kits for the Street Transportation Department in an amount not to exceed \$401,764.00. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The quick change kits allow the traffic signal crews to change out LED traffic signal indications (TSI) without having to use any tools or removing their safety gloves, and speeds up the replacement process of the TSIs. Additionally, use of the kits eliminates the problem of existing signal indication holder devices being dropped from the technician's hands onto the ground below, which requires the technician to retrieve the dropped items. Use of these kits will improve the overall efficiency of the traffic signal crews without affecting employee's safety.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition Determination citing that the quick change kits are manufactured, sold and distributed exclusively by The Get Go Inc., and they maintain the copyright and patent privileges associated with these kits. There are no agents or dealers authorized to represent the quick change kits, and these kits must be purchased directly from The Get Go Inc. A Special Circumstance Without Competition Determination Memo was completed and approved by the Deputy Finance Director recommending the procurement with The Get Go Inc. be accepted.

**Contract Term**

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

**Financial Impact**

The purchase of the quick change kits will not exceed \$401,764.00 (including applicable taxes). Funds are available in the Street Transportation Department's budget.

**This item was adopted.**

**45     Safety Data Sheet Database Management Services - Requirements Contract (Ordinance S-43984)**

Request to authorize the City Manager, or his designee, to enter into a contract with Kelleher, Helmrich & Associates, Inc., to provide a proposer-hosted web-based Safety Data Sheet (SDS) database including updates and maintenance services for the Office of Environmental Programs (OEP). The aggregate contract value shall not

exceed \$120,000 (including applicable taxes), with an estimated annual expenditure of \$24,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The SDS database manages approximately 10,000 active safety data records for chemicals or products with chemical constituents used during the course of business at 1,200 locations which ensures worker safety and compliance with the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard (HCS) (29 CFR 1910.1200). The database is available to all City employees through the Inside Phoenix website and can easily be searched by facility name, product name, manufacturer, or MSDS number. This contract will allow continuation of operations and efficiency and compliance with Federal standards.

This item has been reviewed and approved by the Information Technology Services Department.

**Procurement Information**

RFP 17-019 was conducted in accordance with Administrative Regulation 3.10. There were two offers received by the Procurement Division on June 30, 2017. One offer was deemed non-responsive.

The proposal was scored by a three member evaluation committee based on the following criteria: Product Features and Capability Value Rating (350 points), Method of Approach (300 points), Company Experience, Qualification, and References (200 points), and Price Proposal (150 points). The proposer and their score is as follows:

Kelleher, Helmrich, & Associated, Inc.: 910

The Deputy Finance Directory recommends that the offer from KHA be accepted as the highest scored, responsive and responsible offeror that was most advantageous to the City.

**Contract Term**

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



**Financial Impact**

The aggregate contract value shall not exceed \$120,000 (including applicable taxes) with an estimated annual expenditure of \$24,000. Funds are available in the Office of Environmental Programs budget.

**This item was adopted.**

**46 Purchase of TYR Tactical Ballistic Vests - RFA 18-028 (Ordinance S-43985)**

Request to authorize the City Manager, or his designee, to enter into a contract with TYR Tactical, LLC to provide tactical ballistic vests in the amount not to exceed \$350,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Police Department, Tactical Support Bureau, houses the Special Assignment Unit and K-9 Unit, which are responsible for resolution of many incidents that endanger public safety. These incidents include barricaded subjects, high-risk search warrants, and arrests of subjects with high violence potential. The tactical ballistic vests provide a critical level of protection for police officers when deployed in these situations allowing them to conclude dangerous situations thus ensuring public safety.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition Determination Memo citing TYR Tactical, LLC as the manufacturer of the tactical ballistic vests that best meet the specifications and performance standards of the Tactical Support Bureau. A Special Circumstance Without Competition Determination Memo was completed and approved by the Deputy Finance Director recommending the procurement with TYR Tactical, LLC be accepted.

**Contract Term**

The five-year contract will begin on or about Nov. 1, 2017 and end on or about Oct. 31, 2022.

**Financial Impact**

The expenditures against this contract shall not exceed the aggregate

amount of \$350,000 (including applicable taxes). Funds are available in the Police Department's budget.

**This item was adopted.**

**47 Acceptance and Dedication of a Deed and Easements for Sidewalk and Roadway Purposes (Ordinance S-43992)**

Request for the City Council to accept and dedicate a deed and easements for sidewalk and roadway purposes; further ordering the ordinance recorded.

**Summary**

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

Easement (a)

Applicant: Quick N Clean 42 LLC, its successor and assigns

Purpose: Sidewalk

Location: 6149 N. 7th St.

File: FN170086

Council District: 6

Easement (b)

Applicant: Alexander Castro and Konstantina Castro, its successor and assigns

Purpose: Sidewalk

Location: 1549 E. Euclid Ave.

File: FN170070

Council District: 8

Deed (c)

Applicant: Alexander Castro and Konstantina Castro, its successor and assigns

Purpose: Roadway

Location: 1549 E. Euclid Ave.

File: FN170070

Council District: 8

**This item was adopted.**

**48 Acceptance of Easements for Public Utility and Water Line Purposes (Ordinance S-43993)**

Request for the City Council to accept easements for public utility and water line purposes; further ordering the ordinance recorded.

**Summary**

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

Easement (a)

Applicant: Lennar Arizona, Inc., its successor and assigns

Purpose: Water Line

Location: north of Circle Mountain Road and east of 41st Lane

File: FN 170087

Council District: 1

Easement (b)

Applicant: TMG Investment Properties, LLC, its successor and assigns

Purpose: Public Utilities

Location: 2247 W. Belmont Ave.

File: FN 170084

Council District: 5

Easement (c)

Applicant: Alexander Castro and Konstantina Castro, its successor and assigns

Purpose: Public Utilities

Location: 1549 E. Euclid Ave.

File: FN170070

Council District: 8

**This item was adopted.**

**50 Amendment of Airport Revenue Bond Ordinance (Ordinance S-44001)**

Request to authorize the City Manager, or his designee, to amend Ordinance S-21974, adopted April 20, 1994, by amending section 4.6 of

article IV relating to the issuance and sale of airport revenue bonds.

This ordinance will amend the existing Airport Revenue Bond Ordinance ("Master Ordinance") to provide additional flexibility to the City when it issues airport revenue bonds by providing authorization for the Aviation Director to enter into certain leases longer than 10 years in term. The change will allow the City to issue bonds in a manner consistent with terms and conditions generally accepted by purchasers of airport revenue obligations.

### **Summary**

In 1994, City Council passed the Master Ordinance. The Master Ordinance, which has been amended from time to time, provides directions and definitions that set parameters for issuing airport revenue bonds. The Master Ordinance also makes certain covenants, or commitments, to bondholders such as:

defining the revenue that secures the bonds;  
defining the security for the bonds; and  
outlining criteria necessary to issue additional bonds.

The City is currently in the process of issuing airport revenue bonds for project funding and refunding savings. In preparation for the bond sale, staff in Finance has consulted with Aviation staff to review all legal documents given current circumstances. To provide more flexibility, staff recommends a change to the Master Ordinance to eliminate the ten-year term limitation in certain Airport lease agreements. This change would enhance procurement options and allow for opportunities otherwise excluded by the ten-year limit.

Because the City has committed to bondholders that it will abide by the Master Ordinance, any changes to the Master Ordinance requires majority consent from bondholders as well as City Council authorization. Receiving majority bondholder consent is normally difficult as existing bondholders generally are unresponsive. Since the City is currently in the process of issuing over \$400 million of airport revenue bonds, it has the opportunity to secure over 51% of bondholder approval of the Master Ordinance change by making the current sale contingent on such consent.

**This item was adopted.**

**51 Safety Products for City Departments - IFB 15-059 (Ordinance S-44002)**

Request to authorize the City Manager, or his designee, to add additional expenditures to Contracts 4701000642, 4701004548, 4701000507, 4701000508, 4701000510, 4701000511, and 4701000213 with Arizona Glove & Safety, Border Construction Specialties, Cintas First Aid & Safety, Quadna a DXP Company, Grainger, Henry Schein, and Saf-T-Gard International Inc., in the amount of \$400,000 to provide safety products to the City. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Arizona Glove & Safety, Border Construction Specialties, Cintas First Aid & Safety, Quadna a DXP Company, Grainger, Henry Schein, and Saf-T-Gard International Inc., contracts cover a broad range of safety products in 16 categories of personal protective equipment, safety and traffic signage and barriers, as well as testing and certification services. These products and services ensure safe working conditions for employees in various departments, as well as ensure the safety of City of Phoenix residents.

**Financial Impact**

With the \$400,000 in additional funds, the contracts' revised aggregate value through Jan. 31, 2020 is now \$3,150,000 and the revised estimated annual expenditure is \$630,000. The Water Services, Street Transportation, Parks and Recreation, Aviation, Public Works, Fire, and Police departments are the majority users and funds are available in each department's budget. The contracts are available to all City departments.

**Concurrence/Previous Council Action**

This contract is the result of IFB 15-059 awarded at the Jan. 7, 2015 Formal Council meeting.

**This item was adopted.**

**52 Authorization To Apply For Grant Funding For Security Equipment (Ordinance S-43991)**

Request authorization for the Phoenix Municipal Court to apply for grant

funding in an amount not to exceed \$66,000 from the Arizona Supreme Court administered Judicial Collection Enhancement Fund (JCEF) to purchase security equipment for the Phoenix Municipal Court. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**

The Phoenix Municipal Court is seeking grant funding to purchase cameras for the Customer Service area and an Uninterruptible Power Supply (UPS) replacement. The cameras will increase security by providing better view and tracking of payment transactions at our Customer Service windows, including the ability to see the denomination of cash processed. The UPS will provide backup battery power in the event of a power outage. The Court's current UPS is now older than the recommended replacement age. In the event that both our power and UPS fail, access control doors may no longer be secured against unauthorized entry. In addition, security video to our courtrooms, customer service areas and in-custody transport section will be lost, placing staff and the public at risk.

**Financial Impact**

Funds are available in the Phoenix Municipal Court local JCEF account. The Municipal Court must submit a funding plan and application to the Arizona Supreme Court Administrative Office of the Courts to secure approval for utilization of JCEF funds pursuant to Arizona Revised Statutes Section 14-113. No General Fund dollars will be used.

**This item was adopted.**

**53 Authorization for Phoenix Municipal Court to Apply for Grant Funding and Enter Into Agreement with Databank IMX, LLC for OnBase System Upgrade and Maintenance Services (Ordinance S-44004)**

Request authorization for Municipal Court to apply for and accept grant funds in an amount not to exceed \$50,000 from the Arizona Supreme Court administered Judicial Collection Enhancement Fund (JCEF) to upgrade the court's OnBase Electronic Document Management System (EDMS) software. Further request authorization for Municipal Court to enter into five-year service agreement with Databank IMX, LLC for maintenance of the OnBase EDMS software at a cost not to exceed

\$24,000 per year. Further authorization is requested for the City Treasurer to accept and for the City Controller to disburse the necessary funds.

**Summary**

The Municipal Court is updating its network to the Windows 10 operating system. In order to ensure the continued stability and supportability of the Court's OnBase EDMS, it is essential to upgrade the OnBase software so that it is fully compatible with Windows 10. The upgraded version of OnBase also provides enhanced functionality that will allow the court to integrate its Case Management System (CMS) and EDMS directly through an API (application interface). The OnBase software upgrade will eliminate the need for the Court to depend on the vendor for periodic functionality enhancements and provide a sound foundation for future projects including active case imaging. The OnBase software upgrade will require corresponding ongoing software maintenance support. In implementing this upgrade, the Municipal Court will be able to avail itself of the Arizona Supreme Court Administrative Office of the Court's contract with the vendor to provide services and maintenance for all Arizona courts.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing the procurement of goods or services under a cooperative agreement from another government agency. Databank IMX, LLC, is contracted by the Arizona Supreme Court Administrative Office of the Courts to provide OnBase services and maintenance for Arizona courts, as OnBase is the statewide standard.

**Contract Term**

The five-year contract term will begin on or about Oct. 18, 2017, and end on June 16, 2022. There are no provisions to extend the contract beyond the initial five-year term.

