172799

City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, September 19, 2018 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, September 19, 2018 at 2:30 p.m. in the Council Chambers.

Present: 7 - Councilman Sal DiCiccio, Councilwoman Vania Guevara, Councilwoman Felicita M. Mendoza, Councilwoman Laura Pastor, Councilwoman Debra Stark, Vice Mayor Jim Waring and Mayor Thelda Williams

Absent: 1 - Councilman Michael Nowakowski

Councilman DiCiccio joined the voting body via telephone during Citizen Comments. Councilwoman Mendoza entered the Chambers and joined the voting body during Citizen Comments.

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

CITIZEN COMMENTS

Tristahn Schaub, vice president of the Arcadia Camelback Mountain Neighborhood Association, thanked Council for approving the Maricopa Association of Governments grants for 56th Street. He said the grant would make the five schools in Arcadia more accessible and a complete street for that neighborhood. He remarked that he appreciated and supported the forward thinking goals of T2050, but they were only achievable because of streets. He requested light rail funds be used to repair the eroding streets.

Note: Councilman DiCiccio joined the voting body via telephone.

Graham Schaub, Mr. Schaub's son, asked Council to spend money to improve the streets.

Note: Councilwoman Mendoza joined the voting body.

Andy Zhang submitted a citizen petition to the Council requesting an investigation of donations made to Councilwoman Kate Gallego by True North and all communication regarding the Chinese Cultural Center between any City official and True North.

Charles Qian submitted a handout to the Council that cited his concerns regarding Councilwoman Gallego taking money from True North who was trying to demolish the Chinese Cultural Center. He said he wanted the Council to investigate this situation in order to rebuild the trust which was damaged by Councilwoman Gallego.

Zheng Shi Qi expressed his concern about campaign contributions made to Councilwoman Gallego from True North as it made him question if the process had been impartial with regard to the Chinese Cultural Center. He stated the situation needed to be checked out.

Leonard Clark stated he agreed with previous statements about the questionable donations to Councilwoman Gallego, but he also wanted Council to check Councilman Valenzuela's financial campaign records. He requested that Council look into this issue because it might be legal but did not seem ethical.

Greta Rogers said she concurred with the comments made regarding the Chinese Cultural Center and Councilwoman Gallego's questionable donations and urged Council to investigate it. She expressed Council attendance by phone was not acceptable and wanted Council to make the necessary changes so that physical attendance was required. Further, she asked that liquor licenses be heard in a separate meeting once a month at a regular time since most people who attended these meetings were not involved in them.

Ed Aboud submitted a citizen petition to the Council requesting an independent agency investigate the construction at 3818 E. Glenrosa Ave. that involved input from neighbors. He added the agency should also make recommendations to improve the Planning and Development Department's procedures.

Luis Acosta expressed concern about the City wanting to spend $800 million to

put in nine light rail stations. He remarked that money could be better spent to maintain landscape, sidewalks and streets.

The City Clerk confirmed that copies of the titles of Ordinances G-6503 through G-6506, S-44984 through S-45017, and Resolutions 21673 through 21675 were available to the public in the office of the City Clerk at least 24 hours prior to the Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

MINUTES OF MEETINGS

1 For Approval or Correction, the Minutes of the Formal Meeting on June 27, 2018

Summary
This item transmits the minutes of the Formal Meeting of June 27, 2018, for review, correction and/or approval by the City Council.

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

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

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

2 For Approval or Correction, the Minutes of the Formal Meeting on July 5, 2018

Summary
This item transmits the minutes of the Formal Meeting of July 5, 2018, 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 Mayor Williams, seconded by Councilwoman Pastor, that this item be approved. The motion carried by the following voice vote:

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

3 For Approval or Correction, the Minutes of the Special Meeting on August 1, 2018

Summary

This item transmits the minutes of the Special Meeting of August 1, 2018, for review, correction and/or approval by the City Council.

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

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

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

BOARDS AND COMMISSIONS

4 Mayor and Council Appointments to Boards and Commissions

Summary

This item transmits recommendations from the Mayor and Council for appointment or reappointment to City Boards and Commissions.

The following individuals were recommended for appointment/reappointment by Mayor Williams and Councilmembers:

Camelback East Village Planning Committee
Appoint Ryan Trauscht, for a term to expire Nov. 19, 2019, as recommended by Councilman DiCiccio

Neighborhood Block Watch Fund Oversight Committee
Reappoint Carmen Arias, for a second term to expire Aug. 31, 2019, as recommended by Mayor Williams

Phoenix Deferred Compensation Board/Post Employment Healthcare Plan Board - as recommended by Mayor Williams and City Manager Ed Zuercher
Reappoint David Nieto, as recommended by COPCU to represent employees, for a third term to expire Sept. 30, 2022
Reappoint Lori Roediger, as a resident representative, for a second term to expire Sept. 30, 2022

Sister Cities Commission - as recommended by Mayor Williams
Appoint Jerri Pastor, for a term to expire June 30, 2021
Appoint Sonya Pastor, for a term to expire June 30, 2021
Reappoint Brian Foster, for a second term to expire June 30, 2021
Reappoint Henry Lam, for his first full term to expire June 30, 2021

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

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

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

Carmen Arias, Neighborhood Block Watch Fund Oversight Committee; and

Jerri Pastor and Sonya Pastor, Sister Cities Commission.

The above individuals were invited to approach the dais so Council could extend their appreciation.

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

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

Note: Comment cards were submitted for the record in favor of Items 12, 13, 15 and 25 by the following individuals:

Camila Alarcon - Agent, Item 12
Yi-Hsin Chen, Item 12
Colleen McCoy-Cejka - Agent, Item 13
Kathy Kelliher - Agent, Item 15
Carlos Montufar - Applicant, Item 25

A motion was made by Vice Mayor Waring, seconded by Councilwoman Pastor, that Items 5 through 26 be recommended for approval. The motion carried by the following voice vote:

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

5 Liquor License - Buffalo Wild Wings

Request for a liquor license. Arizona State License Application 12078257.

Summary

Applicant
John Curtis II, Agent

License Type

Series 12 - Restaurant

Location
2510 W. Happy Valley Road, Ste. 1241
Zoning Classification: C-2 M-R PCD
Council District: 1

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

The 60-day limit for processing this application is Sept. 23, 2018.

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:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff are, or will be, trained in the techniques of legal and responsible alcohol sales and service."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

6 Liquor License - Buffalo Wild Wings

Request for a liquor license. Arizona State License Application 12079125.

Summary

Applicant
John Curtis II, Agent

License Type
Series 12 - Restaurant

Location
2700 W. North Lane
Zoning Classification: C-2
Council District: 1

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

The 60-day limit for processing this application is Sept. 23, 2018.

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:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff are, or will be, trained in the techniques of legal and responsible alcohol sales and service."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

7 Liquor License - Chipotle Mexican Grill #3306

Request for a liquor license. Arizona State License Application 26839.

Summary

Applicant
H. J. Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
2450 W. Bell Road, Ste. 5
Zoning Classification: C-3
Council District: 1

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

The 60-day limit for processing this application is Sept. 29, 2018.

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

location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Chipotle Mexican Grill, Inc. (and related entities) hold over 1,600 liquor licenses throughout the United States, including 76 licenses in Arizona. Chipotle has been a responsible licensee in Arizona since the issuance of its first license in 1999 and is committed to upholding the highest business standards for product quality, customer service and community engagement. Managers and staff will be trained in the techniques of legal and responsible management and/or service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Chipotle Mexican Grill is a quick-serve Mexican eatery enjoyed by area residents, visitors and workers. In addition to freshly-prepared tacos and burritos, Chipotle would like to offer its guests beer and margaritas as an incident to their meal. Alcohol sales, which are limited to bottled beer and margaritas, account for only 2-3% of revenue; however, it is considered an integral part of the restaurant's concept."

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 - Chipotle Mexican Grill #3306
Liquor License Map - Chipotle Mexican Grill #3306

This item was recommended for approval.

8 Liquor License - Special Event - St. Luke Roman Catholic Parish Phoenix

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

Summary

Applicant
Raquel Rodriguez

Location
19644 N. 7th Ave.
Council District: 2

Function
Cultural Celebration

Date(s) - Time(s) / Expected Attendance
Oct. 19, 2018 - 4 p.m. to 11 p.m. / 500 attendees
Oct. 20, 2018 - 4 p.m. to 11 p.m. / 500 attendees
Oct. 21, 2018 - 4 p.m. to 11 p.m. / 500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - El King Sushi

Request for a liquor license. Arizona State License Application 26496.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
2535 E. Bell Road, Ste. 12-13
Zoning Classification: C-2 SP
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.

The 60-day limit for processing this application is Sept. 23, 2018.

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

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

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
“All of our employees will go through liquor law training. We will be very strict with our liquor service policies. We will train our employees in responsible liquor service conduct 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 to give our 21 and over patrons the opportunity to order drinks with their meal if they choose to have one.”

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 - El King Sushi
Liquor License Map - El King Sushi

This item was recommended for approval.

10 Liquor License - Marigold Maison Indian Restaurant

Request for a liquor license. Arizona State License Application 12079465.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
4720 E. Cactus Road, #D118

Zoning Classification: PSC PCD
Council District: 3

This request is for an acquisition of control of an existing liquor license for a restaurant. This location is currently licensed for liquor sales. This location requires a Use Permit to allow alcohol sales as an accessory use to a restaurant.

The 60-day limit for processing this application is Sept. 30, 2018.

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:
“Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff are, or will be, trained in the techniques of legal and responsible alcohol sales and service.”

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

This item was recommended for approval.

11 Liquor License - Embassy Suites Phoenix-Scottsdale

Request for a liquor license. Arizona State License Application 27380.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 11 - Hotel/Motel

Location
4415 E. Paradise Village Pkwy., S.
Zoning Classification: CP/BP PCD SP
Council District: 3

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

The 60-day limit for processing this application is Oct. 1, 2018.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Parkway Beverage Services Inc. is a part of the Westmont Hospitality family of companies, which is a well known, established, and respected hotel owner and management company operating numerous locations across the US. The Westmont Hospitality family of companies has a stellar reputation for maintaining quality properties and it takes liquor compliance regulations seriously. The management and staff strive to follow all liquor laws and have an outstanding record of compliance."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The Westmont Hospitality family of companies strive to be good neighbors in all of its communities. Their properties are maintained impeccably and the noise level is typical of an upscale hotel property, not disruptive to the immediate community. This location has allowed the immediate community to enjoy dining and alcohol service, along with other amenities the hotel offers for many years."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Embassy Suites Phoenix-Scottsdale
Liquor License Map - Embassy Suites Phoenix-Scottsdale

This item was recommended for approval.

12 Liquor License - Hyatt Place Phoenix North

Request for a liquor license. Arizona State License Application 26222.

Summary

Applicant
Camila Alarcon, Agent

License Type
Series 11 - Hotel/Motel

Location
10838 N. 25th Ave.
Zoning Classification: C-2 MR
Council District: 3

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

The 60-day limit for processing this application is Sept. 21, 2018.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Real Hospitality Group, LLC manages over eighty hotels throughout the United States. It has decades of experience in the hospitality business and in alcohol regulation. It is fully committed to upholding the highest standards in complying with all applicable laws. All relevant staff will be fully trained in Title 4."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This application is for a Series 11 hotel liquor license at a location with a license of the same series. This hotel has served a demonstrative need in the community, and will continue to do so under new management."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Hyatt Place Phoenix North
Liquor License Map - Hyatt Place Phoenix North

This item was recommended for approval.

13 Liquor License - Special Event - The Roman Catholic Church of the Diocese of Phoenix

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

Summary

Applicant
Domonic Salce

Location

4710 N. 5th St.
Council District: 4

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Nov. 17, 2018 - 5 p.m. to 11 p.m. / 800 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

14 Liquor License - Chula Seafood

Request for a liquor license. Arizona State License Application 27498.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
100 E. Camelback Road, Ste. 172
Zoning Classification: C-2 TOD-1
Council District: 4

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

The 60-day limit for processing this application is Oct. 2, 2018.

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We will operate our business in compliance with the Arizona liquor laws. We will ensure our employees will attend the Title 4 liquor law training class."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We would like to offer the neighborhood a family fish market where they can stop by for a bite to eat and a cold beverage."

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 - Chula Seafood
Liquor License Map - Chula Seafood

This item was recommended for approval.

15 Liquor License - Dollar General Store #19476

Request for a liquor license. Arizona State License Application 26568.

Summary

Applicant
Kathryn Kelliher, Agent

License Type
Series 10 - Beer and Wine Store

Location
520 N. 35th Ave.
Zoning Classification: C-3
Council District: 4

This request is for a new liquor license for a convenience store that does not sell gas. 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 October 2018.