**Financial Impact**

Funds, in the amount of \$50,000, are available for the OnBase software upgrade in the Phoenix Municipal Court local JCEF account. The Municipal Court must submit a funding plan and application to the Arizona

Supreme Court Administrative Office of the Courts to secure approval for utilization of JCEF funds pursuant to Section 14-113 of the Arizona Revised Statutes. The aggregate contract value for OnBase software maintenance services will not exceed \$120,000, with an estimated annual expenditure of \$24,000. Funds for the OnBase software maintenance are available in the Phoenix Municipal Court budget.

**This item was adopted.**

**55      Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-43998)**

Request authorization for the City Manager, or his designee, to transfer retirement funds for Daniel Moreno in the amount of \$2,826.13 to the Arizona State Retirement System, and further request authorization for City Controller to disburse funds.

**Summary**

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

Moreno, Daniel	\$2,826.13
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**Concurrence/Previous Council Action**

The COPERS Board is scheduled to hear this item at its Oct. 12, 2017, meeting.

**This item was adopted.**

**COMMUNITY SERVICES**

**56      Request to Issue RFP for Senior Nutrition Meal Program Services**

Request to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) for Senior Nutrition Meal Program (SNMP) services and authorization to begin negotiations with the recommended proposer(s). The aggregate contract value will not exceed \$27.8 million over the life of the contract.

**Summary**



The Human Services Department (HSD) recommends the City issue a RFP to solicit proposals from qualified companies to continue to provide SNMP services. The contract for services with the current vendor was executed on Dec. 12, 2012 and will expire on June 30, 2018. The new solicitation will continue services to provide congregate and home delivered meals (HDM) to elderly and disabled Phoenix residents.

The senior population in Arizona, age 65 and older, is growing and nutrition plays a critical role in their health. HSD has provided congregate meals to senior center participants and HDM to homebound seniors and disabled individuals for many years. In FY 2017, approximately 225,000 congregate meals were prepared for 4,100 senior center members and 271,000 hot and frozen meals were prepared and delivered to more than 1,891 HDM clients.

**Procurement Information**

The RFP evaluation criteria and corresponding points (1,000 possible) for SNMP services will be as follows:

Experience and Expertise: 300

Price: 275

Meal Operations Plan: 250

Financial Capacity: 100

Transition Plan: 75

The RFP is anticipated to be issued in November 2017. Staff will negotiate business terms with the successful proposer(s). A formal recommendation for award of a contract will be presented to City Council in April 2018. Proposals will be evaluated by an evaluation committee that will be comprised of a minimum of five persons qualified to evaluate the components of this solicitation. Members of the evaluation committee will include representatives of the City and may include representatives from other public agencies as well as senior center members.

**Contract Term**

The initial contract term for SNMP services will be for five years with an option to extend the contract for one additional two-year period and will begin on or about July 1, 2018.

**Financial Impact**

The aggregate contract value will not exceed \$27.8 million over the life of the contract. The estimated annual expenditure is approximately \$3.96 million. Funds are available from a combination of grant funds received from Area Agency on Aging, Inc. and City of Phoenix General Funds.

**Concurrence/Previous Council Action**

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

**This item was approved.**

**57 Amendment of 2017 Public Service and Public Facilities  
Subrecipient Recommendations (Ordinance S-43999)**

Request to authorize the City Manager, or his designee, to amend Ordinance S-43719 by eliminating Fresh Express by Discovery Triangle Development Corporation, Fresh Food Connection, and its related funding of \$22,806 in Community Development Block Grant (CDBG) Public Service funds from the ordinance due to the organization's decision to decline the grant award based on its current priorities and capacity level. Further request authorization to add an award of \$22,806 in CDBG Public Service funds to the Mollen Foundation, Garfield's Garden on the Corner to the ordinance under the priority of Addressing Nutrition and Access to Food in Food Deserts.

**Summary**

Ordinance S-43719 authorized the City Manager to enter into Community Development Block Grant (CDBG) contracts for Public Services and Public Facilities (PS/PF) projects, and authorized the City Controller to disburse \$811,987 in CDBG funds for PS/PF programs for the 2017-18 fiscal year. The CDBG Request for Proposals (RFP) for PS/PF was conducted by the Neighborhood Services Department (NSD) from Oct. 31 through Dec. 5, 2016. A total of 97 applications, requesting more than \$3.16 million, were received to provide public services to low- and moderate-income residents of Phoenix such as youth enrichment programs, support services to persons with disabilities and seniors, domestic violence/human trafficking prevention, nutrition services related to food deserts, and to improve the infrastructure of public facilities. The agencies selected to receive funding were recommended by the

Community Development (CD) Review Committee, an 11-member independent, Mayor-appointed, volunteer committee, and approved by City Council on June 28, 2017.

**Contract Term**

The contract term is from July 1, 2017 to Dec. 31, 2018.

**Financial Impact**

No more than \$22,806 in Community Development Block Grant funds will be awarded to the Mollen Foundation, Garfield's Garden on the Corner from July 1, 2017 to Dec. 31, 2018; there will be no impact to the General Fund.

**This item was adopted.**

**ECONOMIC DEVELOPMENT**

**60 Amend Ordinance S-43737 to Modify Intergovernmental Agreement Terms with Arizona State University for Arizona Biomedical Corridor Infrastructure Improvements (Ordinance S-44005)**

Request to amend Ordinance S-43737 (Ordinance) and to authorize the City Manager, or his designee, to modify or execute any agreements or other documents necessary with the Arizona Board of Regents (ABOR) for and on behalf of the Arizona State University (ASU) to increase the scope of infrastructure improvements eligible for reimbursement on the Arizona Biomedical Corridor (ABC) in north Phoenix; and to authorize the City Controller to disburse funds.

**Summary**

On June 7, 2017, the City Council approved the Ordinance to authorize the City to enter into an Intergovernmental Agreement with ASU to facilitate ABC infrastructure improvements to assist with development of the first phase of ASU's Health Solutions Innovation Center (HSIC) project and lay the groundwork for ongoing development in the ABC. The HSIC is planned to be a \$75 million, 150,000-square-foot building that will serve as a catalyst for future public and private development in the Arizona Biomedical Corridor.

ASU is currently in the preliminary design and engineering stage of the

HSIC project and plans to break ground in 2018. Through the preliminary design processes ASU has identified additional infrastructure improvements related to an additional 1.35 million square feet of health and bioscience facilities representing a total additional investment of approximately \$325 million over the next 15 years. This amendment is to request that additional infrastructure is authorized to be included in the reimbursement schedule as the campus is built out. As detailed in the original Council action, these reimbursements would only occur after the improvements are constructed and campus facilities are developed.

The specific change is to increase the total not-to-exceed reimbursement amount from \$1.3 million to \$8.8 million; for various projects including a public pedestrian/bicycle bridge over the wash corridor, and public street and sidewalk improvements.

All other terms of the Ordinance S-43737 will remain in full force and effect.

### **Financial Impact**

As amended, up to \$8.8 million in public infrastructure improvements will be reimbursed to ASU from the Strategic Economic Development Fund, paid in installments based on funding availability. Based on eligibility of expenditures and funding availability, Highway User Revenue Funds, Water Revenues, Wastewater Revenues, and/or Downtown Community Reinvestment Funds may be used as alternate funding sources. Reimbursements are anticipated to begin in FY 2019/2020. Specific funding sources will be identified prior to executing development agreements. Development agreements will be reviewed for funding availability by the Budget & Research Department and funding will be budgeted in the Community and Economic Development Capital Improvement Program.

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

This item was recommended for approval by the Downtown, Aviation, Economy and Innovation Subcommittee on Oct. 4, 2017. City Council approved the original action through Ordinance S-43737 on June 28, 2017.

**Location**

The area extends from State Route 101 to the Central Arizona Project Canal, between 56th Street and 64th Street, along Mayo Boulevard.

Council District: 2

**This item was adopted.**

**PUBLIC SAFETY****61      Exercise Options for Current Contract 144152 with U.S. Digital Designs (USDD) for Fire Station Alerting Systems Equipment (Ordinance S-43990)**

Request authorization for the City Manager, or his designee, to exercise the remaining option years for contract 144152 with US Digital Designs (USDD) for fire station alerting system equipment for the Phoenix Fire Department and regional Computer Aided Dispatching (CAD) partners. Authorization is also requested for the City Controller to disburse the necessary funds not to exceed \$6 million.

**Summary**

Fire station alerting equipment, sometimes referred to as "station alerting packages" refers to the equipment in fire stations that notifies firefighters on shift that they are being dispatched on an emergency call. This equipment is installed in all Phoenix fire stations and all Valley fire stations participating in the regional CAD system. The equipment and maintenance is proprietary.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as USDD is the sole provider of the equipment and associated maintenance.

**Contract Term**

This request is to exercise the remaining contract option years and receive additional payment authority to fund the remaining years through the term of the contract ending on Dec. 8, 2021.

**Financial Impact**

The remaining contract option years through Dec. 8, 2021 shall not exceed \$6 million. Funds for this contract are included in the Fire

Department's operating budget. Regional partners reimburse the City of Phoenix for all purchases associated with their jurisdictions.

**Concurrence/Previous Council Action**

This item was approved by City Council on Nov. 15, 2015.

**This item was adopted.**

**TRANSPORTATION AND INFRASTRUCTURE**

**63 Issue Request for Proposals for Lot Cleaning and Maintenance Services**

Request to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) for Lot Cleaning and Maintenance Services.

**Summary**

The Aviation Department acquired 810 land parcels around the west end of Phoenix Sky Harbor International Airport through the Community Noise Reduction Program. The parcels are undeveloped, vacant lots located in residential and industrial areas. Aviation is seeking a vendor to provide lot cleaning and maintenance services for the parcels, including right-of-ways, alleys, and easements. Services will include vegetation control, trash pickup, removal of illegally dumped materials, rock harrowing, fence repair, tree maintenance and removal, sign installation and repair, pest control, and other work associated with property management. Upkeep of the parcels, which total approximately 150 acres, is imperative to the communities that live and work on neighboring parcels.

**Procurement Information**

Responsive and responsible responses will be evaluated by committee according to the following evaluation criteria: Respondent Approach to Work and Business Operations (0-350 points available), Respondent Experience (0-300 points available), Respondent Proposed Price (0-250 points available), and Respondent References (0-100 points available).

The highest-scored response will be recommended for contract award.

**Contract Term**

The proposed term is two years with three, one-year extension options, to be exercised at the sole discretion of the Aviation Director.

**Location**

West of Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.

Council District: 8

**Concurrence/Previous Council Action**

This item was recommended for approval by the Downtown, Aviation, Economy and Innovation Subcommittee on Oct. 4, 2017, by a vote of 3-0.

**This item was approved.**

**64 Purchase of Retro-Reflective Glass Beads - AVN IFB 17-022  
(Ordinance S-43976)**

Request to authorize the City Manager, or his designee, to enter into a contract with Swarco Reflex, LLC for the supply of Retro-Reflective Glass Beads on an as-needed basis. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value including all option years will not exceed \$750,000.

**Summary**

Airport pavement markings are a critical component of airfield visual aids and must be properly maintained. Retro-Reflective Glass Beads are necessary for airfield striping operations and will be used to enhance airfield markings at Phoenix Sky Harbor International Airport, Goodyear Airport and Deer Valley Airport. The glass beads are required by Federal Aviation Administration (FAA) regulation and must meet FAA specifications. The contract will supply FAA compliant Retro-Reflective Glass Beads to be used on airport runways, taxiways and ramps.

**Procurement Information**

Solicitation AVN IFB 17-022 was conducted in accordance with Administrative Regulation 3.10. Three bids were received on May 19, 2017. One bid was determined to be non-responsible.

Swarco Reflex, LLC: \$146,250

Centerline Supply West, Inc.: \$175,500

The offer was evaluated based on price, terms and conditions, and responsibility to provide the required goods. The City of Phoenix Aviation Department determined it is in the best interest of the City to award a contract to the lowest, responsive and responsible bidder, Swarco Reflex, LLC.

#### **Contract Term**

The initial contract term is for three years beginning on or about Sept. 1, 2017 through Aug. 31, 2020. Provisions of the contract include an option to extend the term up to two years, which may be exercised by the City Manager or designee.