The 60-day limit for processing this application is Sept. 24, 2018.

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

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The licensee, DG Retail, LLC, was incorporated in 2005 in Tennessee. The parent company, Dollar General Corporation, operates as a general retail merchandise chain with over 15,000 stores in the United States. DG Retail, LLC currently holds and maintains 87 liquor licenses in the state of Arizona."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The liquor license provides the community with a safe, controlled, and regulated way to purchase alcohol."

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.

Liquor License Data - Dollar General Store #19476
Liquor License Map - Dollar General Store #19476

This item was recommended for approval.

16 Liquor License - Special Event - SS. Simon & Jude Roman Catholic Cathedral Phoenix

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

Summary

Applicant
Phillip Lester

Location
6351 N. 27th Ave.
Council District: 5

Function
Festival

Date(s) - Time(s) / Expected Attendance
Oct. 28, 2018 - Noon to 7 p.m. / 500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

17 Liquor License - Special Event - Mount Claret Roman Catholic Retreat Center Phoenix

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

Summary

Applicant
Thomas McGuire

Location
4633 N. 54th St.
Council District: 6

Function
Dinner

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

Oct. 13, 2018 - 5 p.m. to 10 p.m. / 200 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

18 Liquor License - Special Event - St. Thomas the Apostle Roman Catholic Parish Phoenix

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

Summary

Applicant
Janine Campo

Location
4510 N. 24th St.
Council District: 6

Function
Corn Hole Tournament

Date(s) - Time(s) / Expected Attendance
Oct. 6, 2018 - 5:30 p.m. to 11 p.m. / 180 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

19 Liquor License - Philly's on Warner

Request for a liquor license. Arizona State License Application 06070052.

Summary

Applicant
Amy Nations, Agent

License Type

Series 6 - Bar

Location
4855 E. Warner Road, Ste. A31
Zoning Classification: C-2
Council District: 6

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

The 60-day limit for processing this application is Sept. 29, 2018.

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

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

Philly's on Warner (Series 12)
4855 E. Warner Road, Ste. A31
Calls for police service: 66
Liquor license violations: In August 2017, a fine of $2,000 was paid for

failure to derive 40% of income from food.

Philly's Bar & Restaurant (Series 12)
1826 N. Scottsdale Road, Tempe
Calls for police service: N/A - not in Phoenix
Liquor license violations: In September 2009, a fine of $2,000 was paid for allowing an underage person on premises without a parent. In February 2010, a fine of $250 was paid for altering the floor plan without notifying the Department and for not having fetal alcohol signs posted. In June 2010, a fine of $3,000 was paid for failure to follow the identification procedure prescribed by statutes and for selling, giving or furnishing an underage person with alcohol.

Philly's Sport Grill (Series 12)
1402 S. Priest Drive, Tempe
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We currently own 3 Philly's throughout Tempe and Phoenix. We will continue to send our employees through the liquor law training."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We want to continue to keep our restaurant open at this location. We currently own this location under a different series liquor license."

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 - Philly's on Warner
Liquor License Map - Philly's on Warner

This item was recommended for approval.

20 Liquor License - Special Event - Central Arts Alliance

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

Summary

Applicant
Joseph Benesh

Location
1202 N. 3rd St.
Council District: 7

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Oct. 11, 2018 - 6:30 p.m. to 9:30 p.m. / 400 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

21 Liquor License - Special Event - Central Arts Alliance

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

Summary

Applicant
Joseph Benesh

Location
1202 N. 3rd St.
Council District: 7

Function
Arts Festival

Date(s) - Time(s) / Expected Attendance
Dec. 7, 2018 - Noon to 8:30 p.m. / 3,000 attendees
Dec. 8, 2018 - 10 a.m. to 9 p.m. / 4,000 attendees
Dec. 9, 2018 - 10 a.m. to 5 p.m. / 3,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

22 Liquor License - Special Event - Roosevelt Row Community Development Corporation

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

Summary

Applicant
Megan Schmitz

Location
128 E. Roosevelt St.
Council District: 7

Function
Community Event

Date(s) - Time(s) / Expected Attendance
Sept. 29, 2018 - 4 p.m. to 11 p.m. / 6,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

23 Liquor License - Special Event - Girl Scouts-Arizona Cactus-Pine Council, Inc.

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

Summary

Applicant
Jennifer Ho

Location
1611 E. Dobbins Road
Council District: 8

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Oct. 6, 2018 - 6 p.m. to 10 p.m. / 400 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

24 Liquor License - Special Event - Girl Scouts-Arizona Cactus-Pine Council, Inc.

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

Summary

Applicant
Jennifer Ho

Location
1611 E. Dobbins Road
Council District: 8

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Nov. 2, 2018 - 6 p.m. to 11 p.m. / 600 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

25 Liquor License - Special Event - Phoenix World Arts Collective

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

Summary

Applicant
Carlos Montufar

Location
1650 E. Roosevelt St., Ste. 160
Council District: 8

Function
Dinner & Dance

Date(s) - Time(s) / Expected Attendance
Oct. 20, 2018 - 6 p.m. to Midnight / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

26 Liquor License - Chipotle Mexican Grill #3170

Request for a liquor license. Arizona State License Application 26845.

Summary

Applicant
H. J. Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
4725 E. Broadway Road
Zoning Classification: C-2
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 business is currently under construction with plans to open in October 2018.

The 60-day limit for processing this application is Sept. 29, 2018.

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

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

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

Applicant's Statement
The applicant submitted the following statement in support of this

application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
“Chipotle Mexican Grill, Inc. (and related entities) hold over 1,600 liquor licenses throughout the United States, including 76 licenses in Arizona. Chipotle has been a responsible licensee in Arizona since the issuance of its first license in 1999 and is committed to upholding the highest business standards for product quality, customer service and community engagement. Managers and staff will be trained in the techniques of legal and responsible management and/or service.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“Chipotle Mexican Grill is a quick-serve Mexican eatery enjoyed by area residents, visitors and workers. In addition to freshly-prepared tacos and burritos, Chipotle would like to offer its guests beer and margaritas as an incident to their meal. Alcohol sales, which are limited to bottled beer and margaritas, account for only 2-3% of revenue; however, it is considered an integral part of the restaurant's concept.”

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 - Chipotle Mexican Grill #3170
Liquor License Map - Chipotle Mexican Grill #3170

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

Mayor Williams requested a motion on the remaining agenda items. A motion was made, as appears below.

Note: Comment cards were submitted for the record in favor and opposed to

Items 82 and 88 by the following individuals:

Bibiana Rebeles - in favor, Item 82
Kevin Holt - opposed, Item 88
Coley Arnold - opposed, Item 88

A motion was made by Vice Mayor Waring, seconded by Councilwoman Pastor, that Items 27 through 88 be approved or adopted, except Items 28, 34-35, 53, 56-57, 60, 64, 68-71, 73, 75-77 and 87; continuing Item 73 to the Oct. 3, 2018 Formal Meeting so it can be heard by the Citizens Transportation Commission on Sept. 27, 2018, and Item 88 to the Oct. 17, 2018 Formal Meeting at the request of the resident who submitted the petition; and noting that Items 73 and 76 are as corrected. The motion carried by the following vote:

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

Items 27, 29-33, 36-39, Ordinance S-44984, 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 CoStar Realty Information, Inc.

For $33,600.00 in payment authority for subscription renewal from Oct. 1, 2018 through Sept. 30, 2019, for the Community and Economic Development Department. This subscription provides comprehensive real estate market data and information on commercial property sales used extensively by the Community and Economic Development Department. This data is used to assist developers, investors and other interested companies in investing in Phoenix. It is critical for the City to be

able to respond competitively by utilizing the most widely used commercial real estate database product in the industry and allows for an integrated regional response in data reporting.

This item was adopted.

29 Stericycle, Inc.

For $9,000.00 in additional payment authority for Contract 134407, through Nov. 30, 2018, to continue to receive medical waste pick up services for citywide locations. Services include all labor, equipment, materials and supplies, including containers, to pick up, remove, autoclave and dispose of medical waste. Additional payment authority will allow the City departments to continue to receive uninterrupted services and to pay for services through the end of the contract term until the new medical waste pick up services contract is awarded.

This item was adopted.

30 Telerob USA, Inc.

For $12,210.00 in payment authority to pay for repairs to the Telerob tEODor bomb robot for the Police Department, Bomb Squad. The Telerob tEODor bomb robot was damaged when it was used to assist at a high-risk event and fire erupted. This robot is the only large platform robot in the State of Arizona and it is critical to Bomb Squad operations for life and safety efforts.

This item was adopted.

31 Various Vendors for High Pressure Washer, Engine, and Small Equipment Repair

For $25,000.00 in additional payment authority to continue to provide high pressure washer, engine, and small equipment repair services for the Parks and Recreation Department. The usage of this contract has been higher than anticipated due to aging equipment and unexpected repairs and maintenance services. Upon approval of these additional funds, the revised aggregate value will not exceed $275,000.00.

EST Companies, LLC, Contract 141846
Superior Cleaning Equipment, Inc., Contract 141847

This item was adopted.

32 Western Towing of Phoenix, Inc. doing business as Western

Towing

For $80,000.00 in payment authority for a new contract, entered on or about Oct. 1, 2018 for a term of five years for State Fair Towing - Requirements Contract for the Police Department. The contract is for the supply of towing services to relocate or remove property or vehicles illegally parked in connection with the Arizona State Fair and the surrounding property.

This item was adopted.

33 PFM Financial Advisors, LLC

For $75,000.00 in payment authority for a new contract, entered on or about September 19, 2018 for a term of two years with three possible annual extensions to provide financial advisory services for the Street Transportation Department. The vendor will create an adaptable financial model that incorporates existing and forecasted funding sources as well as operating and capital expenditure needs. Utilizing this model, the financial advisor will provide the department recommendations on capital expenditure capacity available and timing of bond sales or other financing options.

This item was adopted.

36 Hoffman Southwest Corp., doing business as Professional Pipe Services

For $50,000.00 in additional payment authority for Contract 139709 for routine and emergency services performed for storm water operations for the Street Transportation Department. This contract increase is needed to meet increased sewer and storm drain cleaning service demand.

This item was adopted.

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

For $9,500.00 in payment authority for traffic signal installation services for the Street Transportation Department. Work includes installing a transformer, wire, and providing service for a new High-Intensity Activated crossWalK signal located at 33rd Avenue and Dunlap Avenue.

This item was adopted.

38 **Agilent Technologies, Inc.**

For $320,000.00 in additional payment authority for Contract 137981 to continue to provide services through March 31, 2019, and to purchase four replacement Gas Chromatograph (GC) instruments for the Water Services Department. The GC instruments are used to analyze environmentally-related samples collected from drinking water, groundwater, raw water, and water at any intermediate treatment stage. The existing GC instruments, located at four water treatment plants, are outdated making it difficult to obtain replacement parts and limiting software updates.

This item was adopted.

39 **Unifirst Corporation**

For $16,500.00 in additional payment authority for Contract 143805 to continue to provide laundry services for flame resistant clothing for the Water Services Department. The service is required to maintain the fire resistant integrity of the garments. Services include laundry pick-up and delivery, inspection, and garment replacement. The augmented contract value will support increased garment volume expenditures through the end of the contract term.

This item was adopted.

40 **Digital Microwave Terminals - State of Arizona Cooperative Contract - ADSPO13-055848 (Ordinance S-44988)**

Request to authorize the City Manager, or his designee, to extend and add additional expenditures for Contract ADSPO13-055848 with Aviat US, Inc. in the amount of $1,100,000. The State of Arizona's procurement process has been delayed, so until the State completes its new solicitation, additional funds are needed to continue to provide critical operations under the existing State contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix operates an extensive microwave communications network, with equipment located at approximately 35 sites providing communications coverage over 6,000 square miles. The microwave network is predominately used in support of public safety

communications, including providing connectivity for more than 30,000 users of the Regional Wireless Cooperative radio communications network. This contract allows City departments, such as Information Technology Services, Police and Fire, to purchase communication systems equipment, such as digital microwave terminals, antennas, waveguides, connectors, and equipment training. This equipment is critical to the support of the region's public safety radio system.

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

Financial Impact

This contract was approved by City Council on Feb. 18, 2015, with an original aggregate value of $6,000,000. With the $1,100,000 in additional funds, the contract's revised aggregate value is now $7,100,000 (including applicable taxes), with the new estimated annual expenditures of $1,100,000. Funds are available in various departments' budgets.

Contract Term

This request is to extend the contract term on a month-to-month basis for up to one year, to allow time for the State to complete a new solicitation.