#### **Financial Impact**

The aggregate contract value including all option years will not exceed \$750,000. Funds are available in the Aviation Department's budget.

#### **Location**

The locations for this contract are Phoenix Sky Harbor International Airport located at 3400 E. Sky Harbor Boulevard, and surrounding airport properties; Deer Valley Airport located at 702 W. Deer Valley Road; and Goodyear Airport located at 1658 S. Litchfield Road, Goodyear, Arizona.

Council Districts: 1, 8, Out of City

**This item was adopted.**

#### **65 Professional Printing Services Qualified Vendor List - RFQ 17-020 (Ordinance S-43986)**

Request to authorize the City Manager, or his designee, to enter into multiple contracts with qualified proposers of the Request for Qualification (RFQ 17-020) for Professional Printing Services for the Aviation Department. The contracts may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate value for all of the contracts



will not exceed \$240,000 with an estimated annual expenditure of \$80,000.

**Summary**

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

**Procurement Information**

Request for Qualification (RFQ) 17-020 for Professional Printing Services was conducted in accordance with Administrative Regulation 3.10. Seven proposals were received by the Contracts and Services Division on Aug. 9, 2017. All seven proposals were deemed responsive.

The proposals were scored by a four-member evaluation committee based on the following criteria: Quality of Product (500 points), Business and Staff Experience and Qualifications (200 points), Method of Approach (175 points), and References (125 points). To qualify for the three commercial print groups, proposers must score a minimum of 700 points for Group A, 650 points for Group B, and 600 points for Group C. The following are the recommended firms for the QVL:

Group A - High End, Sheet Fed, Large Format

Lithotech: 867 Points

Ironwood: 751 Points

Gordon Graphics, Inc.: 713 Points

Prisma Graphic Corporation: 707 Points

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

Lithotech: 867 Points

Gordon Graphics, Inc.: 713 Points

Prisma Graphic Corporation: 707 Points

Capitol Litho Corporation: 665 Points

Group C - Short Run, Digital

Lithotech: 867 Points  
Gordon Graphics, Inc.: 713 Points  
Prisma Graphic Corporation: 707 Points  
Capitol Litho Corporation: 665 Points  
City of Phoenix City Clerk: 618 Points

**Contract Term**

The QVL shall be effective for a three-year period beginning on or about Nov. 1, 2017 and ending on Oct. 31, 2020.

**Financial Impact**

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

**This item was withdrawn.**

**66 Contract Extension for Security Guard Services (Ordinance S-43994)**

Request authorization for the City Manager, or his designee, to extend the current security guard contracts with Securitas Security Services USA, Inc. and HSS, Inc., on a month-to-month basis, not to exceed three months beginning April 1, 2018 through June 30, 2018. The extension will allow staff sufficient time to conduct a solicitation process for new contracts. Further request authorization for the City Controller to disburse the additional funds. The additional funds for the current security guard contracts will not exceed \$1,625,000.

**Summary**

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

**Financial Impact**

The additional funds for the current security guard contracts will not exceed \$1,625,000.

**Concurrence/Previous Council Action**

This item was approved by the Downtown, Aviation, Economy and Innovation Subcommittee on Oct. 4, 2017 by a vote of 3-0, with the Subcommittee requesting staff return to the Subcommittee prior to issuing the Request for Proposals.

**Location**

The service locations of the security guard contracts include Phoenix Sky Harbor International Airport, located at 3400 E. Sky Harbor Boulevard; Deer Valley Airport, located at 702 W. Deer Valley Road; and Goodyear Airport, located at 1658 S. Litchfield Road, Goodyear, Arizona.

Council Districts: 1, 8, Out of City

**This item was adopted.**

**67 Certificate of Insurance Tracking and Monitoring Services  
Request for Proposal - Recommendation to Award (Ordinance  
S-43996)**

Request to authorize the City Manager, or his designee, to award and enter into a contract with Exigis, LLC, to provide certificate of insurance tracking and monitoring services for the Aviation Department. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$105,000.

**Summary**

The Aviation Department (Department) issues approximately 60-70 new procurements annually. Currently the Department has 303 active contracts, varying from goods and services to revenue contracts, to monitor for contract compliance. The number of active contracts vary from year to year. Each contract requires different and specific insurance coverage ranging from general liability, automobile liability, worker's compensation and employers' liability to professional liability. Each contractor is required to provide proof of insurance throughout the term of the contract by submitting a certificate of insurance. Each certificate of insurance must be tracked and reviewed to verify contract compliance. The Aviation Department requires reliable on-line and comprehensive certificate of insurance tracking and monitoring services.

**Procurement Information**

This procurement was conducted using a competitive Request for Proposal process. The Aviation Department received three proposals: Creative Insurance Concepts, Inc., Ebix, Inc., and Exigis, LLC. Ebix, Inc., was determined non-responsive. The evaluation panel evaluated the proposals based on five criterion with a scoring range from 0 to 1,000. Through a consensus scoring process, and in the best interest of the City, the evaluation panel recommended Exigis, LLC to be awarded the contract.

Exigis, LLC: 845 points

Creative Insurance Concepts, Inc.: 585 points

**Contract Term**

The term of the contract will be three years beginning on Nov. 1, 2017. The contract will include two options to extend the term up to two years in one-year increments. The contract may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee. The options may be exercised at the sole discretion of the Aviation Director.

**Financial Impact**

The aggregate contract value will not exceed \$105,000. The first year estimated expenditure is \$30,640 with an estimated annual expenditure of \$18,590 thereafter. Funds are available in the Aviation Department's Operating Budget.

**Location**

Phoenix Sky Harbor International Airport is located at 3400 E. Sky Harbor Blvd. Deer Valley Airport is located at 702 W. Deer Valley Road. Goodyear Airport is located at 1658 S. Litchfield Road, Goodyear, Arizona.

Council Districts: 1, 8, Out of City

**This item was adopted.**

**68 Third-Party Registered Traveler Program (Ordinance S-43997)**

Request to authorize the City Manager, or his designee, to enter into an

agreement with Alclear, LLC (dba Clear) to provide a Third-Party Registered Traveler Program concession service at Phoenix Sky Harbor International Airport. For the term of the lease, Clear will pay a Minimum Annual Guarantee (MAG) or percentage rent equal to 10 percent of gross sales, whichever is greater.

**Summary**

Lines at screening checkpoints are a major concern for airports. To improve passenger flow through the security screening process, many airports in the United States have contracted with Clear, a private company that uses automated secure biometric technology to expedite identity verification. Clear's biometric identity verification system has been certified by the U.S. Department of Homeland Security as a Qualified Anti-Terrorism Technology under the Safety Act. The Aviation Department believes that providing this service to passengers at Sky Harbor will improve the guest experience by shortening the time a passenger must stand in the screening lines.

Clear offers a subscription service that allows subscribers to expedite through the security checkpoint and proceed directly to physical screening. Clear operates in 28 airport locations and six professional sports stadiums and has over one million members nationwide. Clear will install enrollment kiosks at all checkpoints to provide Sky Harbor customers an opportunity to subscribe to this service.

**Procurement Information**

Clear is the only private trusted-traveler program sanctioned by the Transportation Security Administration. The agreement will be entered under sole source determination in accordance with the Procurement Code.

**Contract Term**

The lease will be three years with two, one-year renewal options, which may be exercised at the sole discretion of the Aviation Director.

**Financial Impact**

For the term of the lease, Clear will pay a Minimum Annual Guarantee (MAG) or percentage rent equal to 10 percent of gross sales, whichever is greater. MAG for the first full year will be \$200,000. MAG for all years

thereafter will be established at 85 percent of the annual rent owed by Clear during the immediate preceding year. Gross sales are derived from all enrollments to the Clear program originating in the defined catchment area of the State of Arizona.

**Concurrence/Previous Council Action**

This item was recommended for approval by the Downtown, Aviation, Economy and Innovation Subcommittee on Oct. 4, 2017, by a vote of 3-0.

**Location**

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

**This item was adopted.**

**69 Fleet Management Information System - Requirements Contract Recommendation (Ordinance S-43970)**

Request to authorize the City Manager, or his designee, to enter into a contract with AssetWorks LLC (AssetWorks) to provide software maintenance and support for the M5 Fleet Management Information System in an amount not to exceed \$850,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Public Works Department utilizes AssetWorks as the system of record for approximately 7,300 citywide fleet vehicles and equipment items, excluding the Public Transit and the Aviation Departments. This system is essential to manage vehicle maintenance records throughout the life of the asset from acquisition, including all maintenance activities, until the vehicle is salvaged. The Public Works Department has used AssetWorks since 2002 and has more than 15 years of data recorded in the system.

AssetWorks is used worldwide for fleet maintenance to capture and record vehicle activities. Annual subscription pricing, including system support, is fair and competitive within the industry.

This item has been reviewed and approved by the Information

Technology Services Department.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Determination Memo citing the unusual nature of the goods and services that require a specific vendor for consistency and training.

**Contract Term**

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

**Financial Impact**

The aggregate value of the contract will not exceed \$850,000, with an estimated annual expenditure of \$170,000. Funds are available in the Public Works Department's budget.

**This item was adopted.**

**70 JCB Equipment - Maintenance and Repair Service Contract  
Recommendation (Ordinance S-43980)**

Request to authorize the City Manager, or his designee, to enter into a contract with Forklift Exchange, Inc., dba Flaska JCB for maintenance and repair of J.C. Bamford Excavators Limited (JCB) equipment in an amount not to exceed \$300,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Parks and Recreation, Water Services, Street Transportation and Public Works departments use JCB equipment, including excavators, tractors and backhoes. The Public Works Department is responsible for maintenance and repair of this equipment. In order to decrease turnaround times and expedite the return to service of essential equipment, the Public Works Department seeks to contract with Forklift Exchange, Inc., dba Flaska JCB on an as-needed basis to augment the City's repair and maintenance capabilities. Forklift Exchange has previously provided maintenance and repair services and pricing has

been deemed reasonable and fair.

### **Procurement Information**

Forklift Exchange, Inc., dba Flaska JCB is the only authorized vendor in Arizona for equipment, parts, and service for JCB equipment. In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing there is only one source for the necessary goods and services.

### **Contract Term**

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

### **Financial Impact**

Expenditures shall not exceed \$300,000 over the life of the contract, with an estimated annual expenditure of \$60,000. Funds are available in the Public Works Department's budget.

**This item was adopted.**

**71     Aquifer Storage and Recovery Wells and Water Production Wells -  
Well Drilling and Installation/Testing of Infrastructure -  
Construction Manager at Risk Construction Services -  
WS85010054-2 (Ordinance S-43968)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Felix Construction Company to provide Construction Manager at Risk (CMAR) construction phase services for the Aquifer Storage and Recovery (ASR) Wells and Water Production Wells project, and to amend the agreement as necessary to provide construction services within the Council-authorized funding authority. Felix Construction Company's fee for CMAR construction services will not exceed \$24 million, including all subcontractor and reimbursable costs. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

The City plans to install three production wells and seven ASR wells. The



firm is assigned five wells (numbers 304, 305, 306, 309, 312). Water pumped from the wells will be used to augment Phoenix's potable water resources during times of long-term water shortages and emergency outages, and to meet potable system demand balancing.

The initial construction contract services will be for preparation of a guaranteed maximum price (GMP) proposal for the construction services provided under the contract, and Felix Construction Company will assume the risk of delivering the project through GMP construction contract amendments.

The CMAR will be responsible for construction means and methods related to the project, participating with the City in a process to set a local and Small Business Enterprise (SBE) goals for the project, and implementing the SBE process. A Small Business Enterprise goal will be established before the start of construction and will be incorporated into the contract by amendment. Felix Construction Company will be required to solicit bids from prequalified subcontractors and to perform the work using the City's subcontractor selection process. Felix Construction Company may also compete to self-perform limited amounts of work.

### **Procurement Information**

Felix Construction Company was chosen for this project using a qualifications-based selection process according to Section 34-604 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the CMAR Design Phase Services.

### **Contract Term**

The term of the initial GMP preparation services under the CMAR Construction Phase Services contract is expected to be six months from issuance of a notice to proceed. The GMP Construction Services will be implemented under contract amendment and is expected to take an additional 30 months. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

Felix Construction Company's fee for CMAR construction services will not exceed \$24 million, including all subcontractor and reimbursable costs.