This item was adopted.

41 Blood Draw Kits - Requirements Contract - IFB 18-281 (Ordinance S-44989)

Request to authorize the City Manager, or his designee, to enter into a contract with Tri-Tech Forensics, Inc. to provide the Police Department with blood draw kits in an amount not to exceed $137,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Police Department's sworn and non-sworn personnel utilize blood draw kits to test for the presence of alcohol and drug-related offenses while in the field. Blood draw kits are the most reliable method for measuring a person's blood alcohol content (BAC) and are required over breath tests when possible. These samples are processed by the Police Department's Crime Lab and are utilized for evidence purposes in criminal proceedings.

Procurement Information

IFB 18-281, Blood Draw Kits, was conducted in accordance with Administrative Regulation 3.10. The solicitation was emailed to 18 vendors and was posted on the City's website. One offer was received by the Procurement Division on Aug. 3, 2018. The price has been determined to be fair and reasonable based on past purchases.

Contract Term

The contract term will begin on or about Oct. 1, 2018 and end on or about Sept. 30, 2023.

Financial Impact

Expenditures against this contract shall not exceed the aggregate amount of $137,000. Funds are available in the Police Department's budget.

This item was adopted.

42 Whelen Automotive Products - Requirements Contract - IFB 18-316 (Ordinance S-44990)

Request to authorize the City Manager, or his designee, to enter into a contract with Kemco OR LLC, dba LSH Lights, to purchase Whelen automotive products for the Fire Department. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $240,000.

Summary

The contract will allow the Fire Department to purchase emergency lighting and associated products for the fire apparatus and for use at emergency scenes. The emergency lighting on the apparatus warns other drivers that an emergency vehicle is approaching or is stopped for an emergency. Lighting at an emergency scene is critical in ensuring the safety of firefighters, the public and patients.

Procurement Information

Invitation for Bid (IFB) 18-316 was conducted in accordance with Administrative Regulation 3.10. There were four offers received by the Procurement Division on July 20, 2018:

Kemco OR LLC, dba LSH Lights: $48,093.31

W. W. Williams, dba Auto Safety House: $54,224.95
Don Chalmers Ford, dba MHQ of Arizona: $56,934.85
Genuine Parts Company/NAPA: $66,702.00

It is recommended by the Deputy Finance Director that the bid from Kemco OR LLC, dba LSH Lights, be accepted as a responsive and responsible bidder.

Contract Term
The five-year contract term will begin on or about Sept. 5, 2018.

Financial Impact
The aggregate contract value will not exceed $240,000. Funds are available in the Fire Department's budget.

This item was adopted.

43 Acceptance and Dedication of Deeds and Easements for Roadway, Sidewalk, and Public Utility Purposes (Ordinance S-44994)

Request for the City Council to accept and dedicate deeds and easements for roadway, sidewalk, and public utility 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.

Deed (a)
Applicant: First Southern Baptist Church of Paradise Valley, its successors and assigns
Purpose: Roadway
Location: 16033 N. 32nd St.
File: FN 180060
Council District: 2

Easement (b)
Applicant: First Southern Baptist Church of Paradise Valley, its successors and assigns

Purpose: Public Utility
Location: 16033 N. 32nd St.
File: FN 180061
Council District: 2

Easement (c)
Applicant: Columbus Apartments, L.P., its successors and assigns
Purpose: Public Utility
Location: Central Avenue and Weldon Avenue
File: FN 180075
Council District: 4

Easement (d)
Applicant: Chadwic Gifford, its successors and assigns
Purpose: Public Utility
Location: 7723 and 7733 N. 13th Place
File: FN 180078
Council District: 6

Easement (e)
Applicant: Grand Canyon Education, Inc., its successors and assigns
Purpose: Sidewalk
Location: 31st Avenue and Camelback Road
File: V 150026A
Council District: 5

Deed (f)
Applicant: Haiman, LLC, its successors and assigns
Purpose: Roadway
Location: 1133 W. Atlanta Ave.
File: FN 180091
Council District: 7

Easement (g)
Applicant: Haiman, LLC, its successors and assigns
Purpose: Public Utility
Location: 1133 W. Atlanta Ave.
File: FN 180091

Council District: 7

Easement (h)
Applicant: HBR Properties, LLC, its successors and assigns
Purpose: Public Utility
Location: 3825 N. 75th Ave.
File: FN 180095
Council District: 5

This item was adopted.

44 Acceptance and Dedication of Easements for Public Utility Purposes (Ordinance S-45000)

Request for the City Council to accept and dedicate easements for public utility 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: Andon Investments, LLC, its successors and assigns
Purpose: Public Utility
Location: 2211 W. Roosevelt St.
File: FN 180081
Council District: 7

Easement (b)
Applicant: Upper 5629 Rockridge Road, LLC, its successors and assigns
Purpose: Public Utility
Location: 5629 E. Rockridge Road
File: FN 180094
Council District: 6

This item was adopted.

45 Acceptance of Easements for Water Line and Vehicular Non-Access Purposes (Ordinance S-45002)

Request for the City Council to accept easements for waterline and

vehicular non-access purposes; further ordering the ordinance recorded.

Summary

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

Easement (a)
Applicant: Grand Canyon Education, Inc., its successors and assigns
Purpose: Vehicular Non-Access
Location: 31st Avenue and Camelback Road
File: V 150026A
Council District: 5

Easement (b)
Applicant: UG Phoenix Bell AZ, LP, its successors and assigns
Purpose: Water Line Purposes
Location: 1615 W. Bell Road
File: FN 180092
Council District: 3

This item was adopted.

46 Acquisition of Easements for a Sewer Improvement Project Located North of Pecos Road from Chandler Boulevard to 17th Avenue (Ordinance S-44986)

Request to authorize the City Manager, or designee, to voluntarily acquire a sewer easement and a temporary construction easement across portions of vacant land located north of Pecos Road from Chandler Boulevard to 17th Avenue from the Arizona State Land Department (ASLD) for construction of a Sewer Improvement Project. Further request authorization to enter into short-term leases to accommodate construction staging needs, as may be necessary to and in furtherance of this acquisition. Acquisition is to be for a purchase price and upon such other terms as are established at the ASLD's public auction. Further request authorization for the City Controller to disburse all funds related to this item.

Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents

pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18, as the ASLD's Certificate of Purchase and other form documents include such provisions.

Summary

The acquisition is required for a 26 foot wide sanitary sewer line to be constructed just north of Pecos Road, between Chandler Boulevard to 17th Avenue. The improvements are necessary for improved sewer drainage and connection to the residents of Foothills Club West Parcel 24 subdivision, located west of 17th Avenue. The properties impacted by this project are identified in **Attachment A**.

Financial Impact

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

Location

North of Pecos Road, from Chandler Boulevard to 17th Avenue
Council District: 6

This item was adopted.

47 Communication Tower Inspection, Maintenance, and Repair - Requirements Contract - IFB 18-112 (Ordinance S-44996)

Request to authorize the City Manager, or his designee, to enter into a contract with Arizona West Builders and Communications, Inc. to provide communication tower inspection, maintenance, and repair services for the Information Technology Services Department. The aggregate contract value will not exceed $225,000, with an estimated annual expenditure of $45,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Information Technology Services Department supports the radio infrastructure used by public safety and municipal members of the Regional Wireless Cooperative. This includes maintenance and support of radio towers and communications equipment located throughout the valley. This contract provides additional equipment and support used on an as-needed basis for large or specialty jobs, and for additional support for emergencies. Services include supervision, labor, tools, materials and

all equipment necessary to perform inspection, maintenance and repair, installation or removal of equipment or cabling, tower remediation or modification, painting, testing, and structural engineering analysis. These services are vital to the safety, integrity, and successful operation of regional public safety communications.

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

Procurement Information

IFB 18-112 Communication Tower Inspection, Maintenance, and Repair was conducted in accordance with Administrative Regulation 3.10. One offer was received by the Procurement Division on June 29, 2018. The offer was evaluated based on price, responsiveness to all specifications, terms and conditions and responsibility to provide the required goods and services. The offer submitted by Arizona West Builders and Communications, Inc. is deemed fair and reasonable based on the market and previous contract pricing.

The Deputy Finance Director recommends Arizona West Builders and Communications, Inc. for award.

Contract Term

The five-year contract term shall begin on or about Sept. 20, 2018.

Financial Impact

The aggregate contract value will not exceed $225,000 (including applicable taxes), with an estimated annual expenditure of $45,000. Funds are available in the Information Technology Services Department's budget.

This item was adopted.

48 Bottled Water and Associated Products (Ordinance S-44997)

Request to authorize the City Manager, or his designee, to enter into a contract with Nestle Waters to provide Citywide departments with bottled water and associated products, on an as-needed basis. Further request authorization for the City Controller to disburse all funds related to this item. The five-year aggregate value of this contract will not exceed

$500,000.

Summary

Bottled water is used daily by the City where a water supply is not readily accessible to help prevent heat-related illnesses for Police Officers, Firefighters, and other City employees and residents. Bottled water is also used at public gatherings, political events, marches or walks, and City-funded public events. The primary user departments of this contract are the Aviation, Fire, Water Services, Public Works, and Police departments. This contract is critical to the safety and health of the City's employees and residents by helping prevent heat-related issues, especially during the City's hotter months of the year.

Procurement Information

IFB 18-215 Bottled Water and Associated Products was conducted in accordance with Administrative Regulation 3.10. The solicitation was emailed to 56 suppliers and was posted on the City's website. Two offers were received by the Procurement Division on June 22, 2018.

Nestle Waters North America Inc.: $90,085.70
DS Services of America, Inc.: $104,612.43

It is recommended by the Deputy Finance Director that the bid for Nestle Waters North America Inc., be accepted as a responsive and responsible bidder.

Contract Term

The five-year contract will begin on or about Nov. 1, 2018.

Financial Impact

This is a Citywide contract used by multiple departments. The five-year aggregate value of this contract will not exceed $500,000.

This item was adopted.

49 Contract for Firefighting Personal Protective Equipment (Ordinance S-45007)

Request to authorize the City Manager, or his designee, to allow the use of the National Purchasing Partners (NPP) cooperative contract (PS16008) with LION for the purchase of protective coats and pants,

accountability panels, suspenders, Class I escape belts and Aircraft Rescue Fire Fighting (ARFF) coats and pants (Turnout Gear). Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $6,225,000.

Summary

The fire protective coats, pants, and panels (turnout gear) are used by Phoenix firefighters intended to protect the firefighter from radiant and thermal exposure, unexpected flashover conditions, puncture and abrasion hazards during firefighting. This gear is a critical part of the Fire Department's efforts to provide the life safety services to the public.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement processes, as set forth in the Phoenix City Code, chapter 43. The NPP contract covers the purchase of protective coats and pants, accountability panels, suspenders, Class I escape belts and Aircraft Rescue Fire Fighting (ARFF) coats and pants (Turnout Gear) and was awarded June 14, 2016. The use of this cooperative contract will provide the City national discounts on these products.

Contract Term

The contract term will be effective through Aug. 31, 2023.

Financial Impact

The aggregate contract value will not exceed $6,225,000. Funds are available in the Fire Department's budget.

This item was adopted.

50 Contract for Firefighting Equipment (Ordinance S-45008)

Request to authorize the City Manager, or his designee, to allow the use of the National Purchasing Partners (NPP) cooperative contract (00000158) with Municipal Emergency Services, Inc., dba Lawmen Supply Company for the purchase of fire protective clothing and personal protective equipment. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value is

$1,200,000.

Summary

The fire protective clothing and personal protective equipment are used by Phoenix firefighters intended for extensive use and retention of high thermal protection, and protection from body injuries related to structural firefighting activities. This gear is a critical part of the Fire Department's efforts to provide life safety services to the public.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement process, as set forth in the Phoenix City Code, chapter 43. The NPP contract covers the purchase of firefighter rubber boots for use by hazardous material crews, brush firefighting boots to complete the Urban Interface firefighting uniform, structural firefighting gloves designed for extensive use and retention of high thermal protection, and structural firefighting helmets to provide protection from head and neck injuries related to structural firefighting activities. The NPP contract was awarded May 28, 2017. The use of this cooperative contract will provide the City national discounts on these products.

Contract Term

The contract term will be effective through Aug. 31, 2023.

Financial Impact

The aggregate contract value will not exceed $1,200,000. Funds are available in the Fire Department's budget.

This item was adopted.

51 Optional Employee and Retiree Pet Insurance Vendor Recommendation (Ordinance S-45013)

This report requests City Council approval to enter into a contract with Nationwide to provide employee and retiree voluntary pet insurance benefits and further request authorization for the City Controller to disburse the necessary funds. There is no impact to the General Fund; the costs for these services are paid by monthly payroll deductions from

eligible employees who enroll in the plan.

Summary

Employees have expressed interest in receiving the option to purchase pet insurance, and in an effort to offer a valuable benefits package to employees, the Human Resources Department is seeking to add this as an optional benefit during the next open enrollment period.

Procurement Information

The Department issued a Request for Proposals on June 11, 2018 seeking proposals for a voluntary pet insurance provider for employees and retirees. No submittals were received. The Benefits Division conducted research and learned that Nationwide's large corporate umbrella includes an established pet insurance vendor. In accordance with Administrative Regulation 3.10, a Determination Memo was approved. The City has many years of success with secure data file transfers and transfer of funds with Nationwide, and staff believes working with this established vendor will be successful.

Contract Term

The contract term will be for one year beginning Jan. 1, 2019, with four one-year extensions to be exercised at the City's discretion, providing maximum flexibility for the City as it offers this new benefit program.

Financial Impact

There is no cost to the City, and no impact to the General Fund. Pet insurance premiums are 100 percent paid by enrolled employees and retirees.

This item was adopted.

52 Contract Extension with Hyas Group for Investment Consulting for 401(A)/457 Plans and Post Employment Health Plan (PEHP) (Ordinance S-45014)

This report requests City Council approval to extend Contract 137267 with Hyas Group, LLC for a six-month period and $77,000 in additional payment authority for consulting services over the term of the extension. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

A six-month contract extension is requested to allow for continuing investment consulting services without a lapse in service to allow time for a new procurement process.

Procurement Information

A Request for Proposals (RFP) was issued on Feb. 27, 2018, and a protest was filed upon announcement of award. A new RFP process has begun, but is not expected to be concluded until November, after the contract's end date of Aug. 31, 2018. In accordance with Administrative Regulation 3.10, a Determination Memo was approved to extend the contract with Hyas Group, LLC to allow adequate time for the new procurement process.

Contract Term

The contract extension term will be for six months beginning Sept. 1, 2018, through Feb. 28, 2019 with no options to extend.

Financial Impact

The consulting service fees are paid from the City of Phoenix Employees' Deferred Compensation Plan Trust (DCP). The Trust funding source is retained revenue from the DCP investment earnings and are restricted funds.

Concurrence/Previous Council Action

City Council approved the original Contract 137267 on Aug. 28, 2013.

This item was adopted.

54 Information Systems Disaster Recovery Services (Ordinance S-45016)

Request to authorize the City Manager, or his designee, to enter into a month-to-month agreement with Sungard Availability Services for continued Citywide information systems disaster recovery services in an amount not to exceed $140,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City utilizes disaster recovery services to ensure that information technology systems supporting critical City processes and services can be recovered within a short period of time in the event of a disaster.

Services include alternate locations, reserved computer systems, planning, and communication tools in North America from which to recover critical City business systems in the event that a disaster makes City-owned technology infrastructure inoperable. Examples of critical business systems include SAP, eCHRIS, and the Court Management System.

Procurement Information

A Request for Proposals (RFP) for Disaster Recovery Services was issued on Jan. 5, 2018, resulting in two responses. One of the responses offered a cloud-only solution that the City can not use at this time, as the City still relies on tape backup for some systems. The award was made to the other respondent, and current service provider, Sungard Availability Services. This was approved by City Council on April 18, 2018. Upon negotiations it became apparent that Sungard was taking exception to the terms and conditions of the RFP. Accepting changes to the terms and conditions would violate the RFP process, as other vendors may not have responded because of the required acceptance of the terms and conditions. Information Technology Services consulted with the Law Department to determine a solution to continue critical disaster recovery services. The determination was that since Sungard Availability Services was taking exception to the terms and conditions, and the second responder's solution was not feasible for the City, the RFP should be cancelled and reissued. The vendor, Sungard Availability Services, accepts that the City cannot change the RFP terms and conditions, and has agreed to continue the terms of the old contract while a new solicitation is conducted.

This request is to contract with Sungard Availability Services on a month-to-month basis, per the terms of their prior contract, while a new solicitation is conducted. An analysis of the prior RFP will be done to determine changes that will allow for greater competition in the already restricted market of disaster recovery service providers for legacy systems. A special circumstances Determination Memo has been approved for this month-to-month extension request.

Contract Term

This request is for a month-to-month contract to extend no later than Feb.

28, 2019.

Financial Impact

This request is for an amount not to exceed $140,000. Funds are available in the Information Technology Services Department budget.

This item was adopted.

55 Request for City Council to Meet in Executive Sessions on Sept. 25, 2018 at 1 p.m. and Oct. 2, 2018 at 1 p.m.

Request authorization for the City Council to meet in Executive Sessions pursuant to Arizona Revised Statutes, Section 38-431.02.A, on Tuesday, Sept. 25, 2018 at 1 p.m. and Tuesday, Oct. 2, 2018 at 1 p.m. in the East Conference Room, 12th Floor of Phoenix City Hall, 200 W. Washington St., Phoenix, Arizona.

Public Outreach

The Notice and Agenda for the Sept. 25, 2018 Executive Session will be posted no later than 1 p.m. on Sept. 24, 2018. The Notice and Agenda for the Oct. 2, 2018 Executive Session will be posted no later than 1 p.m. on Oct. 1, 2018.

This item was approved.

58 2019-20 Housing and Urban Development Consolidated Plan Annual Action Plan Process

This report requests City Council approval of the 2019-20 Consolidated Plan Annual Action Plan process.

Summary

The 2019-20 Annual Action Plan examines housing and community development conditions and needs in the City of Phoenix, and defines strategies for addressing those needs throughout the year. The Annual Action Plan contains the planning and application requirements of four major U.S. Department of Housing and Urban Development (HUD) programs that provide critical funds to entitlement cities like Phoenix every year. The four fund sources are: the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). Through adoption of the 2015-2020 Consolidated Plan in May 2015, City Council approved general strategies

and priorities for these programs. Each year the Annual Action Plan details how funds will be spent in the coming year.

The Annual Action Plan process will begin in October 2018 with a HUD-required public hearing to assess community needs throughout Phoenix. Residents and neighborhood leaders will be invited to provide testimony regarding housing, homelessness, social services, and community development needs for the coming year. Residents who are unable to attend the public hearing will have the opportunity to submit their comments via e-mail or voicemail. This information, along with a needs assessment, will form the foundation of the draft 2019-20 Annual Action Plan.

A draft of the 2019-20 Annual Action Plan will be available for an advertised 30-day public comment period in April 2019 before it will be reviewed and approved by City Council. The goal of the Annual Action Plan process, per HUD requirements, is to ensure comprehensive community planning, and coordinated service delivery to meet critical housing and community development needs.

The City Council will be asked to review and approve the draft 2019-20 Annual Action Plan in early May 2019; the 2019-20 Annual Action Plan is due to HUD by May 15, 2019.

Concurrence/Previous Council Action
This item was scheduled to be heard at the Planning and Economic Development Subcommittee meeting on Sept. 18, 2018.

This item was approved.

59 Intergovernmental Agreement with Maricopa County Superior Court on behalf of the Maricopa County Adult Probation Department to Provide Community Service Work (Ordinance S-44985)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Maricopa County Superior Court, on behalf of the Maricopa County Adult Probation Department (MCAPD), to provide community service work at various Parks and Recreation and Public Works facilities to adult individuals who have been

placed on probation by the Superior Court. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate value for the 10-year term of the IGA will not exceed a total of $180,000, with an estimated annual expenditure of $18,000.

Summary

MCAPD provides county probationers who are sentenced by the Maricopa County Superior Court the opportunity for community service hours. These probationers perform basic maintenance services, such as litter pick-up, weed removal and tree trimming at various parks and public works locations. MCAPD supervises the probationers on a schedule provided by the Parks and Recreation and Public Works departments for a minimal cost.

Contract Term

The term of this IGA will be 10 years.

Financial Impact

The aggregate value for the 10-year term of the IGA will not exceed a total of $180,000, with an estimated annual expenditure of $18,000. Funds are available in the Parks and Recreation Department and Public Works Department budgets.

Concurrence/Previous Council Action

The City Council previously approved IGAs with the Maricopa County Superior Court on behalf of MCAPD in 2003 and 2005.

Location

Parks and Recreation locations included in the IGA: Encanto, Steele Indian School, Christy Cove, Mercury Mine and Norton parks; 11th Street Wash; the Arizona Canal from Dunlap to 7th Street; Murphy Bridle Trail; and various areas in the Phoenix Mountain Preserves.

Public Works locations included in the IGA: North Gateway and 27th Avenue transfer stations.

This item was adopted.

61 Fire Department Mutual Aid Agreements (Ordinance S-45005)

Request City Council authorization for the City Manager, or his designee,

to enter into mutual aid agreements with Arizona Fire Medical Authority (Sun City West, Sun Lakes, Whitman), Daisy Mountain Fire District, Gila River Fire Department, Harquahala Fire District, Salt River Fire Department, and Tonopah Valley Fire District.

Summary

The purpose of these agreements is to define procedures for participating jurisdictions who are not a part of the automatic aid system to request mutual assistance to fires, medical emergencies, hazardous materials incidents, technical rescues and other types of emergency incidents that are within the scope of services provided by fire departments.

Contract Term

The agreements shall be effective upon approval and execution and shall remain in effect until September 30, 2023.

Financial Impact

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

This item was adopted.

62 Fire Department Health Services Agreements (Ordinance S-45006)

Request authorization for the City Manager, or his designee, to enter into agreements with Arizona Fire Medical Authority (Sun City West, Sun Lakes), Buckeye Fire Department, Chandler Fire Department, Copper Canyon Fire and Medical, Gilbert Fire Department, Guadalupe Fire Department, Maricopa Fire Department, Peoria Fire Department, and Tolleson Fire Department for the Phoenix Fire Department Health Center to provide health services to firefighters and police officers. These services include physical examinations, immunizations, return to work evaluations, and exposure management. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The health services offered by the Phoenix Fire Department Health Center to sworn firefighters and police officers are available in a single location, reducing the amount of time public safety personnel are off-duty to seek multiple health services. In addition, the provision of services to other jurisdictions will not negatively impact City of Phoenix public safety

personnel.

Contract Term
The term for the Health Services Agreements will begin on or around Oct. 1, 2018, for a term of five years.

Financial Impact
The jurisdictions utilizing these services will reimburse the City of Phoenix for all services performed.

Location
The Phoenix Fire Department Health Center is located at 150 S. 12th St.
Council District: 8

This item was adopted.

63 Request Authorization for the Sale of Canine Bbuck for $1.00 (Ordinance S-45009)

Request authorization for the City Manager, or his designee, to authorize the sale of canine Bbuck to Officer Michael Burzynski for $1.00. Officer Burzynski is assigned to the Police Department's Airport Bureau, Explosive Detection Canine Team located at Phoenix Sky Harbor International Airport. Officer Burzynski has requested to retire and purchase his assigned canine, Bbuck in accordance with Administrative Regulation 4.2.1. Officer Burzynski will be retiring from the Phoenix Police Department in September 2018.

Summary
Canine Bbuck is a seven-year-old male Labrador that was partnered with Officer Burzynski in 2012. The request to purchase canine Bbuck is being made by Officer Burzynski, due to his impending retirement coupled with Bbuck's low working drive, which makes him unable to function in his capacity as a police service dog. The Transportation Security Administration (TSA) is the owner of canine Bbuck. The TSA has agreed to retire him and transfer ownership to the City of Phoenix. Officer Burzynski agrees to accept full responsibility and liability for canine Bbuck until his death, upon which the death certificate will be forwarded to the TSA as required per the cooperative agreement between the City of Phoenix and the TSA.

This item was adopted.

65 Authorization to Amend Current Agreement and Payment Ordinance with Arizona State University Reference Services Related to FY 2015 Smart Policing Initiative Grant (Ordinance S-45011)

Request authorization for the City Manager, or his designee, to amend the current agreement and payment ordinance (S-42466) with the Arizona State University reference research services related to the FY 2015 Smart Policing Initiative. Authorization of the amendment will extend the agreement period by one additional year. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

In 2015, the Police Department was awarded the FY 2015 Smart Policing Initiative grant in the amount of $637,231. In 2016, the Police Department partnered with the Arizona State University (ASU) through an Intergovernmental Agreement to conduct research on the deployment of the on-officer video cameras. The agreement reimburses ASU up to $220,714 for their data collection, analyzation, and reporting. The current agreement period expires on Sept. 30, 2018. The Police Department recently requested a one-year extension on the grant award. Authorization of this amendment will extend the ASU agreement period end date from Sept. 30, 2018, to Sept. 30, 2019. There is no additional funding provided to ASU through this amendment.