Staff will immediately execute a \$125,000 contract for GMP preparation services, and GMP construction contract amendments totaling an amount not-to-exceed \$23,875,000 will be reviewed and approved separately by the Budget and Research Department.

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

**Concurrence/Previous Council Action**

The CMAR Design Phase Services Contract 145609 was approved by City Council on July 6, 2017.

**Location**

Wells 304, 305, 306, 309 and 312 are located in Council Districts 1, 2 and 3.

**This item was adopted.**

**72 Steel Tank Rehabilitation Program Assessment and Design Services Amendment 2 - WS85050023 (Ordinance S-43974)**

Request the City Manager, or his designee, to execute Amendment 2 to Contract 141598 with HDR Engineering, Inc. (HDR), for additional assessment and design services in support of the Steel Tank Rehabilitation Program. HDR's fee under this contract will be increased by \$307,751.74, for a new total not-to-exceed amount of \$1,322,860.03, including all subconsultant and reimbursable costs. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

There are 41 steel tanks located at 33 different sites serving as potable water storage/pressure surge protection facilities within the City's water

production and distribution system. A program has been established to assess and rehabilitate these steel tanks to prevent deterioration over time based on their coating, structural, and site conditions.

HDR will provide assessment and design services for two sites, Tramanto Tank and Well 235, that fall under the "Group J Steel Tanks" project. HDR's services will include, but are not limited to: conduct inspections, provide assessments, prepare rehabilitation construction documents, obtain permits, and provide pre-construction services. In addition, HDR will provide inspection and oversight for warranty repair at Papago North Tank and re-coating at Deer Valley Water Treatment Plant Process Surge Tank.

### **Procurement Information**

HDR was chosen for this project using a qualifications-based selection process according to Section 34-603 of the Arizona Revised Statutes. The City and HDR entered into Contract 141598 on Nov. 6, 2015.

### **Contract Term**

The term of this amendment will be approximately 270 days and will coincide with construction services for this project. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

### **Financial Impact**

HDR's fee under this contract will be increased by \$307,751.74, for a new total not-to-exceed amount of \$1,322,860.03, including all subconsultant and reimbursable costs. Funding for these services is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

### **Previous Council Action**

City Council approved Assessment and Design Services Contract 141598 on Oct. 21, 2015. City Council approved Amendment 1 on Aug.

31, 2016.

**Location**

The tanks that will be serviced are: Tramonto Tank (7B-ES1) at 19th Ave. and Carefree Highway in Council District 2; Well 235 West (3C-GS1-2) in the Town of Paradise Valley; Deer Valley Water Treatment Plant Process Surge Tank at 30th and Dunlap Avenues in Council District 1; and Papago North Tank (2C-ES1-1) at 62nd Street and McDowell Road in Council District 6.

**This item was adopted.**

**73 State Route 85 Landfill Stormwater Control System Phase 3, Design-Bid-Build - PW16810004 (Ordinance S-43975)**

Request to authorize the City Manager, or his designee, to accept Buesing Corp. (Phoenix), as the lowest-priced, responsive and responsible bidder and to enter into an agreement with Buesing Corp. for construction services for the State Route (SR) 85 Landfill Stormwater Control System Phase 3 project. Further request authorization for the City Controller to disburse all funds related to this item. The bid received from Buesing Corp. was for \$4,112,938.55.

**Summary**

Buesing Corp.'s services in support of the SR 85 Landfill Stormwater Control System Phase 3 project include approximately 605,000 cubic yards of excavation and stockpiling; 76,000 square yards of riprap along with associated geotextile material; and gabions for the construction of the storm water system. Work also includes construction of cut-off walls, guard rails, headwalls, erosion repairs and tie-ins, and other associated work to complete the project.

**Procurement Information**

Four bids were received according to Section 34-201 of the Arizona Revised Statutes by the Street Transportation Department on Aug. 1, 2017. One bid was deemed non-responsive for failure to submit a bid bond as required by the solicitation. The remaining three bids were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and general contractor responsiveness in demonstrating compliance with the project's Small Business Enterprise (SBE) goal. All three bidders were deemed responsive.

The bids ranged from a low of \$4,112,938.55 to a high of \$4,399,907.50. The Engineer's Estimate and the three lowest responsive, responsible bidders are listed below:

Engineer's Estimate: \$3,742,025.45

Buesing Corp.: \$4,112,938.55

Action Direct dba Redpoint Contracting, Inc.: \$4,270,005.95

Rummell Construction, Inc.: \$4,399,907.50

### **Contract Term**

The term of the contract is 120 calendar days from the date of issuance of the Notice to Proceed. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

### **Financial Impact**

Although the low bid amount exceeds the Engineer's Estimate, the amount is within the total budget for this project, and within ten percent of the Engineer's Estimate. Funding is available in the Public Works Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

### **Small Business Outreach**

A SBE goal of eight percent has been established for this project.

### **Location**

28361 W. Patterson Road, Buckeye, AZ 85326

Council District: Out of City

**This item was adopted.**

- 74     Aquifer Storage and Recovery Wells and Water Production Wells -  
Well Drilling and Installation/Testing of Infrastructure -  
Construction Manager at Risk Construction Services (Ordinance  
S-43977)**

Request to authorize the City Manager, or his designee, to enter into an agreement with MGC Contractors, Inc. (MGC Contractors), to provide Construction Manager at Risk (CMAR) construction services for five wells in the Aquifer Storage and Recovery (ASR) Wells and Water Production Wells project, and to amend the agreement as necessary to provide construction services within the Council-authorized funding authority. MGC Contractors' fee for the CMAR construction services will not exceed \$21.6 million, including all subcontractor and reimbursable costs. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The City plans to install three production wells and seven ASR wells. The contractor is assigned five wells (numbers 307, 308, 310, 311, and 313). Water pumped from the wells will be used to supplement potable water supplies throughout Phoenix during times of long-term water shortages, emergency outages, and to meet potable system demands.

The initial construction contract services will be for the preparation of a Guaranteed Maximum Price (GMP) proposal for the construction services provided under the contract, and MGC Contractors will assume the risk of delivering the project through a GMP contract amendment.

The CMAR will be responsible for construction means and methods related to the project, participating with the City in a process to set a Small Business Enterprise (SBE) goal for the project, and implementing the SBE process. A Small Business Enterprise goal will be established before the start of construction and will be incorporated into the contract by amendment. MGC Contractors will be required to solicit bids from prequalified subcontractors and to perform the work using the City's subcontractor selection process. MGC Contractors may also compete to self-perform limited amounts of work.

MGC Contractors' construction services include, but are not limited to: construct infrastructure for the wells, schedule, manage site operations, field verification of site conditions, arrange for procurement of materials and equipment, and provide quality controls.

**Procurement Results**

MGC Contractors was chosen for this project using a qualifications-based selection process according to Section 34-604 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the CMAR Design Phase Services.

**Contract Term**

The term of the construction contract is expected to expire June 30, 2021. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

MGC Contractors' fee for the CMAR construction services will not exceed \$21.6 million, including all subcontractor and reimbursable costs.

Staff will immediately execute a \$125,000 contract for GMP preparation services, and GMP construction contract amendments totaling an amount not-to-exceed \$21,475,000 will be reviewed and approved separately by the Budget and Research Department.

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

**Concurrence/Previous Council Action**

The CMAR Design Phase services Contract 145610 was approved by City Council on July 6, 2017.

**Location**

Wells 307, 308, 310, 311, and 313 are all located in Council District 2.

**This item was adopted.**

- 75 Authorization to Enter into an Agreement with Spectra QEST for Construction Materials Testing Laboratory Software (Ordinance**

**S-43981)**

Request to authorize the City Manager, or his designee, to enter into a contract with Spectra QEST America Corporation, for Construction Materials Testing Laboratory Software services and to exercise contract options as necessary. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate value is anticipated to be \$172,000 over the life of the contract.

**Summary**

The Street Transportation Department Materials Lab provides material testing services to all City departments to ensure materials meet project specifications and City requirements. The results of the material testing must be systematically stored so they can easily be accessed and archived. The current software application is outdated and is no longer supported. This item has been reviewed and approved by the Information Technology Services Department.

**Procurement Information**

Request for Proposals 63-0031 was conducted in accordance with Administrative Regulation 3.10. Proposals were received from two firms, and both proposers were deemed responsive. The technical evaluation process was conducted by a selection committee made up of five staff members from the Street Transportation Department. The committee thoroughly reviewed and scored both proposals and reached consensus in recommending award of the contract to Spectra QEST. The proposers and their scores (1,000 point maximum) are listed below:

Spectra QEST: 917 points

TBG Software Solutions: 726 points

Based on the panel's evaluation and scores, the selection committee recommends the contract be awarded to Spectra QEST.

**Contract Term**

The contract term is for a three-year period starting Nov. 18, 2017 and ending Nov. 17, 2020, with options to extend up to two additional years. The contract options may be exercised by the City Manager or his designee.



**Financial Impact**

The aggregate value is anticipated to be \$172,000 over the life of the contract. Funds are available in the Street Transportation Department's operating budget.

**This item was adopted.**

**76 Building Field Inspection Services for Residential and Commercial On-Call Services 2016-2018 - Contract Amendment (Ordinance S-43982)**

Request to authorize the City Manager, or his designee, to execute amendments to two separate agreements with Bureau Veritas North America, Inc. (Phoenix) Contract 142194 and Willdan Engineering, Inc. (Phoenix) Contract 142196 for the firms to provide continued residential and commercial building field inspection on-call services citywide on an as-needed basis. This amendment will increase Bureau Veritas North America, Inc.'s contract by \$300,000 for a new contract value of \$800,000 and Willdan Engineering, Inc.'s contract value will be increased by \$300,000 for a new contract value of \$800,000.

**Summary**

These firms will be responsible for providing building field inspections including structural, plumbing, mechanical, electrical, energy and fire field inspections of new construction, alterations, and repairs submitted by commercial and residential property owners for compliance with the Phoenix Building Construction Code and the Phoenix Fire Code.

**Procurement Information**

Four firms were chosen using a qualifications-based selection process according to section 34-604 of the Arizona Revised Statutes.

**Contract Term**

The 24-month term of these contracts is unchanged.

**Financial Impact**

This amendment will increase Bureau Veritas North America, Inc.'s contract by \$300,000 for a new contract value of \$800,000 and Willdan Engineering, Inc.'s contract value will be increased by \$300,000 for a new contract value of \$800,000. Funding is available in the Planning and

Development Department's Development Fund. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

**Previous Council Action**

Council approved Contract 142194 with Bureau Veritas North America, Inc. and Contract 142196 with Willdan Engineering, Inc. on March 2, 2016.

**This item was adopted.**

**77 City of Phoenix Goodyear Airport South T-Hangars  
Reconstruction and Connector to Taxiway A Construction  
Administration and Inspection Services - AV41000073 FAA  
(Ordinance S-43987)**

Request to authorize the City Manager, or his designee, to enter into a contract with C & S Engineers, Inc. (C & S) (Scottsdale, Ariz.) to provide construction administration and inspection services for the Phoenix Goodyear Airport (Goodyear Airport) South T-Hangars Reconstruction and Connector to Taxiway A project. Further request authorization for the City Controller to disburse all funds related to this item. C & S's fee will not exceed \$123,421, including all subconsultants and reimbursable costs.

**Summary**

The pavement around the hangars in the South T-Hangar ramp of Goodyear Airport has deteriorated severely and requires reconstruction. A geotechnical analysis will be performed in order to produce drawings for removal and replacement of the ramp with a new pavement section, utility adjustments, signage and pavement markings, and a new connector taxiway from the ramp to Taxiway A.

C & S's services will include construction administration and inspection services for all phases of the project during construction, such as providing consultation and advice to the City, reviewing all contractor submittals, responding to requests for information, reviewing alternate construction methods proposed by the contractor, conducting pre-final and final inspections of the completed project, issuing certificates of construction completion, performing an orderly closeout of the project,

and conducting post-construction services, such as producing record drawings and a final construction report, and attending a one-year warranty inspection of the project.

**Procurement Information**

C & S was chosen for this project using a qualifications-based selection process according to section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with Design Services.