Contract Term

Authorization of this amendment would extend the contract period end date from Sept. 30, 2018, to Sept. 30, 2019.

Financial Impact

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

This item was adopted.

66 Authorization to Amend Current Agreement and Payment Ordinance with U.S. Department of Justice for Internet Crimes Against Children Task Force Grant (Ordinance S-45012)

Request authorization for the City Manager, or his designee, to authorize the Police Department to amend the current agreement and payment

ordinance (S-43914) with the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention for the 2017 Internet Crimes Against Children (ICAC) Task Force grant to extend the agreement period by nine months. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

In 2017, the Police Department was awarded $399,477 in grant funds from the Office of Juvenile Justice and Delinquency Prevention in support of the ICAC Task Force investigations. The agreement reimburses the Police Department for the ICAC task force by providing funding for personnel, technology, equipment and supplies. The goal of this task force is to identify, investigate and prosecute individuals who exploit children.

Recently, the Police Department requested an extension on the grant award for nine months to ensure expenditure and reimbursement of all grant funds. This amendment would extend the contract period end date from Sept. 30, 2018 to June 30, 2019. The amendment does not provide any additional funding.

Contract Term

This amendment would extend the contract period from an end date of Sept. 30, 2018 to June 30, 2019.

Financial Impact

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

This item was adopted.

67 Authorization to Amend Current Agreement and Payment Ordinance with Arizona Criminal Justice Commission for FY 2018 Full-Service Crime Laboratory Grant Program (Ordinance S-45015)

Request authorization for the City Manager, or his designee, to amend the current agreement and payment ordinance (S-43702) with the Arizona Criminal Justice Commission for the FY 2018 Full-Service Forensic Crime Laboratory grant program. Authorization of the amendment will extend the agreement period by four months. Further request

authorization for the City Treasurer to accept, and for the City Controller to disburse all funds related to this item.

Summary

In 2017, the Police Department was awarded the FY 2018 Full-Service Forensic Crime Laboratory grant in the amount of $100,000. The award period was from date of execution, Sept. 8, 2017 for one year. The agreement funds the purchase of equipment, supplies and training for laboratory staff to improve the efficiency and effectiveness of the crime laboratory. The Police Department recently requested a four-month extension on the grant award to expend the remaining funds. Authorization of this amendment will extend the agreement period end date to Dec. 31, 2018. There is no additional funding available through this amendment.

Contract Term

This amendment would extend the contract period end date to Dec. 31, 2018.

Financial Impact

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

This item was adopted.

72 Resolution to Proceed with Construction and Call for Bids for Repaving for Gold Key Racquet Club Repaving Improvement District (ST87200002, ID 1308) (Resolution 21675)

Request to approve a Resolution (**Attachment A**) of the Council of the City of Phoenix ordering a notice and call for bids for repaving and related improvements for the Gold Key Racquet Club Repaving Improvement District, Project ST87200002 (ID 1308). The estimated participation from the City of Phoenix is $30,000 - $60,000.

Summary

This request seeks City Council approval of a Resolution ordering a notice and call for bids for improvement of certain portions of the area generally bounded by Second Street to the south, First Street and Dahlia Drive to the north, Central Avenue to the west, and Third Street to the east (as shown in **Attachment B**), by the installation of an overlay, ADA ramps and all other related improvements for Project ST87200002 (ID

1308) for Gold Key Racquet Club Repaving Improvement District.

Upon the closing of the bids, the award of the contract for work will come before the City Council for approval after a 15-day District objection period.

By petition and ballot, 87 percent of Gold Key Racquet Club property owners approved a request to form an improvement district.

Financial Impact
Total proposed improvement costs to the property owners is estimated at $250,000 (including soft costs). The estimated participation from the City of Phoenix is $30,000 - $60,000 (12 percent of final costs).

Concurrence/Previous Council Action
On June 27, 2018 the City Council passed Ordinance S-44862 for the intention to form the Gold Key Racquet Club Repaving Improvement District.

Public Outreach
In March 2017, the affected property owners were polled by mail to determine the level of support for the proposed improvements. Poll results show 87 percent of the property owners support the project.

This Ordinance of Intention was approved by Council and published in The Arizona Business Gazette on the following dates:
July 5, 2018 - First Thursday after Ordinance Approval
July 12, 2018 - Following Thursday after first publishing

The Ordinance was posted every 300 feet within the proposed improvement area on July 11, 2018.

The legal protest period for the Ordinance of Intention to form the District expired on July 27, 2018 with no protests filed.

Location
The proposed re-paving improvement district includes single-family residences and one commercial business located within an area

generally bounded by Second Street to the south, First Street and Dahlia Drive to the north, Central Avenue to the west, and Third Street to the east.
Council District: 3

This item was adopted.

74 Authorization to Terminate Development Agreement with the Successors-in-Interest to Central Park East Associates, LLC (Contract 121808) (Ordinance S-44987)

Request authorization for the City Manager, or his designee, to terminate a Development Agreement between the City of Phoenix and Central Park East Associates, LLC for Central Avenue 12-inch Water Main and 1st Street 30-inch Water Main, City Contract 121808, dated June 20, 2007, and recorded with the Maricopa County on July 17, 2007 (2007-0809420). The termination will be executed by AP 355 Central Property, LLC, Apple Nine Hospitality Ownership, Inc., ARCP OFC Phoenix (Central) AZ, LLC, and GRE WP Hotel Owner, LLC, as successors in interest to Central Park East Associates, LLC (collectively, the "Developer").

Summary
The City and Developer agree that the Developer has performed all necessary obligations as set forth in the Development Agreement, and therefore agree to terminate this agreement subsequent to obtaining City Council approval.

Financial Impact
This action has no financial impact on the City of Phoenix.

Location
The site subject to the Development Agreement is located at the northeast corner of Central Avenue and Van Buren Street.
Council District: 7

This item was adopted.

78 Modification of Stipulation Request for Ratification of Aug. 15, 2018 Planning Hearing Officer Action - Z-289-F-84-8(6)

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the

City Council on matters heard by the Planning Hearing Officer on Aug. 15, 2018. This ratification requires formal action only.

Summary

Application: PHO-4-18--Z-289-F-84-8(6)
Existing Zoning: PCD (Approved R1-8 PCD)
Acreage: 0.53
Owner: Top of the Hill, LLC
Applicant: Snell & Wilmer, LLP - Chris Colyer, Esq.
Representative: Snell & Wilmer, LLP - Chris Colyer, Esq.

Proposal:
1. Modification of Hillside Stipulation 7 regarding grading, disturbed areas, building envelopes, and other development criteria for Lot 12 of Foothills Club West Parcel 15D.

Location

14602 S. Presario Trail
Council District: 6
Parcel Address: N/A

Concurrence

Village Planning Committee (VPC) Recommendation: The Ahwatukee Foothills Village Planning Committee chose not to hear this case.
Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with two additional stipulations on Aug. 15, 2018.

This item was approved.

79 Modification of Stipulation Request for Ratification of Aug. 15, 2018 Planning Hearing Officer Action - Z-108-97-6

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 15, 2018. This ratification requires formal action only.

Summary

Application: PHO-1-18--Z-108-97-6
Existing Zoning: C-2 HGT/WVR SP

Acreage: 7.96
Owner: VHS of Phoenix Inc.
Applicant: Abrazo Arizona Heart Hospital - Michelle Beverly
Representative: Building Possibilities Inc. - Linda Delano

Proposal:
1. Modification of Stipulation 1 regarding general conformance to site plan date stamped Aug. 18, 1997.

Location
Northwest corner of 20th Street and Thomas Road
Council District: 6
Parcel Address: N/A

Concurrence
Village Planning Committee (VPC) Recommendation: The Encanto Village Planning Committee heard this case on Aug. 6, 2018 and recommended approval by a 14-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with two additional stipulations on Aug. 15, 2018.

This item was approved.

80 Modification of Stipulation Request for Ratification of Aug. 15, 2018 Planning Hearing Officer Action - Z-81-05-7(8)

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 15, 2018. This ratification requires formal action only.

Summary
Application: PHO-3-18--Z-81-05-7(8)
Existing Zoning: C-2
Acreage: 0.93
Owner: All Other Property, LLP
Applicant: 3 Engineering, LLC - Dan Mann
Representative: 3 Engineering, LLC - Dan Mann

Proposal:

1. Modification of Stipulation 1 to include site plan date stamped June 25, 2018.
2. Deletion of Stipulation 1.a regarding a shaded walkway to be incorporated into the parking lot.
3. Review of Stipulation 7 regarding Planning Hearing Officer review and approval of conceptual elevations.

Location
Approximately 160 feet south of the southeast corner of 35th Avenue and Southern Avenue
Council District: 8
Parcel Address: N/A

Concurrence
Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on Aug. 13, 2018 and recommended approval with an additional stipulation by a 13-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications on Aug. 15, 2018.

This item was approved.

81 Final Plat - 475 E Lincoln Street - 180042 - North of Grant Street Between 3rd and 5th Street

Plat: 180042
Project: 17-3832
Name of Plat: 475 E Lincoln Street
Owner(s): HF-MAC 475 E. Lincoln, LLC
Engineer(s): Dibble Engineering
Request: A 2 Lot Commercial Subdivision Plat
Reviewed by Staff: Aug. 14, 2018
Final Plat requires Formal Action Only

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

Location

Generally located north of Grant Street between 3rd and 5th Street.
Council District: 8

This item was approved.

82 Abandonment of Right-of-Way - V180018A - 2521 W. Elm St. (Resolution 21674)

Abandonment: V180018A
Project: 00-6102
Applicant: CRS Palms Housing Corporation, Kenton Drury
Request: Request to abandon the 16 foot alleyway bounded by Elm Street and Highland Avenue and 26th Avenue and Black Canyon frontage road; Book 038, page 20.
Date of Hearing: May 8, 2018

Location
2521 W. Elm St.
Council District: 4

Financial Impact
A fee was also collected as part of this abandonment in the amount of $4,873.

This item was adopted.

83 Abandonment of Easement - V160051A - 1505 N. Central Ave. (Resolution 21673)

Abandonment: V160051A
Project: 16-351
Applicant: Tilton Development Company; Kathi Walp
Request: To abandon 20-foot public utility easement and sewer easement retained in Resolution 20628 from the alley abandonment, bounded by Central Avenue, 1st Street, McDowell Road, and Willetta Street.
Date of Decision: Oct. 24, 2016

Location
1505 N. Central Ave.
Council District: 7

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

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

This item was adopted.

84 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-18--Z-18-15-2 - Northeast Corner of 22nd Street and Quail Avenue (Ordinance G-6505)

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug.15, 2018.

Summary
Application: PHO-1-18--Z-18-15-2
Existing Zoning: CP/GCP DVAO
Acreage: 6.11
Applicant: Creo Architects
Representative: Creo Architects
Owner: Quail Equities

Proposal:
1. Modification of Stipulation 1 regarding general conformance of site plan date stamped June 25, 2015.
2. Modification of Stipulation 2 regarding general conformance to landscape plan and elevations date stamped July 10, 2015.

Location
Northeast corner of 22nd Street and Quail Avenue
Council District: 2
Parcel Address: N/A

Concurrence
Village Planning Committee (VPC) Recommendation: The Paradise Valley Village Planning Committee chose not to hear this case.
Planning Hearing Officer Recommendation: The Planning Hearing Officer

recommended approval with an additional stipulation on Aug. 15, 2018.

This item was adopted.

85 Amend City Code - Official Supplementary Zoning Map 1172 (Ordinance G-6504)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1172. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-49-W-75-3 and Z-49-Z-75-3 and the entitlements are fully vested.

Summary

To rezone a parcel located 1,340 feet north from the northeast corner of Shea Blvd and Tatum Blvd.
Z-49-W-75-3
Zoning: C-1
Owner: Thrifty Car Rental
Acreage: Approximately 3.59
Location: 1,340 feet north from the northeast corner of Shea Blvd. and Tatum Blvd.
Council District: 3

To rezone a parcel located 1,830 feet north from the northeast corner of Shea Blvd. and Tatum Blvd.
Z-49-W-75-3
Zoning: C-1
Owner: Thrifty Car Rental
Acreage: Approximately 3.76
Location: 1,830 feet north from the northeast corner of Shea Blvd. and Tatum Blvd.
Council District: 3

To rezone a parcel located 2,000 feet north from the northeast corner of Shea Blvd. and Tatum Blvd.
Z-49-Z-75-3
Zoning: C-1
Owner: Thrifty Car Rental
Acreage: Approximately 5.69
Location: 2,000 feet north from the northeast corner of Shea Blvd. and

Tatum Blvd.
Council District: 3

This item was adopted.