**Contract Term**

The term of the contract is eight months. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

C & S's fee will not exceed \$123,421, including all subconsultants and reimbursable costs. Funds are available in the Aviation Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

**Concurrence/Previous Council Action**

City Council approved Design Services Contract 144401 on Feb. 1, 2017.

**Location**

Phoenix Goodyear Airport, 1658 S. Litchfield Road, Goodyear, Ariz.  
Council District: Out of City

**This item was adopted.**

**78 Authorization to Amend Agreement 145512 with CyberTech Systems and Software, Inc. (Ordinance S-43988)**

Request to authorize the City Manager, or his designee, to amend Agreement 145512 with CyberTech Systems and Software, Inc. to increase funding for information technology (IT) programming and consulting services for Transportation 2050 (T2050)-related projects for

the Street Transportation Department. Funding for the agreement with Cybertech Systems and Software, Inc. will be increased by \$1,192,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Street Transportation Department currently utilizes the services of two IT contract programmers to support the main business applications of the department, and to provide programming support for all other functions. The current contract allows for up to two consultants to provide "as needed" services for the computer professional services areas.

The request for additional funding will include an IT consultant to be dedicated to work solely on T2050 projects and enhance processes, work flows, and systems to collect, process, analyze, and report on pre and post conditions relating to implementation of T2050 projects and programs. To properly manage this effort, a consultant familiar with current Street Transportation processes would lead and direct studies and implement projects to meet these needs.

This item has been reviewed and approved by the Information Technology Services Department.

**Contract Term**

The initial contract term began July 1, 2017 and continues through June 30, 2020. The contract includes options to extend up to two additional years, in one-year increments, to be exercised by the City Manager or his designee.

**Financial Impact**

Funding for the agreement with Cybertech Systems and Software, Inc. will be increased by \$1,192,000. The new five-year not to exceed amount will increase to \$3,692,000, including applicable taxes. Funding is available in the Street Transportation Department's Capital Improvement Program budget.

**Concurrence/Previous Council Action**

The original contract with CyberTech Systems and Software, Inc. was approved by City Council on May 31, 2017.

**This item was adopted.**

**80 Institute Program Products Master License Agreement (JMP-Pro License) (Ordinance S-43972)**

Request to authorize the City Manager, or his designee, to add additional funds for Contract 51385 with SAS Institute, Inc., in the amount of \$195,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Water Services Department (WSD) uses JMP-Pro License, a statistical software program, to manipulate large data sets. With monthly billing records for over 400,000 customers and associated data, such as property assessment records that require organization and analysis, WSD needs efficient and cost-effective statistical software. This request is for additional licenses, allowing staff to use the advanced toolset to work efficiently and reduce response time for information requests related to emergency situations and customer concerns. Additional benefits include improved projections for the City's Water and Wastewater Master Plans, Water Resource Plans, Capital Improvement Plans, and Infrastructure Improvement Plans for impact fees.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing that there is only one source for the necessary goods and services. During this determination period, Information Technology will follow a step-methodology / alternative solutions analysis to obtain information on future technologies that could provide innovative and improved processes.

**Financial Impact**

With the \$195,000 in additional funds, the contract's revised value is now \$620,000 (including applicable taxes). Estimated annual expenditures in support of these additional funds are \$39,000. Funds are available in the Water Services Department operating budget.

**Concurrence/Previous Council Action**

This contract was awarded by Formal Council Action on Oct. 17, 1991,

with an original value of \$17,000 per year.

**This item was adopted.**

**81 Union Hills Water Treatment Plant Rehabilitation 2016 - Design Services Change Order 1 (Ordinance S-43983)**

Request to authorize the City Manager, or his designee, to increase the amount of Wilson Engineers, LLC's existing Design Services Contract 143215 by \$892,376 in support of the Union Hills Water Treatment Plant Rehabilitation 2016 project. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Wilson Engineers, LLC's existing Design Services Contract 143215 was approved by City Council on July 1, 2016, and the project received a Notice to Proceed dated Sept. 29, 2016. The contract includes a plant-wide asset condition assessment, which was completed in April 2017. Wilson Engineers, LLC, presented the condition assessment results to Water Services Department's staff and recommended additional rehabilitation design items to be addressed under the current contract.

The proposed additional design services for the new scope include:

- 1) Replacement of Raw Water electrical equipment;
- 2) Replacement of the Finished Water Building electrical gear;
- 3) Replacement of the Unit Substation electrical gear for the Powder Activated Carbon/Acid, Administration, and Blower Building; and
- 4) Replacement of existing 1-ton Chemical Scrubber with two 6-ton scrubbers with new fire alarm system.

**Contract Term**

This Design Services Change Order 1 will not affect the original Contract 143215 expiration date of Sept. 29, 2018.

**Financial Impact**

Wilson Engineers, LLC's fee under this Change Order 1 shall not exceed \$892,376 including all subconsultant and reimbursable fees. Funds are available in Water Services Department's Capital Improvement Program budget.

**Concurrence/Previous Council Action**

On July 1, 2016, City Council approved Contract 143215 not to exceed \$945,649.

**Location**

This project is located at the Union Hills Water Treatment Plant.

Council District: 2

**This item was adopted.**

**PLANNING AND ZONING MATTERS****82      Modification of Stipulation Request for Ratification of Sept. 20, 2017 Planning Hearing Officer Action - Z-110-50-7**

Application: PHO-1-17- Z-110-50-7

Current Zoning: DTC-Business Core

Acreage: 3.51

Applicant: Chris Scherf, Epic Sign Group

Owner: Phoenix RS Once LLC & Phoenix RS Two LLC

Representative: Chris Scherf, Epic Sign Group

Proposal:

1. Comprehensive Sign Plan Review more than two signs on a building over 56 feet in height.

**Summary**

Request authorization for the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Sept. 20, 2017. This request is to ratify the PHO's recommendation of approval per City of Phoenix Zoning Ordinance Section 705.D.3.i.

**Location**

Areas between Adams Street and Washington Street and between 1st Avenue and Central Avenue.

Council District: 7

Parcel Address: N/A

**This item was approved.**

**83      Modification of Stipulation Request for Ratification of Sept. 20, 2017 Planning Hearing Officer Action - Z-189-05-8**

Application: PHO-1-17- Z-189-05-8

Current Zoning: R1-6, Approved R-5

Acreage: 3.04

Applicant: Evergreen Devco, Inc (c/o Jeff Market)

Owner: Southwest Note Holders, LLC

Representative: William Allison of Withey Morris, PLC

**Proposal:**

1. Modification of Stipulation 1 regarding general conformance with elevations.
2. Deletion of Stipulation 3 regarding dwelling units.
3. Deletion of Stipulation 4 regarding removal of lot 156.
4. Deletion of Stipulation 5 regarding placement of lots 146 and 147.
5. Deletion of Stipulation 6 regarding no structure exceeding two-stories, 30 feet in height.
6. Modification of Stipulation 8 regarding a 12-foot landscape setback along the east property line.
7. Deletion of Stipulation 9 regarding an average 15-foot landscape setback.
8. Modification of Stipulation 10 regarding any wall exceeding three feet in height constructed between the property line along Southern Avenue and lots 178, 179 and 180.
9. Technical correction of Stipulations 7 and 11.

**Summary**

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Sept. 20, 2017.

**Location**

Approximately 1,350 feet east of the northeast corner of 32nd Street and Southern Avenue

Council District: 8

Parcel Address: N/A



**This item was approved.**

**84 Final Plat - Metro Marketplace III - 170064 - 500 Feet North of the Intersection of 29th Avenue and Dunlap Avenue**

Plat: 170064

Project: 00-6972

Name of Plat: Metro Marketplace III

Owner(s): GM Metro, LLC and GM Elped, LLC

Engineer(s): Superior Surveying Services, Inc.

Request: A 5-Lot Commercial Subdivision Plat

Reviewed by Staff: Sept. 20, 2017

**Summary**

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

**Location**

Generally located 500 feet north of the intersection of 29th Avenue and Dunlap Avenue.

Council District: 1

**This item was approved.**

**85 Final Plat - 21st Street Townhomes - 170025 - 4222 N. 21st St.**

Plat: 170025

Project: 16-2705

Name of Plat: 21st Street Townhomes

Owner(s): 4127 North 9th Avenue, LLC

Engineer(s): DRW Engineering, Inc.

Request: An 8-Lot Residential Townhome Plat

Reviewed by Staff: Sept. 12, 2017

**Summary**

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

**Location**

Generally located at 4222 N. 21st St.

Council District: 4

**This item was approved.**

**86 Final Plat - 30th Street Townhomes - 170030 - 3898 N. 30th St.**

Plat: 170030

Project: 16-1679

Name of Plat: 30th Street Townhomes

Owner(s): 4127 North 9th Avenue, LLC

Engineer(s): DRW Engineering, Inc.

Request: A 6-Lot Residential Subdivision Plat

Reviewed by Staff: Sept. 13, 2017

**Summary**

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

**Location**

3898 N. 30th St.

Council District: 6

**This item was approved.**

**89 Abandonment of Easement - V170031A - 4102 N. 19th Ave.  
(Resolution 21581)**

Abandonment: V170031A

Project: 15-2931

Applicant: Indian School Horizon Village, LLC

Request: To abandon the 20-foot Public Utility Easement located between the parcels addressed 4102 N. 19th Ave., APN 154-31-081A, and 1950 W. Indian School Road, APN 154-31-021E.

Date of Decision: July 12, 2017

**Location**

Northwest corner of 19th Avenue and Indian School Road

Council District: 4

**Financial Impact**

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

**This item was adopted.**

**90 Abandonment of Right-of-Way - V170029A - 800 N. 2nd St.  
(Resolution 21580)**

Abandonment: V170029A

Project: 15-2523

Applicant: Transwestern Development Company; Brendan O'Leary

Request: To abandon the north 5-feet of McKinley Street right-of-way adjacent to the parcel addressed 800 N. 2nd St., APN 111-43-053A.

Date of Hearing: July 11, 2017

**Location**

800 N. 2nd St.

Council District: 7

**Financial Impact**

A fee was also collected as part of this abandonment in the amount of \$4,620.

**This item was adopted.**

**91 Waiver of Federal Patent Easement and Acceptance of Portion  
thereof as Public Utility Easement - V170021F - 1850 W. Happy  
Valley Road (Resolution 21582)**

Abandonment: V170021F

Project: 09-4983

Applicant: David Cisiewski of Land Development Consultants, LLC

Request: To waive the Federal Patent Easement located on the north 33-feet of the parcel addressed 1850 W. Happy Valley Road, APN 210-10-017D, accepting as Public Utility Easement a 10-foot by 16.5-foot portion 93-feet east of the west parcel line.

Date of Hearing: June 13, 2017

**Location**

1850 W. Happy Valley Road  
Council District: 1

**Financial Impact**

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

**This item was adopted.**

**92 Amend City Code - Ordinance Adoption - Rezoning Application  
PHO-1-17--Z-101-07-5 - Northeast Corner of 75th Avenue and  
Weldon Avenue (Ordinance G-6369)**

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Sept. 20, 2017.

**Summary**

Application: PHO-1-17-Z-101-07-5

Current Zoning: C-2

Acreage: 4.53

Applicant: Cawley Architects

Owner: HBR Properties, LLC

Representative: Christopher D. Norstrom

**Proposal:**

1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped Aug. 17, 2007 and Sept. 6, 2017.
2. Modification of Stipulation 2 regarding general conformance to the elevation plan date stamped July 23, 2007 and June 30, 2017.
3. Deletion of Stipulation 3 regarding general conformance to landscape plan date stamped July 23, 2007.
4. Deletion of Stipulation 7 regarding required landscaping provided with the first phase of construction only along 75th Avenue and Weldon

Avenue.

5. Technical correction of Stipulations 4, 5 and 9.

**Location**

Northeast corner of 75th Avenue and Weldon Avenue.

Council District: 5

Parcel Address: N/A

**Concurrence**

Village Planning Committee (VPC) Recommendation: The Maryvale

Village Planning Committee chose not to hear this case.

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications on Sept. 20, 2017.

**This item was adopted.**

**A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that Items 27, 31 through 33 be adopted. The motion carried by the following vote:**

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

**No:** 1 - Councilman Waring

**Absent:** 1 - Councilman DiCiccio

Items 27 and 30-33, Ordinance S-43966 were requests to authorize the City Controller to disburse funds up to amounts indicated for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code Section 42-13.

**27 Alliance for Innovation, Inc.**

For \$9,000.00 in payment authority for the City's annual membership dues to the Alliance for Innovation, Inc. The Alliance for Innovation is an international network of local governments and partners committed to

transforming local government by accelerating the development and sharing of innovative practices, seeking new practices, challenging business models and facilitating the exchange of knowledge. This item was approved by the Downtown, Aviation, Economy and Innovation Subcommittee on Sept. 6, 2017, for the Budget and Research Department.

**This item was adopted.**

**31 National League of Cities**

For \$39,073.00 in payment authority for FY 2017-18 annual membership dues for the City of Phoenix. The National League of Cities (NLC) is an organization focused on strengthening local government. NLC provides training, education programs and conferences. City officials have access to information and publications on federal regulations, solutions to problems, and future challenges. The City benefits from the NLC's efforts to ensure that local governments have influence in the White House, Congress and other federal agencies.

**Discussion**

Leonard Clark spoke in favor of this item.

**This item was adopted.**

**32 United States Conference of Mayors**

For \$40,235.00 in payment authority for FY 2017-18 annual membership dues for the City of Phoenix. The United States Conference of Mayors (USCM) is the official non-partisan organization of cities with populations of 30,000 or more. Mayors contribute to development of national urban policy by serving on one or more of the conference's standing committees. USCM develops policy positions adopted by the nation's mayors that are distributed to the President of the United States and Congress. Task forces are also assembled to examine and act on issues like civic innovation, exports, hunger and homelessness. This membership ensures that Phoenix's interests are being represented by the USCM.

**This item was adopted.**

**33 League of Arizona Cities and Towns**

For \$145,300.00 in payment authority for FY 2017-18 annual membership dues for the City of Phoenix. The League of Arizona Cities

and Towns provides services and resources focusing on member representation and interests of cities and towns before the legislature. It also provides technical and legal assistance, and coordinates shared services and educational conferences and events. The League membership ensures that Phoenix's interests are represented and advocated for at the Governor's Office, state legislature and other state agencies.

**Discussion**

Leonard Clark spoke in favor of this item.

**This item was adopted.**

**30 LexisNexis Risk Solutions FL, Inc.**

For \$15,000.00 in payment authority to purchase maintenance services for the web-based crime reporting and crime mapping web application for the Phoenix Police Department. The web-based application allows the Phoenix Police Department to obtain reports on aggregate counts of crimes and counts for calls for service based on City of Phoenix geographic areas that includes grid, beat, precinct and council district.

**Discussion**

Leonard Clark stated he generally supported the item, however he wanted to ensure statistics were not taken out of place. He hoped the new web based application was used fairly.

Mayor Stanton stated that the information collected would be distributed evenly and as transparently as possible to individuals seeking information.

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

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

**Absent:** 1 - Councilman DiCiccio

**49 Authorization to Sell Unimproved City-Owned Property Located at Southeast Corner of 25th Avenue and Peoria Avenue (Ordinance S-43995)**

Request to authorize the City Manager, or his designee, to sell City-owned property located at the southeast corner of 25th Avenue and Peoria Avenue identified as excess real property inventory. Further request authorization for the City Treasurer to accept all funds related to this item.

**Summary**

The excess property to be sold is an unimproved portion of Rose Mofford Park that is approximately 211,839 square feet in size and zoned A-1 (light industrial). The property will be advertised on the open market by a City-contracted broker at a market value to be determined by an appraisal, broker's opinion of value or other valuation method accepted by the City. Further request authorization to negotiate with the offeror(s) in order to yield the highest dollar return to the City, as deemed acceptable by the City Manager or his designee. The City Manager, or designee, will select the highest responsive and responsible offer for the property based upon market value and enter into an agreement for the purchase and sale of City-owned property, containing terms and conditions deemed necessary and appropriate by the City. The subsequent fee simple conveyance will be by special warranty deed. Funds from the sale will be placed in the 3PI funds for the Parks and Recreation Department.

**Concurrence/Previous Council Action**

The Parks and Recreation Board approved the land disposition on Oct. 27, 2016 by a vote of 4-0. The Parks, Arts, Education and Equality Subcommittee recommended City Council approval of this item on Nov. 30, 2016 by a vote of 4-0.

**Location**

Southeast corner of 25th Avenue and Peoria Avenue, identified by assessor parcel number 149-09-007C (portion).

Council District: 3

**Discussion**

Greta Rogers spoke in support of the item. She stated she was glad the process of selling unneeded park land would begin.

Thomas Stoops spoke in support of the item. He stated he was an attorney that represented concerned citizens that were in favor of the



sale. He stated that the process was time consuming. He stated there were multiple properties that were identified as park land to be sold and he believed only two of the properties had gone the vetting process. He claimed the process was so slow that it would be extremely difficult to get money paid back. Mr. Stoops added there were 6,000 non-parks properties that the city of Phoenix owned that could be sold to generate revenue. He suggested that the vetting properties be done in bunches so that several properties could be marketed, voted on all at once and generate revenue.

Jerry Van Gasse spoke in support of the item. He stated that money had been spent in maintaining vacant city owned parcels that were not needed. He stated the city could bring in revenue by selling the properties.

Tim Sierakowski spoke in support of the item. He stated he was not sure about the total number of properties the city owned that could be sold, but felt that there were not enough parks properties to pay back 3PI funds. He further stated that a new system should be put in place to address how the sale of properties takes place.

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

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

**Absent:** 1 - Councilman DiCiccio

**54 Tohono O'odham Nation Gaming Grant (Ordinance S-44000)**

Request authorization for the City Manager, or his designee, to accept and enter into an agreement for \$50,000 in new funding from the Tohono O'odham Nation. Authorization also is requested for the City Treasurer to accept and the City Controller to disburse funds as directed by Tohono O'odham Nation in connection with this grant.

**Summary**

The funds would be applied as directed by the Tohono O'odham Nation

for the application submitted by Native American Connections, a nonprofit organization, for the Phoenix Indian School Visitor Center at Steele Indian School Park. The Visitor Center will host activities promoting the history of the school, healthy living, economic and workforce development, and cultural events. The focal point of the Visitor Center will be an interactive gallery highlighting the history of the Phoenix Indian School.

The gaming compact entered into by the State of Arizona and various tribes calls for 12 percent of gaming revenue to be contributed to cities, towns and counties for government services that benefit the general public including public safety, mitigation of impacts of gaming, and promotion of commerce and economic development.

### **Financial Impact**

There is no budgetary impact to the City of Phoenix and no General Funds are required. Entities that receive gaming grants are responsible for management of those funds.

### **Discussion**

Leonard Clark spoke in support of this item. He thanked the Tohono O'odham Nation for the grant that would be used to educate and promote history of the Phoenix Indian School.

Mayor Stanton stated that the resources would be going to the Phoenix Indian School Visitor Center at Steele Indian School Park. Mayor Stanton attended the grand opening of the center and noted the various amenities that were available to the community as a whole.

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

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

**Absent:** 1 - Councilman DiCiccio

## **58 Intergovernmental Agreement with Salt River Pima-Maricopa Indian Community for the Rio Salado Oeste Project**

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Salt River Pima-Maricopa Indian Community to complete work on a segment of the Rio Salado Oeste Habitat Restoration Project (Rio Salado Oeste). The City would not incur any expenditures to enter into the IGA with the Salt River Pima-Maricopa Indian Community, as Salt River Materials Group (SRMG) proposes to pay for all expenses associated with the design, construction and ongoing maintenance of the proposed channel.

**Summary**

Rio Salado Oeste is a habitat restoration project located along the Salt River from 19th Avenue to 83rd Avenue. In 2001, the City applied to the Bureau of Land Management (BLM) for a Recreation and Public Purposes (R&PP) lease to improve and manage the BLM property Rio Salado Oeste project area. In May of 2004, the R&PP lease was granted, and the City entered into a 25-year lease with the BLM for the 159.32 acres of BLM property within the overall Rio Salado Oeste project area.

Salt River Materials Group (SRMG) is owned by the Salt River Pima-Maricopa Indian Community and is a regional supplier of Portland cement, gypsum and fly ash products that is based in Phoenix. In 2016, SRMG approached the City with a proposal to advance development of a segment of Rio Salado Oeste near 67th Avenue by conducting preliminary grading activities as a foundation for a segment of the habitat restoration project envisioned in the City's R&PP Plan of Development.

In a Sept. 26, 2016 letter to the City, SRMG indicated plans to construct two trapezoidal channels to accommodate low flows, terraces, and infrastructure that are consistent with current plans for Rio Salado Oeste. Subsequent to SRMG's preliminary letter, SRMG's design team developed a single channel concept. This concept would be achieved via the integration of the south braid and the north braid of the River into a combined channel. The channel would be consistent with the engineering design of the sections of the Salt River to the east where the Rio Salado Phoenix project has already been constructed. Once grading is complete, SRMG would maintain the channel pursuant to U.S. Army Corps of Engineers permit and guidelines. Completion of infrastructure design and construction could be completed by the City at a later date, and in conformance with Rio Salado Oeste plans. This is a complex

project that would require SRMG to work with the City, BLM and the U.S. Army Corps of Engineers (Corps) to obtain appropriate permits and advance the project. The proposed project enables the City to advance a portion of the Rio Salado Oeste plan without additional funding. Many properties to the south of the project, which include an SRMG facility as well as other residential properties, would likely no longer fall within a designated floodplain area.

### **Financial Impact**

The City would not incur any expenditures to enter into the IGA with the Salt River Pima-Maricopa Indian Community, as SRMG proposes to pay for all expenses associated with the design, construction and ongoing maintenance of the proposed channel.

In 2006, the Corps completed a feasibility study for Rio Salado Oeste. This study estimated the cost for construction of the recreational amenities, access points and support facilities to be \$12.3 million with an estimated \$1.9 million annual operation and maintenance cost. The recently-updated Plan of Development prepared for BLM, which also included planning, engineering, design and other costs not included in the feasibility study conducted by the Corps, estimated the project cost at \$81.8 million.

The City continues to anticipate a cost-sharing agreement with the Corps for the development of the full project when funding is available, resulting in the Corps paying 65 percent and the City paying 35 percent of the habitat and flood-control improvements. To date, the needed federal funding to advance the project has not been appropriated and the City has no plans or available funding for any portion of the project.

### **Benefits**

With no certainty that federal funding will be forthcoming in the foreseeable future, SRMG's proposal enables a positive step for the project to move forward with a portion of the long-term goal that habitat restoration eventually be realized. SRMG's proposal indicates that maintenance of the habitat and the flood control facilities within this segment will be SRMG's responsibility. The Parks and Recreation Department will have approval authority over all plans that involve habitat

restoration, recreational amenities and public environmental facilities.

### Next Steps

City staff will continue to work with SRMG on the proposal. The next step is for SRMG to work with the Corps to obtain appropriate permitting under Section 404 of the Clean Water Act. SRMG will also need to work with the Bureau of Land Management to ensure they are in compliance with BLM requirements, as BLM is the lessor of the Rio Salado Oeste project area.

The City will to enter into an IGA with the Salt River Pima-Maricopa Indian Community to establish the standards of performance for the project in relation to:

1. The stipulation of the City's lease with BLM;
2. The design and engineering specifications of successfully-completed segments of the Rio Salado Phoenix project upriver of 67th Avenue;
3. The substantive general and specific conditions of Section 404 of the Clean Water Act;
4. City of Phoenix Ordinance Chapter 32B regarding floodplains;
5. City of Phoenix Storm Water Policies and Standards Manual, 3rd Edition (December 2013);
6. Any stipulated maintenance requirements; and
7. Any related or other applicable requirements.

The City will support this effort through its Parks and Recreation, Streets Transportation, Planning and Development and Law departments, the Office of Environmental Programs and other City functions that may be needed to review plans, evaluate proposals and interface with other agencies.

### **Location**

Rio Salado Oeste is a habitat restoration project located along the Salt River from 19th Avenue to 83rd Avenue.