86 Amend City Code - Official Supplementary Zoning Map 1175 (Ordinance G-6506)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1175. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-28-C-83-6 and the entitlements are fully vested.

Summary
To rezone a parcel located 470 feet north from the northwest corner of Ray Road and 46th Place.
Z-28-C-83-6
Zoning: C-2 PCD
Owner: Samaritan Health
Acreage: Approximately 3.4
Location: 470 feet north from the northwest corner of Ray Road and 46th Place.
Council District: 6

This item was adopted.

CITIZEN PETITION

88 Consideration of Citizen Petition Related to 4418 E. Osborn Road

This report provides the City Council with information in response to a citizen petition submitted by Mr. Wally Graham at the Aug. 29, 2018 Formal City Council meeting.

Summary
Mr. Graham provided a petition regarding vehicular access to 4418 E. Osborn Road via the alley located to the east of the parcel (**Attachment A**). In addition, he requested that the City Council appoint an impartial arbitrator to hear the issues his neighbors have with the proposed use of the alley for a retail store front with accessory coffee shop use.

Staff Response
The following responds to the petition dated Aug. 29, 2018, in addition to

including information on alley access regulations and a prior letter of clarification.

Alley Access Regulations

Alleys are public rights-of-way that the City holds in trust for use by the public. Alley access is permitted for all types of refuse collection. All single family and multi family developments may use adjacent alleys for access by-right with additional requirement for multifamily developments that alleys used for access must be fully paved.

Commercial uses are not outright banned from using alleys for access. Under Ordinance G-780, adopted in 1967 commercial uses may use alleys for service vehicle access by right. Access for employee and customer access requires approval of a Technical Appeal by Planning and Development Department (PDD) staff, with the exception that commercial uses which were established prior to 1967 and utilized access to and from an adjacent alley were allowed to continue to utilize such established access. There are no provisions in the ordinance stating that any such rights are terminated through vacancy or disuse of the development.

Prior Letter of Clarification

On Oct. 20, 2016, a letter of clarification was sent by PDD staff in response to a written inquiry by William Allison of Withey Morris PLC, who was retained by the applicant at that time, Newquist Commercial Properties. The inquiry was regarding past use of the alley by the commercial use on this site. Staff researched the site, which included old aerial photos, variance applications, and building permits for the site. It was staff's conclusion that this site had utilized the alley along the eastern side of the property for access to the portion of the lot behind the existing building (**Attachment B**).

Historical Basis of Alley Access Rights

The right of this property to use the public alley was confirmed based on research of records providing the following historical information, which was summarized in the letter of clarification:

Aerial photos shows the business on the property has used the alley to

access the property since at least 1964. City aerial photos from 1964 show cars parked behind the building, perpendicular and directly adjacent to the alley. Subsequent photos from 1971, 1975, 1978, 1982, 1986, 1991, and 1995 all show the same parking area, where only legal access was from the alley. In addition to the 1964 aerial photo confirming the legal access prior to 1967 ordinance change, the latter photos demonstrated that use of the alley for access to the rear of the lot had been well established and continuous.

The original 1955 plat dedication shows the alley was intended for vehicular access to property. The 1955 plat of "Chestley Manor" created the commercial property, the adjacent residential lots, and dedicated alley in question. This alley was dedicated 20' wide, as opposed to 16' wide as dedicated for the other alleys on the same plat. The 20' wide alley dedication is significant because the Subdivision Ordinance, Chapter 32 of the City Code, required (and still requires) that any alley dedicated adjacent to commercial or multifamily developments be 20' wide. The wider alley allows vehicular access to the property through the alley. The 20' wide alley dedication supports the conclusion that the alley was dedicated to allow vehicular access to the building.

The original 1963 Building Permit shows the alley as the only legal access to public roads. The City issued a building permit in 1963 for the building currently standing on the property, which is not proposed for demolition. The building was permitted to be constructed within 5' of the east and west property lines, leaving no room for access to enter to the rear of the property, except for the alley. The 1961 zoning ordinance in effect at that time permitted these setbacks for a C-1 use.

After considering these facts together, it was clear that prior access to the alley had been well established and legal.

Continued Access

As mentioned above, the 1964, 1971, 1975, 1978, 1982, 1986, 1991, and 1995 aerial photos all show a parking area to the rear of the building, with access from the alley. After 1995, it appears that the building may have had some long vacant periods. There are no provisions in the Ordinance stating that periods of non-use of a parcel, limit their utilization of adjacent public rights-of-way for access.

Other Options for Access

The other options for access appear to require demolition of the building. Since the building was built in accordance with codes and ordinances in effect at the time, it would not be legal for the City to require demolition to be able to access the rear half of the lot. Access through the adjacent property to the west, the Circle K, is not physically possible due to the location of the Circle K store. It also would not have been possible to force Circle K to allow access across their property to provide access to the rear of the property.

Alley Access Appeals

The submitted petition requests appointment of an arbitrator related to the alley access issues. The arbitration process is currently not a provision or requirement adopted by the City Council, and requiring this particular applicant to participate in an arbitration process may not be legal.

Safe Use of Alley

Many alleys within the City are shared by commercial, multifamily, and single family users, and have trash collection services within the alley and these do not create any known safety issues compared to similar alleys. Currently, it does not appear that any of the four residences located directly east of the alley in question utilize this alley for vehicular access; it appears that it is used for trash collection.

Location
4418 E. Osborn Road
Council District: 6

This item was continued to the Oct. 17, 2018 City Council Formal Meeting at the request of the resident who submitted the petition.

A motion was made by Councilwoman Pastor, seconded by Councilwoman Stark, to suspend the rules to hear Item 73 out of order. The motion carried by the following voice vote:

Yes: 7 - Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams

No: 0

Absent: 1 - Councilman Nowakowski

73 **Options to Increase Pavement Maintenance on City Streets**

This report responds to City Council direction on Aug. 29, 2018 to provide potential funding options to expedite pavement maintenance on City streets, including evaluation of planned future light rail extensions. Staff requests Council direction on next steps.

Summary

Background

The Street Transportation Department (Streets) maintains a comprehensive roadway network of more than 4,863 miles of public streets, including:

Major Streets: arterials and major collectors - typically the major north/south and east/west transportation corridors, spaced at each mile for arterials and on the ½-mile for major collectors

Minor Streets: minor collectors and residential/local - lower level transportation corridors and roads in residential areas providing connectivity between the collectors and arterials

The chart in **Attachment A** shows the breakdown of the 4,863 street miles by City Council District.

With current funding, the department has expanded options for the pavement maintenance program to include pavement preservation treatments such as: crack seal, fog seal and microsurfacing in addition to asphalt overlays. The use of several levels of preservation treatments provides multiple benefits to the pavement maintenance program, including:

Lower cost of treatment per mile, both initially and over the pavement lifecycle

Increased quantity of roadways that receive treatments annually
Higher number of roadway miles maintained in fair to very good condition
Increased number of roadway miles maintained appropriately, extending pavement lifecycle

Currently, approximately 300 miles annually are treated through the comprehensive pavement preservation program, which allows for arterial and major collector streets to be treated every 10 years, and minor collector and residential streets treated every 10-12 years.

Prior to passage of Proposition 104 (T2050) by Phoenix voters in 2015, funding for pavement maintenance was reduced to as low as $13 million annually for the City's entire street network due to the economic downturn and reductions to statewide Highway User Revenue Funds (HURF). Funding levels at that time allowed for a pavement maintenance cycle of one asphalt overlay every 67 years for City streets. All of this led to a more rapid deterioration of pavement conditions and a higher number of roads in poor or failing condition. Due to limited funding, the pavement maintenance program was modified to consist of asphalt overlay-only treatments. The use of other interim pavement treatment options to extend the pavement life were eliminated, which significantly limited the effectiveness and reach of the overall program.

With T2050 in place to supplement state HURF, Streets spends approximately $45 million annually on its pavement maintenance program. This includes about $29 million per year from HURF funds for local/residential streets and about $16 million per year from T2050 on arterial/major collector streets. With those current funding levels for the comprehensive pavement maintenance program, arterial and major collector streets are treated every 10 years, and minor collector and local streets are treated every 10-12 years.

Current Pavement Conditions

To establish priorities of streets to receive pavement maintenance and type of pavement treatments, staff uses the Pavement Management System (PMS) to determine the condition of roadways. PMS is a tool used by cities throughout the country. PMS is built on field data obtained using a high-tech pavement management vehicle, which objectively

measures and records the condition of roads, evaluating them on surface roughness, environmental stresses and structural condition. The evaluation and analysis produces a pavement condition index (PCI) measurement and rating system for the City's streets. These ratings are tracked, mapped and managed in the department's PCI database. Staff uses these objective measurements of roadway conditions to determine a list of streets to receive pavement maintenance treatments.

The PCI is measured on a scale of 0-100, with 100 being the best. A street in good condition is considered to have a minimum PCI of 70. Using the most recently collected PCI data, only approximately 30 percent of our roads are considered in good or excellent condition. The remainder are classified as fair, poor or very poor condition, which means that of the 4,863 miles of streets Citywide, 3,227 miles are in less than good condition. This includes 380 miles of major streets (arterials and major collectors) and 2,847 miles of minor streets (residential and minor collectors).

Streets staff benchmarked surrounding cities to determine how they evaluate and manage their streets and found that they also utilize average PCI goals. The current PCI ratings for the surrounding cities ranged from 70 to 76 for arterial streets, while residential and collector streets ranged between 60 and 80. Phoenix's current overall average PCI is around 66.

With consideration of feedback received concerning the condition of City streets, as well as a desire to potentially increase focus and resources dedicated to pavement maintenance, Streets staff is proposing to establish a goal of bringing all streets to a **minimum** (not average) PCI of 70.

Based on a Finance Department analysis of existing fund balances, Streets is using a one-time amount of $50 million from the current HURF fund balance to address immediate pavement maintenance needs.

Attachment B provides a PCI forecast based on several assumptions and factors for street miles in each Council District that are currently below and that will fall below 70 PCI within the next five years.

Funding Required to Achieve Goal of Minimum 70 PCI on City Streets

A goal to reach a minimum 70 PCI would require significant additional funding above what is currently allocated. Further, because of the extensive amount of work this involves throughout the City, including availability of contractors, necessary traffic restriction impacts, and other factors outlined later in this report, staff would recommend completing such an effort over a five-year period that includes the current fiscal year. The chart in **Attachment C** outlines the estimated additional pavement overlay costs of $1.65 billion to reach a minimum good (70 or above PCI) condition for 4,085 miles of streets over the next five fiscal years.

The City Council has also indicated the importance of addressing other right-of-way infrastructure improvements along City roadways such as curb, gutter, sidewalks, landscaping and streetlights in certain areas that lack these street amenities, but desire them. Costs for these improvements are not included in the above estimates as part of the pavement maintenance program.

Options to Increase Funding for Pavement Maintenance

At the request of City Council, Streets staff identified the options below as possible ways to increase funding for pavement maintenance:

1. Modify Distribution of Current HURF Funds and T2050 Streets Funds

Currently, about 30 percent of both State HURF and T2050 Streets Capital Improvement Program funds is allocated to the construction of new and expanded streets throughout the City. Shifting the allocation of these funds from 30 percent to 15 percent would free up approximately $23 million annually to the pavement maintenance program, but would require delaying currently planned and future Streets Capital Improvement Program projects. Over five years, this would total approximately $115 million to address pavement condition. Additionally, maintaining this allocation beyond the five-year period would provide some of the additional funds needed to ensure that streets can be maintained above 70 PCI on an ongoing basis. This option will postpone several planned capital improvement projects (CIP) a minimum of five years, and will greatly limit the number of new street improvement projects that can be started. **Attachment D** includes the list of planned

CIP projects that would be impacted.

2. Accelerate Pavement Funding in Streets T2050 Through Financing

Finance Department analysis shows that about $150 - $200 million in funding could be advanced during the next five fiscal years through financing within the existing Streets allocation of T2050. Because this option utilizes the existing Streets allocation of T2050 funds, no transit-related projects would be impacted by this option. Although this would help address immediate pavement maintenance needs, it would reduce funds available in future years for street maintenance as the debt service is paid. It is estimated that this option would require debt service payments of $12 - $15 million annually from future Streets T2050 revenues over the next 20 years. This option does not provide any new revenues to Streets for pavement maintenance. The timing of debt issuance and repayment plan would require further analysis and development by the Finance Department.

3. Accelerate Pavement Funding in Streets HURF Through Financing

Finance Department analysis shows that about $150 - $200 million in funding could be advanced during the next five fiscal years through financing within the Streets allocation of HURF funds. Although this would help address immediate pavement maintenance needs, it would reduce funds available in future years for street maintenance as the debt service is paid. It is estimated that this option would require debt service payments of $12 - $15 million annually from future Streets HURF revenues over the next 20 years. This option does not provide any new revenues to Streets for pavement maintenance. The timing of debt issuance and repayment plan would require further analysis and development by the Finance Department.

4. Additional Financing for Current Rail Projects to Free Up Current Funds for Streets Pavement Maintenance

Based on analysis by the Finance and Public Transit departments of current projections, without affecting future rail projects, the City Council could direct financing to make available up to an additional $150 - $200 million of T2050 transit funds during the next five fiscal years. This would

reduce future reserves and the ability to weather economic downturns as debt service is paid over the life of the T2050 program. This option would not impact the timing or implementation of any currently planned or future light rail projects; rather it would potentially require additional financing for the implementation of the three light rail projects currently slated for completion in 2023. This option would provide Streets with additional T2050 program monies, which Streets would not be required to repay to the T2050 Light Rail Program. The timing of debt issuance and repayment plan would require further analysis and development by the Finance Department.

5. Delay West Phoenix and Northeast Light Rail Extensions

Two future light rail extension projects were identified by the City Council during the discussions on this issue for possible delay to free up T2050 funds for additional street pavement maintenance:

West Phoenix - This project would extend the existing light rail system along Camelback Road from 19th Avenue west over Interstate 17 to 43rd Avenue, where it would terminate. The City of Glendale no longer plans to connect and extend light rail at that point. The current regional transportation plan has a planned opening year of 2026 for the West Phoenix extension.

Northeast - This project would extend the existing light rail system to the Paradise Valley Mall area, with a planned opening year of 2034. Two corridor route options have been identified for further study, but a preferred alignment has not been determined.

If these two projects were delayed so that the first-year expenditures would both occur in year 2050, the final year of the 35-year T2050 program, the T2050 light rail program would realize significant capital and operating resource savings.

For the West Phoenix extension project, if the City Council delays the project as described above, additional financing could enable funds to be used during the next five fiscal years. Approximately $200 million could be financed in such a way that resources could be available by FY 2023 or 2024. As with the previous debt-related items, a financing plan would need to be developed to ensure the timing of future pavement project funding needs coincides with the timing of the debt issuance and

repayment plan.

For the Northeast Phoenix project, because the timing of the programmed expenditures is much further out due to its planned 2034 opening, funds would not be available to cover pavement maintenance costs during the next five fiscal years. However, these savings could be utilized to meet the additional annual on-going pavement maintenance resource needs to keep improved City streets in good or excellent conditions.

Although the options to delay light rail projects provide significant savings that could be used for additional pavement maintenance, the delayed light rail projects would not be completed or operational during the T2050 program. Since these projects were shown on the ballot map for the Proposition 104, it is important to give careful consideration to making such significant changes to this voter-approved plan.

Attachment E provides a summary of the funding options.

Additional Considerations

There are several further important considerations associated with a substantial increase to the number of lane miles treated annually. These include:

Traffic - Multiple streets being treated simultaneously could cause temporary but additional travel delays, restrictions, detours and traffic congestion.

Utilities - The City requires restoration of streets whenever pavement is cut to access utilities buried below roads. This includes water and wastewater, electrical, gas and telecommunication lines. In cases where a cut is made to a street for which the pavement overlay is less than two years old, the cutting agency must place a new overlay on and around the cut area. For pavement over two years old, the City requires a microseal treatment around the pavement cut area. Substantial increases to the amount of new pavement throughout the City will impact the cost of managing utilities buried in the right-of-way. In recent years, the City and the various utility agencies have significantly ramped up efforts to coordinate planned projects in the right-of-way to minimize impacts to streets and avoid unnecessary

costs. With increased pavement maintenance projects, these coordination efforts will become even more important.

Contractor/Material Pricing and Availability - Significant increases in the amount of asphalt overlays performed annually on City streets could impact or influence pricing and availability of paving materials, as well as qualified contractors and skilled labor.

Staffing - Additional pavement maintenance program work would be performed by licensed contractors, but Streets would need to increase internal staffing to effectively administer and provide oversight on this contracted work.

Bike Lanes - Another key element of the T2050 plan is the addition of bike lanes to enhance bicycle safety and connectivity throughout the City. Where feasible and supported by the community, the City adds bike lanes as part of the pavement maintenance program. Additional pavement maintenance would require greater community outreach to determine if bike lanes are supported on impacted streets.

Construction Conflicts - In order to properly coordinate increased pavement maintenance projects with other planned right-of-way projects from utility companies, developers and other City departments, there could be unforeseen delays in pavement maintenance on some streets.

On-going Pavement Maintenance Program Requirements - Streets staff has analyzed the additional on-going pavement maintenance program resources needed to ensure improved streets are maintained in good or excellent condition going forward. Staff estimates that the pavement maintenance program would need to be increased to $107 million annually from the current $45 million.

Council Direction

Staff requests direction from City Council on which of the identified option(s), or any others, to pursue related to enhanced pavement maintenance funding and projects.

Based on City Council direction, staff will refine specific pavement maintenance options, and research additional consideration areas, including conducting outreach to stakeholders, identifying required staffing resources, and developing an ongoing maintenance plan. Staff will return to the City Council in October with additional information for

Council action.

Discussion

Walter Gray expressed this item should be continued longer to provide an opportunity to develop additional options and offer more meetings to inform the public about this proposed change.

Mayor Williams confirmed the following individuals, who submitted speaker comment cards in favor and opposed to this item, did not wish to speak:

Roy Miller - in favor
Tristahn Schaub - in favor
Graham Schaub - in favor
Shawn Severud - opposed

A motion was made by Councilwoman Stark, seconded by Councilwoman Pastor, that this item be continued as corrected to the Oct. 3, 2018 City Council Formal Meeting so it can be heard by the Citizens Transportation Commission on Sept. 27, 2018, with direction that the Commission consider public outreach the same way it was conducted with South Central light rail. The motion carried by the following vote:

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

Items 28, 34 and 35, Ordinance S-44984, 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 Proforce Marketing, Inc., doing business as Proforce Law Enforcement

For $38,200.00 in payment authority to purchase carbine sound suppressors for the Police Department's Special Assignments Unit (SAU). Sound suppressors decrease the amount of sound from a weapon during firing and reduces overpressure through venting of gases through the suppressor. Utilizing sound suppressors will benefit SAU personnel by decreasing permanent hearing loss to the officers involved in shootings, increase communication among officers during shootings, and increase accuracy of the weapons.

Discussion

Leonard Clark asked the Council to confirm that the primary purpose of this purchase was to prevent hearing loss.

Executive Assistant Police Chief Michael Kurtenbach replied the purpose of this tool allowed officers to suppress the sound that came out of a weapon when it was fired. He affirmed it would help to preserve officers' hearing and also help discern when somebody other than officers fired a weapon.

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

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

34 Franklin Covey

For $11,000.00 in payment authority to provide leadership skills training at the City Manager's Leadership Retreat on Sept. 27, 2018. The training workshop, Developing the Next Generation of Leaders, will include up to 240 executives and middle managers.

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

Yes: 5 - Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark and Mayor Williams

No: 2 - Councilman DiCiccio and Vice Mayor Waring

Absent: 1 - Councilman Nowakowski

35 University of Wisconsin-Milwaukee

For $25,000.00 in payment authority to provide training services for 35 City employees from all levels of the organization in the techniques, principles and practices of the collective bargaining process. This training is needed to prepare city staff to conduct effective negotiations.

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

Yes: 5 - Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark and Mayor Williams

No: 2 - Councilman DiCiccio and Vice Mayor Waring

Absent: 1 - Councilman Nowakowski

53 Employee Small Loan Program (Ordinance S-45017)

This report requests City Council approval to enter into a contract with TrueConnect, a company that offers employees a resource to secure safe, affordable, small-dollar loans (up to $3,000) to avert financial emergencies and ease financial stress. Further request authorization for the City Controller to disburse funds necessary for this item. There is no impact to the General Fund; the costs for these services are paid by monthly payroll deductions from participants in the loan program.

Summary

TrueConnect/Sunrise Banks, N.A. offers an employee loan program which can provide City employees with a resource to secure safe, affordable, small-dollar loans (up to $3,000) to avert financial emergencies and ease financial stress. Loan payments are deducted from each paycheck over 12 months. Loans are made by an FDIC-insured lender with a reasonable interest rate of 24.9 percent and offer an alternative to title loans and payday loans which typically carry

extremely high interest rates. There are no origination fees or other fees assessed on the loan. Loan eligibility is not dependent upon personal credit score and a borrower's personal credit score is improved upon complete loan repayment. This vendor’s plan is supported by a comprehensive employee financial wellness program which can help employees get out of the cycle of debt. This program is provided at no cost or liability to the City.

Procurement Information

In accordance with Administrative Regulation 3.10, a Determination Memo was approved. Sourcewell (formerly the National Joint Powers Alliance) serves as a cooperative purchasing agency for government, education and non-profit organizations with more than 50,000 members, including the City of Phoenix. Using this cooperative agreement from Sourcewell, which has already conducted a competitive procurement process, allows the Benefits Division to announce this program during Open Enrollment which occurs from October 22 through November 9. Open Enrollment is the traditional time employees expect to learn about new and improved benefits. It also saves the City significant money in the form of the staff time and marketing efforts.

Contract Term

The contract term will be one year beginning Jan. 1, 2019, with three one-year extensions to be exercised at the City’s discretion, providing maximum flexibility for the City as it offers this new benefit program. The maximum four year contract length aligns with the cooperative agreement contract term.

Financial Impact

This program is provided at no cost or liability to the City, and there is no impact to the General Fund. The costs for these services are paid by monthly payroll deductions from participants in the loan program.

Discussion

A motion was made and seconded to approve this item.

Don Russell spoke in opposition as he thought the interest rate of this loan program was unreasonable. He suggested the City find a better interest rate to offer its employees.

Mayor Williams said she had asked the same question.

City Manager Ed Zuercher conveyed this was a service that provided a better rate than a credit card or title loan which was the goal.

Human Resources Director Lori Bays advised the interest rate proposed by the vendor would be offered on a voluntary basis to employees that applied for a loan. She added the intent of these loans was to take the place of an employee going to a payday or title lender which had interest rates of approximately 400 percent on average. She stated these loans were meant for employees who had poor or no credit and had few options in an emergency situation.

Councilwoman Pastor said she understood this was a service, but wanted to know if staff looked at other companies that provided this type of service.

Ms. Bays replied staff used a service called Sourcewell which conducted a competitive bidding process of financial institutions that offered this service. She indicated this was the only vendor selected based on their ability to provide FDIC insured loans, competitive interest rates and offer loans without a credit check. She said staff was aware of a few other vendors that offered this type of service which was an emerging market in the financial industry. She reiterated this would be offered to City employees that needed a reasonably priced loan in emergency situations.

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

Yes:	5 -	Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark and Mayor Williams
No:	2 -	Councilman DiCiccio and Vice Mayor Waring
Absent:	1 -	Councilman Nowakowski

56 Request Ordinance Amendment to Remove Additional Workforce

Innovation and Opportunity Act Funding for Program Year 2018-2019 (Ordinance S-45003)

Request to authorize the City Manager, or his designee, to amend Ordinance S-44473 and to remove Workforce Innovation and Opportunity Act (WIOA) funding for program year 2018-2019 under the City's Intergovernmental Agreement (IGA), City Contract 141476 with the Arizona Department of Economic Security (DES). There is no impact to the General Fund. The WIOA program is Federally funded.

Summary

On April 18, 2018, the Phoenix City Council adopted Ordinance S-44473 to amend the IGA with DES to accept new WIOA program year funds for 2018-2019 up to $13 million. At the request of DES, the City of Phoenix instead will enter into a new five-year intergovernmental agreement that will be authorized through a separate ordinance.

This authorization requests the removal of the additional funding up to $13 million for program year 2018-2019 under the IGA. The IGA will remain in effect to expend the remaining funds committed under the contract for program year 2017-2018.

Contract Term

The term of the new five-year IGA will be June 1, 2015 to June 30, 2020.

Financial Impact

There is no impact to the General Fund. The WIOA program is Federally funded.

Discussion

Walter Gray questioned if there was a net reduction in workforce development funds with regard to Items 56 and 57.

Deputy City Manager Deanna Jonovich answered this was being done at the request of the state to enter into a new five-year contract. She advised this backed out $13 million from the existing contract and entering into a new contract, so there was no net reduction to the amount for the City.