Council District: 7

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

This item was recommended for approval at the Parks, Arts, Education and Equality Subcommittee meeting on Sept. 27, 2017 by a vote of 3-0.

**Discussion**

Mayor Stanton noted Vice Mayor Pastor declared a conflict of interest on the item and would not participating in the vote for the item.

Dianne Barker spoke in support of this item.

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

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

**Conflict:** 1 - Vice Mayor Pastor

**Absent:** 1 - Councilman DiCiccio

**59 Authorization to Enter Into an Intergovernmental Agreement with Arizona State University for Downtown Phoenix Entrepreneurship and Innovation Programs (Ordinance S-44006)**

Request authorization for the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with Arizona State University (ASU) and to enter into any other instruments or documents necessary to support the development of entrepreneurship and innovation programs in downtown Phoenix. The City will contribute \$250,000 from the Downtown Community Reinvestment Fund in fiscal year 2017-18. There will be no impact to the General Fund. Further request authorization for the City Controller to disburse the necessary funds.

**Summary**

The ASU Entrepreneurship + Innovation team's proposed programs are designed to assist Phoenix community-based entrepreneurs with launching, growing and scaling their ventures, and commercializing technologies. The ASU program will also provide the opportunity to enhance learning environments, offering students a location to learn the practical application of coursework while providing the entrepreneur, hobbyist, inventor, and small-business community with access to the tools, services and physical space needed for startup business development. Services available to assist startup businesses will include hands-on instruction, mentorship, and business services such as legal,

marketing and operational services. The programs will increase opportunity for connectivity and collaboration, and will leverage existing resources and clusters of active entrepreneurs. Additionally, the programs will increase intensity and attention, by highlighting Downtown Phoenix's assets, enhance the reputation and visibility of Arizona as a leading state to support startups as well as development of an entrepreneurial ecosystem.

Under the terms of the IGA, the ASU programs will use multiple partners and locations including a privately-owned office building located at One North First Street in Downtown Phoenix, which is home to the co-working space, The Department. ASU has already located programs via The Department: Inno-Nations (an incubator for native business owners and enterprises) and the RISN Incubator (an incubator for circular economy businesses). The City will contribute \$250,000 towards the physical and programmatic startup costs, including marketing and events programming of ASU at the facilities along with furniture and equipment. Additional funding will be provided by ASU and its partners.

**Financial Impact**

The \$250,000 is available in the Downtown Community Reinvestment Fund in fiscal year 2017-18. There will be no impact to the General Fund.

**Concurrence/Previous Council Action**

This item was recommended for approval by the Downtown, Aviation, Economy and Innovation Subcommittee on Oct. 4, 2017.

**Location**

One of the facilities to be used by the program will be located at One North First Street. Other place-based programming considerations are in partnership with other organizations and locations in Downtown Phoenix. Council District: 7

**Discussion**

Ryan Boyd spoke in opposition to this item. He stated he opposed the item due to the use of the Downtown Community Reinvestment Fund. He expressed concern over the use of the fund towards larger institutions. He questioned how recommendations were made for use of the fund.

Community and Economic Development Director Christine Mackay stated that the Downtown Community Reinvestment fund was governed by the City Council and guided through public meetings. She noted several projects that the fund was used for at the direction of the City Council. She stated that staff would be providing information to the Downtown Voices group.

Vice Mayor Pastor asked for historical background regarding the Downtown Community Reinvestment Fund.

Ms. Mackay responded that the fund was created in the 1980's. She stated that the accounts were funded by activities held in Downtown Phoenix.

Councilman Nowakowski noted that the fund did not derive from the General Fund. He highlighted several projects and businesses that benefited from the fund.

Mayor Stanton stated that ultimately the City Council had the final authority on use of the funds based on recommendations by professional staff. He asked staff to provide updated information to the Downtown Voices group as well as updating the website.

Councilwoman Gallego stated the fund was also used for projects in Roosevelt Row. She expressed enthusiasm regarding the agenda item and participation with ASU.

Vice Mayor Pastor questioned what the application process for the use of the funds was.

Ms. Mackay responded that there was not a formal application that could be filled out by individuals. She stated that requests were submitted from the community through a number of ways such as through Council offices, Downtown Voices, downtown neighborhood meetings, the city's Historic Preservation Office, and Streets and Transportation offices.

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



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

**Absent:** 2 - Councilman DiCiccio and Councilman Waring

**62 Accept FY 2017 Homeland Security Grant Program Funds (Ordinance S-44003)**

Request to authorize the City Manager, or his designee, to enter into a contract with the Arizona Department of Homeland Security (AZDOHS) to accept grant funds up to \$5.4 million from the federal Homeland Security Grant Program (HSGP). Authorization is also requested for the City Treasurer to receive and the City Controller to disburse the funds pursuant to the Subgrantee Agreements. Further authorization is requested to accept and disburse additional funds should they become available.

**Summary**

The responsibilities of Fire, Police, and the Office of Homeland Security & Emergency Management (OHS&EM) are to enhance regional capabilities to detect and prevent terrorist attacks, reduce the vulnerability to all critical hazards, minimize damages and expedite recovery that affect the safety, well-being, and economic security of Phoenix residents and the surrounding area.

Grant awards for 2017 include: Urban Area Security Initiative \$4,144,000 and the State Homeland Security Grant Program \$522,269. Additional funds may be awarded during the grant performance period due to the efficiency of our jurisdictional partners in completing their projects under budget.

Grant funds are used to purchase equipment and vehicles, conduct training and exercises, perform assessments of critical infrastructure sites, and implement target-hardening measures to protect critical infrastructure. The following programs are also funded with the HSGP: Terrorism Liaison Officer program, Community Emergency Response Teams, and the Metropolitan Medical Response System. The grant program focus on regionalization has forged jurisdictional and

multi-discipline collaboration through strong partnerships.

**Contract Term**

The grant period of performance begins Oct. 1, 2017 and ends June 30, 2020.

**Financial Impact**

No matching funds are required. Grant funds will be managed through the Police and Fire departments and the Office of Homeland Security and Emergency Management.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr., the Police and Fire departments, and the Office of Homeland Security and Emergency Management.

**Discussion**

Leonard Clark spoke in opposition to this item.

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

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

**Absent:** 2 - Councilman DiCiccio and Councilman Waring

**79 Burton Barr Central Library Passenger Elevator Modernization Construction Change Order (Ordinance S-43989)**

Request to authorize the City Manager, or his designee, to execute a construction change order to Contract 142725 with Otis Elevator Company (New Jersey) to repair the passenger elevators at the Burton Barr Library due to water damage. This change order will increase the contract value by \$73,939.58 for a new contract value of \$762,390.58. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The project is located at Burton Barr Central Library. Elevator equipment

has electronic components that are susceptible to damage when in contact with water, including steel hoist cables, which rust when they become wet, preventing them from operating properly and safely.

This change order includes work on three elevators at Burton Barr Library. Elevator 3 work includes replacing the door operator motor and control box, the panachrome detector, hoist rope and governor rope, gripper pumps and pads, routine brake, and hoistway cleaning and painting. Work on elevators 1 and 2 includes replacement of hoist ropes and governor ropes, gripper pumps and pads, routine brake, and cleaning and painting pit equipment.

**Procurement Information**

Otis Elevator Company was chosen as the construction contractor for this project using an open and competitive low-bid process according to section 34-201 of the Arizona Revised Statutes.

**Contract Term**

The term of the additional services is expected to take approximately 41 calendar days to complete. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

The initial contract value was established at the bid amount of \$664,444. A previous construction change order increased the contract price by \$24,007 to \$688,451. The current change order exceeds 10 percent of the original construction contract amount, which requires separate Council approval. If approved, this change order will increase the contract value by \$73,939.58 for a new contract value of \$762,390.58. Funds are available in the Library Department's budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

**Concurrence/Previous Council Action**

The City Council approved the Design-Bid-Build Contract 142725 on

June 27, 2016.

**Location**

Burton Barr Central Library is located at 1221 N. Central Ave.

Council District: 7

**Discussion**

Greta Rogers spoke about the importance of the library and the potential cost for repairs to the Burton Barr Central Library.

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

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

**Absent:** 2 - Councilman DiCiccio and Councilman Waring

**A motion was made by Councilman Nowakowski, seconded by Vice Mayor Pastor, that Items 87 and 88 be approved. The motion carried by voice vote:**

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

**Conflict:** 1 - Councilwoman Gallego

**Absent:** 1 - Councilman DiCiccio

**87 Final Plat - Phase I Santolina at South Mountain - 170051 - Northeast Corner of 35th Avenue and Baseline Road**

Plat: 170051

Project: 16-2677

Name of Plat: Phase I Santolina at South Mountain

Owner(s): Silva Farming Enterprises Limited Partnership

Engineer(s): EPS Group, Inc.

Request: A 159-Lot Planned Residential Development Plat

Reviewed by Staff: Sept. 25, 2017

**Summary**

Staff requests that the above plat be approved by the City Council and

certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

**Location**

Generally located at the northeast corner of 35th Avenue and Baseline Road.

Council District: 8

**Discussion**

Vice Mayor Pastor stated she knew of certain incidents in the area where flooding occurred. She stated that with the park being built, there were berms that were built up that also caused flooding, forcing water into the flooding areas and into homes. She asked for clarification on the item.

Planning and Development Director Alan Stephenson stated that the plat had been through the review process and conformed with zoning requirements and had been through extensive public hearings related to zoning. He stated that as part of the plat review process, a grading and drainage plan must be submitted to look at any civil issues related to flooding. He stated once approved, any off-site bonding improvements would need to be done to deal with off-site drainage issues or off-site street improvements.

Mr. Stephenson explained that a plat was the last legal instrument so a developer can go out and start constructing on the site and be able to sell those lots.

**This item was approved.**

**88 Final Plat - Phase 2 Santolina at South Mountain - 170053 -  
Northeast Corner of 35th Avenue and Baseline Road**

Plat: 170053

Project: 16-2677

Name of Plat: Phase 2 Santolina at South Mountain

Owner(s): Silva Farming Enterprises Limited Partnership

Engineer(s): EPS Group, Inc.

Request: A 136 Lot Planned Residential Development Plat

Reviewed by Staff: Sept. 25, 2017

**Summary**

Staff requests that the above plat be approved by the City Council and

certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

**Location**

Generally located at the northeast corner of 35th Avenue and Baseline Road.

Council District: 8

**This item was approved.**

**93 Public Hearing - Abandonment of Right-of-Way - Appeal of Hearing Officer Decision - V170033C - Southeast Corner of Central Avenue and Jefferson Street**

Request to hold a public hearing on the Abandonment of Right- of- Way- V170033C located at southeast corner of Central Avenue and Jefferson Street due to an appeal letter dated Sept. 25, 2017. The Abandonment Hearing Officer approved the property owners request to abandon the alley as part of the redevelopment of the Barrister Building property. The appellant outlined their rationale for the appeal as 1) Downtown Abandonment Criteria were not met and 2) the RFP was considered, granted, and shared with the community as a project that did not abandon the alley and to abandon the alley now is a material change to the site plan and the proposal granted under the RFP. Furthermore, the appellant is concerned the terms of the RFP required "consistency with the Downtown Code and all other applicable regulations, guidelines, and adopted plans" and the abandonment of alleys and the addition of driveways conflicts with this clause.

**Summary**

Project: 17-367

Abandonment Applicant: CentriCity Real Estate

Date of Abandonment Hearing Officers Decision: Sept. 7, 2017

Appellant: Sean D. Sweat

**Location**

Southeast corner of Central Avenue and Jefferson Street

Council District: 7

**Discussion**

Mayor Stanton announced that staff would conduct a joint presentation regarding Item 93 and Item 94 as the items were companion items, followed by a separate public hearing and vote.

Planning and Development Director Alan Stephenson introduced Sandy Hoffman and Chris DePerro from the Planning and Development Department that would assist him in answering any questions related to both items and delivered a presentation on Items 93 and 94. He stated Item 93 was a request to abandon an alley with the related case being a request to abandon a public utility easement for a parcel known as the Garretson parcel. He noted that both items were for appeal and required to be heard as public hearing items.

Mr. Stephenson stated the alley abandonment hearing officer approved the request. The decision regarding the Barrister Alley included the following: approved closure with stipulations, complied with intent of Downtown Alley Abandonment Criteria adopted by council, provided solutions for existing access issues with the block and allowed some flexibility within the stipulations. During the alley abandonment hearing officer process, the property owner's attorney for the Garretson parcel objected to the loss of the alley because the alley provided potential access for ingress and egress as the commercial parking occurred on the parcel. He stated that one of the key stipulations added by the hearing officer was to ensure that if a new drive way were added on Madison on the Garretson parcel at the expense of Barrister parcel that there were another access point other than than 1st Street. He explained that the request was appealed by Sean Sweat with The Urban Phoenix Project, who asserted non-compliance with the downtown alley criteria and that the request was not in concert with the RFP. He stated that staff and the hearing officer believed the request met the downtown alley criteria, principally due to the alley being abandoned in 1999 prior to the adoption of the downtown code and prior to the downtown alley criteria being adopted. He stated that in terms to the RFP for Barrister site, the Community and Economic Development Department had always shown a building being built over the alley in some fashion, however, it had not been clear if it would be done as part of an alley abandonment or part of a license to use air rights. He added that it would have been premature as part of an RFP process and awarding an RFP for the Council to make a

determination based upon the alley.

Mr. Stephenson then presented points related to Item 94. He stated the request was to abandon the Public Utility Easement (PUE). He reiterated the alley had been abandoned in 1999 through a public hearing process and that the request was only related to the utilities that sat underneath the area. He stated that the area was a surface parking lot used by the property owner. He stated that the hearing officer found existing sewer and electrical lines in the area. He added that utilities did not object to the removal or relocation of existing utilities and that staff added a stipulation stating that if the utility easement were to be abandoned, a new public utility easement would need to be dedicated on the edge of the Garretson parcel to relocate any of the public utilities that currently went down the alley area around the Garretson parcel to allow for redevelopment. He added that it would also require an automatic abandonment if no new utilities were installed within 2 years of the PUE approval. He further stated that the request was appealed by the attorney's of the Barrister project, Snell and Wilmer due to concerns of the abandonment or relocation of the PUE related to costs and timing.

Vice Mayor Pastor noted a middle parcel on Madison street between the Barrister building property and the Garretson property. She questioned who the owner of the property was.

Mr. Stephenson responded that the middle parcel was not part of the application. He explained that the owner, Ann Fabric, submitted a letter of support of the abandonment of the Barrister Alley.

Vice Mayor Pastor asked whether the owner of that property understood that she would be affected by a decision by Council.

Mr. Stephenson responded that Ms. Fabric's parcel would still have the same access to the south. He clarified that Ms. Fabric did not object or attend any of the public hearings. He believed that with the letter provided by the applicant, Ms. Fabric was in support. He stated that staff would be happy to sit down and talk with her subsequent to whatever the Council voted on.



Vice Mayor Pastor reiterated that there were three parties that would be impacted. She wanted to state on the record that the owner of the middle parcel could be impacted by cost in the future.

Councilwoman Stark asked about potential implication to the light rail route.

Mr. Stephenson replied that staff had looked into the matter and that it was the reason for some of the additional access points into the new project off Madison.

Councilwoman Stark asked if discussion had taken place in regards to the developer's timetable versus what might happen with the light rail. She asked about the coordination of utilities between the applicant and light rail.

Mr. Stephenson stated that those discussions had taken place. He explained that the intersection was a tight intersection with two historic buildings and noted there was not much room. He stated that the applicant was proposing a drop off point along Central Avenue and valet area.

Mayor Stanton opened the public hearing for Item 93.

Nick Wood, Snell & Wilmer represented the applicant. He provided a presentation showcasing an overview of the project and renderings of the site. He highlighted the outreach efforts and noted the different downtown stakeholders he and the applicant met with. He spoke about the importance of having the alley area be private so they could control it.

Sean Sweat, Appellant, spoke in favor of the item. He spoke about the Alley Activation group that was formed in 2015 to establish alley abandonment criteria. He stated five elements had been established for the evaluation criteria and not at all had been met. He further stated that a precedent would be set for future projects. He carried on to state that projects awarded RFP's should be held to higher standards.

Shaine Alleman, represented Mr. Garretson's property. He stated that Mr.

Garretson had not been necessarily opposed to the alley abandonment. He then gave a brief recap of Mr. Garretson's viewpoints.

Mayor Stanton questioned Mr. Garretson's intent for the property.

Mr. Alleman responded that there was no specific project but stated that it was zoned with the downtown code that allows for a variety of different uses. He stated the request for the PUE abandonment was done to allow flexibility for the future use.

Mayor Stanton stated it was important to have a project that the community would really get behind.

Mayor Stanton and Councilwoman Stark stated they did not believe it was appropriate to abandon the PUE as there was not a project or plan before the Council.

Dan Klocke, from Downtown Phoenix Partnership spoke in opposition of the appeal request. He stated that although he respected the request, he was concerned over a potential wall being placed in the middle of the alley someday. He spoke about being a member of the Historic Preservation Commission and stated it was important for the building to be redeveloped as quickly as possible.

Mayor Stanton noted that Jennifer Boucek did not wish to speak but was not supportive of the abandonment for the reason that the pedestrian access via the alley of the locations was an important part of the context of the building when built and harm the historical context of the building.

Mayor Stanton closed the public hearing for Item 93.

Vice Mayor Pastor asked if the abandonment was included as part of the proposal in response to the original RFP.

Mr. Wood responded that it was not part of the RFP but it was in the contract with the City.

Vice Mayor Pastor asked if there was a way to allow for public access

and still retain loading and parking functions.

Mr. Wood responded that the alley would not be closed or locked and would not be a barrier if the public wanted to come and go.

Vice Mayor Pastor asked how Ms. Fabric's property would be impacted by the alley way abandonment.

Mr. Stephenson stated that if the alley were abandoned, Ms. Fabric would not have access to the alley unless she reached an agreement in the future as part of an agreement with CED and the people that control the Barrister parcel. He added that her existing access would not be significantly impacted.

Vice Mayor Pastor questioned why the hearing officer did not adhere to the criteria.

Mr. Stephenson stated he could not speak for the hearing officer but spoke in regards to the process.

Councilwoman Stark asked if the proposed retail would be designed to accomodate pedestrian activity.

Mr. Wood responded that the project complied with the criteria. He explained that first floor retail would be along Jefferson Street and Central Avenue and that parking and traffic volumes would be limited, in part due to the light rail going into the area. Mr. Wood also presented a rendering of the proposed area showcasing where parking would take place for retail as well as where deliveries, Uber and Lyft would take place.

Councilwoman Gallego stated individuals in the Warehouse District of District 8 were excited about the project.

**The hearing was held. A motion was made by Councilman Nowakowski, seconded by Councilwoman Stark, to deny the appeal and approve the abandonment. The motion carried by the following vote:**

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

**Absent:** 1 - Councilman DiCiccio

**94 Public Hearing - Abandonment of Easement - Appeal of Hearing Officer Decision- V170048A - 41 E. Jefferson St.**

Request to hold a public hearing on the Abandonment of Easement - V170048A located at 41 E. Jefferson St. due to an appeal letter dated Sept. 25, 2017. The alley was abandoned without stipulations in a prior abandonment action and only a public utility easement remains in place today. The property owner requested the abandonment to allow for future redevelopment of the commercial parking lot into a new development. The appellant is concerned that the adjoining owner recently filed the subject abandonment application to abandon the 25-foot wide Public Utility Easement, this PUE abandonment was formerly located within that portion of the alleyway that was abandoned by the adjoining owner, and retained by Resolution 19322. The appellant is requesting the abandonment be denied based on 1) the development of the adjoining property, 2) relocation of the PUE, and 3) size of the New (Conditional PUE).

**Summary**

Abandonment of Easement- V170048A

Project: 07-2537

Abandonment Applicant: John Garretson

Date of Abandonment Hearing Officer's Decision: Sept. 8, 2017

Appellant: Nick Wood, Esquire, of Snell and Wilmer, LLP Law Offices, representative of adjacent property owner

**Location**

41 E. Jefferson St.

Council District: 7

**Discussion**

See Item 93 for staff presentation and additional discussion.

Mayor Stanton opened the public hearing for Item 94.

Shaine Alleman, Tiffany & Bosco, spoke as a representative of Mr. Garretson. He provided a presentation providing history of the project, highlighting the site plan and alternative access points for various utilities.

Mayor Stanton asked if it was Mr. Alleman's point that the Council would not be able to approve a PUE abandonment in the future when a project was proposed.

Mr. Alleman responded that if the PUE abandonment were to go through, anyone could place their utilities outside of what was already there. He reiterated it was the perfect timing due to electrical facilities.

Planning and Development Director Alan Stephenson stated that if the Council did not approve the abandonment request, somebody could place additional utilities due to it being a 25-foot wide utility corridor. He added that there would not be anything to preclude a property owner to request an abandonment in the future.

Councilwoman Stark noted that a letter from the utilities didn't seem to have a preference about the abandonment. She asked if there were any concerns about the Garretson alley being abandoned and having access to First Street.

Mr. Stephenson replied that there were any significant concerns as such concerns would be part of specified conditions and stipulations.

Mayor Stanton asked Mr. Alleman if there were any plans for additional parking for patrons at Talking Stick Resort Arena.

Mr. Alleman responded that all uses were on the table but noted that there were some restrictions based on the downtown code in regards to a parking structure being placed in the area.

Dan Klocke, Downtown Phoenix Partnership stated that it was challenging to get utilities and power to various site projects in the downtown area. He stated that it was a recurring issue.

Nick Wood, Snell & Wilmer, spoke as the appellant to this item. He discussed the costs associated with utilities and engineering removing a PUE and the need to move forward with his client's project. He stated they could not come into an agreement about the location of the PUE.

Mr. Alleman reiterated that Mr. Garretson was keeping his options open as to what project could go into the area. He stated that utilities existed in Central Avenue and other parts in the downtown area that could connect to the project.

Mayor Stanton closed the public hearing for Item 94.

Councilman Nowakowski commented on the difficulty of making a decision on something that is not yet planned. He stated the Council could reconsider in the future once a client and project was identified.

**The hearing was held. A motion was made by Councilman Nowakowski, seconded by Councilwoman Stark, to grant the appeal and deny the abandonment. The motion carried by the following vote:**

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

**Absent:** 2 - Councilman DiCiccio and Councilman Waring

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

None.

#### **CITIZEN COMMENTS**

Leonard Clark expressed support for the Asian American community in support of the Chinese Cultural Center. Mr. Clark then spoke in regards to new rules implemented by Valley Metro for light rail users. Lastly, Mr. Clark expressed his support of a petition to come up with an ordinance outlawing bump fire stocks in the city of Phoenix.

Scott Harris spoke about scooters in outdoor skate parks. He asked for consideration in changing the policy towards scooter riders. He stated that the cities of Scottsdale and Peoria allowed the use of scooters in outdoor skate

parks. He noted that he had started petition with over 130 signatures in support.

Dianne Barker spoke about the Maricopa Association of Governments (MAG) and the clean air act. She highlighted other services and programs that MAG oversees. She concluded by supporting Mr. Clark's testimony regarding light rail.

Jay Minich, Director of Finance and Administration for the Andre House of Arizona spoke advocating for the homeless population. He highlighted challenges the homeless population face. He stated that there was not any police present at night. He asked the city to look into what additional resources could be provided.

Mike Smith, a volunteer at the Andre House of Arizona, spoke about the homeless situation and the work of the volunteers. He stated that volunteers did not feel safe and asked the City for assistance in making volunteers feels safe so they could continue to provide services to those in need.

Shawn Severud presented a petition. He requested that the City Council submit written correspondence to Governor Ducey, calling on him to "expend" all of his powers in the efforts to remove symbols of slavery located within the city of Phoenix.

Reverend Jarrett Maupin presented a petition. He requested the City Council consider outlawing the manufacturing, distribution, marketing, sale, possession, transportation, storage, trade or use of bump fire stocks in the city of Phoenix.

### **ADJOURN**

There being no further business to come before the Council, Mayor Stanton declared the meeting adjourned at 5:25 p.m.

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MAYOR

ATTEST:

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CITY CLERK

RC

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 18 day of October, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of December, 2017.

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CITY CLERK