A motion was made by Vice Mayor Waring, seconded by Councilwoman Pastor, that this item be adopted. The motion carried

by the following vote:

Yes: 7 - Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams

No: 0

Absent: 1 - Councilman Nowakowski

57 **Request to Enter into Five-Year Intergovernmental Agreement with Arizona Department of Economic Security to Accept and Disburse Workforce Innovation and Opportunity Act Program Funds (Ordinance S-45004)**

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Economic Security (DES) and to accept Workforce Innovation and Opportunity Act (WIOA) grant funds in an amount up to $65 million for a five-year contract term beginning July 1, 2018. Further request authorization for the City Treasurer to accept and the City Controller to disburse those WIOA funds pursuant to the IGA. In addition, authorization is requested to include an indemnification provision as required by DES in accordance with Phoenix City Code section 42-20(B). There is no impact to the General Fund. The WIOA program is Federally funded.

Summary

The WIOA grant, as implemented through the IGA with DES, provides funding for workforce development activities designed to enhance the employability, occupational attainment, retention, and earnings of adults, dislocated workers, and youth. Under WIOA, rapid-response services are also provided to dislocated workers upon notification of a pending layoff or plant closure to inform them of available services in the community, to assist them in transitioning to other employment to training opportunities. WIOA improves the quality of the workforce, reduces welfare dependency, and enhances the productivity and competitiveness of the economy.

Through the IGA, the City of Phoenix subcontracts with community-based organizations to provide case management and career services for youth

and adult clients, and these subcontracts are procured through City Administrative Regulation 3.10. The number of subcontractors varies based on available funds. Subcontractors bring collaboration and leveraged partnerships to the WIOA program. The WIOA grant will also continue to fund the Phoenix Business and Workforce Development Center operations and City staff in the Human Services and Community and Economic Development Departments dedicated to delivering workforce development services.

The acceptance and disbursement of these funds will provide continued access to services including job placement, occupational training and support services for adults, youth and dislocated workers as well as specialized services to local businesses.

As required by the terms of the grant, the City allows WIOA participants to choose among the 300+ vendors on the State of Arizona's Eligible Training Provider List (ETPL) for training. The ETPL and the related eligibility procedures ensure the accountability, quality, and labor-market relevance of training services provided to eligible WIOA participants. Payment authority is requested in the amount of $4 million annually through the term of the IGA.

In addition to the ETPL requirement, as required by the terms of the grant, the City is required to provide WIOA participants with emergency support, and short-term prevocational services such as child care, health care, housing, transportation, onetime classes, utilities, and professional clothing for interviews, to ensure an eligible participant's successful completion of a workforce development program. These services are impractical to compete as payments must be made to a specific participant's landlord, utility provider, car repair facility, healthcare provider, or child care provider and the timeframe in which these services are needed is immediate. The provision of emergency support services must comply with the financial limits established by the ARIZONA@WORK City of Phoenix Support Services Policy. Payment authority is requested in the amount of $90,000 annually for the term of the IGA.

All other goods and services obtained to fulfill the grant requirements will

be procured in compliance with City Administrative Regulation 3.10.

Contract Term
The term of the five year IGA will be July 1, 2018 through June 30, 2023.

Financial Impact
There is no impact to the General Fund. The WIOA program is Federally funded.

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

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

60 Bioscience Healthcare Strategic Initiative Fiscal Year 2018-19 and Participation in 2019 BIO International Convention (Ordinance S-45001)

Request to authorize the City Manager, or his designee, to implement the Bioscience Healthcare Strategic Initiative, including authorization of an Arizona Bioindustry Association (AZBio) membership and participation at the BIO International Convention in 2019. There is no impact to the General Fund. Funding to participate with AZBio and BIO International is available in the Genomic Facilities and Operations Fund, with the request not to exceed $75,000 total for the membership and convention efforts.

Summary
Phoenix has grown to be a hub of bioscience activity in the Southwestern United States. Much of this success is due to world class medical centers, innovative research institutions, pro-business environment, a growing educated population, dedicated universities and spirit of entrepreneurship. In order to build upon those strengths, staff is continuing to implement a strategic plan introduced last year that is designed to grow, strengthen and sustain a healthy bioscience industry.

Staff has focused its economic development efforts in the areas of research, development, precision medicine, healthcare delivery, health-tech and education. Focusing on these areas strengthens and solidifies Phoenix as a leader in the nation’s bioscience healthcare industry. The Community and Economic Development Department (CEDD) will continue to ensure that there is a world-class real estate inventory that meets the unique needs of bioscience companies. This commitment includes support of the downtown Phoenix Biomedical Campus (PBC), the University of Arizona biosciences and healthcare initiatives, and the Arizona Biomedical Corridor in North Phoenix (ABC), in addition to other submarkets within the City. CEDD has been working closely with Arizona State University (ASU) and its development partner Wexford Science & Technology to bring prospective tenants to the planned first phase development on the PBC north of Fillmore. Some prospective tenants include a co-working accelerator lab that would generate new companies to grow in Phoenix.

Participation at BIO International, AZBio and other events like the MedTech conference allows CEDD staff the opportunity to showcase this important new building on the PBC and ensure its success. CEDD and its partners such as the Greater Phoenix Economic Council continue to generate qualified prospects to create a pipeline of businesses considering expansions or relocations to Phoenix through a multi-faceted marketing approach targeted at this industry.

Staff recommends continuing the City's annual membership with AZBio, an organization committed to building a top tier life science industry in Arizona, and a critical partner for Phoenix in this area. AZBio is the only statewide organization exclusively focused on building Arizona’s bio industry. As specialists, they are in the unique position to provide industry insight, programs specifically designed for life science organizations, visibility into investment opportunities, and a voice for the industry in the media, across the community, and with our elected leaders and government agencies at the local, state, and federal levels. The annual membership cost is $15,000 for the Fiscal Year 2018-2019.

Another key effort is promotion of Phoenix's bioscience efforts nationally and internationally, by attending the 2019 BIO International Convention in

Philadelphia. At the 2018 Convention, over 18,000 attendees from 49 states and 67 countries attended, the most in 10 years. The City of Phoenix was recognized as one of the top new organizations in attendance. Along with CEDD, representatives from Arizona State University, University of Arizona, AZBio, Greater Phoenix Economic Council, Wexford Science & Technology and three Phoenix-based biomedical companies joined the delegation. The delegation held more than 90 meetings and fielded hundreds of inquiries about Phoenix's dynamic bio industry. Attendance at this unique gathering provides valuable networking and partnership opportunities and provides synergy with our attending partners looking to promote their research and products to an international audience. The knowledge and contacts generated by attending this convention will be used in communicating our competitive advantage, existing ecosystem and resources in Phoenix to attract and grow companies in this industry to thrive and generate quality jobs for the community.

Phoenix's involvement and partnership with these two organizations will elevate the City's visibility as a hub for bioscience, building a critical mass of bioscience-related companies and attracting and developing top talent vital to sustain the long-term growth of a thriving bioscience healthcare industry. Planning is currently underway, subject to Council authorization of funding, for the BIO convention; however, preliminary estimates for participation, such as booth, advertising, equipment, and shipping costs are approximately $60,000. If approved by Council, staff will work with industry partners, such as University of Arizona, Arizona State University, and TGen to co-locate at the convention. This shared effort will allow the City to reduce costs while assisting our partners in promoting Phoenix, as it did at the 2018 BIO Convention.

Financial Impact

There is no impact to the General Fund. Funding to participate with AZBio and BIO International is available in the Genomic Facilities and Operations Fund, with the request not to exceed $75,000 total for the membership and convention efforts.

Concurrence/Previous Council Action

This item was scheduled to be heard at the Planning and Economic

Development Subcommittee meeting on Sept. 18, 2018.

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

Yes:	6 -	Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	1 -	Councilman DiCiccio
Absent:	1 -	Councilman Nowakowski

64 Authorization to Amend Current Agreement and Payment Ordinance with Bureau of Justice Assistance for FY 2015 Smart Policing Initiative Grant (Ordinance S-45010)

Request authorization for the City Manager, or his designee, to amend the current agreement and payment ordinance (S-42113) with the U.S. Department of Justice, Bureau of Justice Assistance for the FY 2015 Smart Policing Initiative to extend the agreement period. Authorization of the amendment will extend the agreement period by one additional year. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse all funds related to this item.

Summary

In 2015, the Police Department was awarded the FY 2015 Smart Policing Initiative grant in the amount of $637,231. The award period was Oct. 1, 2015 through Sept. 30, 2018. The agreement funded the purchase of on-officer video cameras, staff overtime for redaction of video and court case preparation. Funding for the video cameras is completely expended, however, there are funds remaining for staff overtime. The Police Department recently requested a one-year extension on the grant award to expend the remaining overtime funds. Authorization of this amendment will extend the agreement period end date from Sept. 30, 2018, to Sept. 30, 2019. There is no additional funding available through this amendment.

Contract Term

The initial contract period was Oct. 1, 2015 through Sept. 30, 2018. This amendment would extend the contract period end date from Sept. 30, 2018 to Sept. 30, 2019.

Financial Impact

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

Discussion

Leonard Clark stated he hoped the City continued to implement body cameras as they protected officers and the community.

Vice Mayor Waring confirmed with staff this was grant money, not General Fund money.

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

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

68 Intergovernmental Agreement between City of Phoenix and Arizona Department of Transportation - Sky Train Phase 2 (Ordinance S-44991)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the State of Arizona (State) through the Arizona Department of Transportation (ADOT) to allow the construction and operation of PHX Sky Train - Phase 2 within the ADOT right-of-way using the Sky Harbor Circle South roadway corridor to cross under Interstate 10 (I-10). Further request authorization for the City Manager, or his designee, to accept the State's abandonment of ownership and maintenance responsibilities of that portion of Sky Harbor Boulevard east of the 24th Street bridge. The IGA will contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee. The IGA does not transfer any expense or revenue between the City and ADOT.

Summary

The PHX Sky Train Phase 2 design and construction project to connect

the Terminal 3 guideway, 24th street station, and Rental Car Center (RCC) is underway. In order for the Sky Train to reach the RCC, it is necessary to obtain authorization from ADOT to cross under the I-10 bridge at Sky Harbor Boulevard through an IGA and various encroachment permits, including those for construction activities, routine and emergency maintenance work, and for the City to perform under the IGA. ADOT will seek the State Transportation Board's approval of a resolution abandoning ownership, jurisdiction, and maintenance to a portion of Sky Harbor Boulevard located east of the 24th Street bridge. ADOT will maintain its I-10 right-of-way unrelated to the Sky Train. ADOT and the City will coordinate to address any impact to I-10 due to any operation or expansion of the Sky Train. The City will also agree to indemnify ADOT, except for claims arising out of ADOT's willful misconduct or negligence.

The partial abandonment of Sky Harbor Boulevard and its existing right-of-way consists of approximately 9.17 acres. Upon the transfer of ownership, the City will be responsible for the service and maintenance of all existing light poles and landscaping within the 9.17 acres. The IGA will also define each party's role and responsibilities associated with the project, including operation and maintenance of the PHX Sky Train and adjacent facilities during and after construction.

Contract Term
The terms of the IGA and operating encroachment permit are perpetual.

Financial Impact
The IGA does not transfer any expense or revenue between the City and ADOT. Ongoing service and maintenance costs will be included in the Aviation Department's operating budget. If ADOT and the City fail to enter into an agreement, there may be costs associated with the delay in completing the Sky Train project.

Location
Sky Harbor Circle South, the crossing under I-10, and Sky Harbor Boulevard east of 24th Street bridge.
Council District: 8

A motion was made by Councilwoman Pastor, seconded by

Councilwoman Stark, that this item be adopted. The motion carried by the following vote:

Yes:	6 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark and Mayor Williams
No:	1 -	Vice Mayor Waring
Absent:	1 -	Councilman Nowakowski

69 Amend City Code - Changes to Phoenix Speed Limits - Amending Section 36-158, Schedule 1, Local Speed Limits (Ordinance G-6503)

Request to amend City Code Section 36-158, Speed Limit Ordinance, Schedule I, Local Speed Limits due to changing land uses and traffic conditions.

Summary

Speed limits are established under Arizona Revised Statues, section 28-703, which requires an "engineering study and traffic investigation." The Phoenix City Code and Charter require that all speed limits be approved by City Council in the form of an amendment to the Speed Limit Ordinance (**Attachment A**).

The revisions are necessary due to changing land uses and traffic conditions. All proposed changes are based on traffic investigations conducted by City staff and engineering judgement. Of the 26 changes in speed limits, four involved establishing limits on new or annexed streets, eight speed limits were lowered, two speed limits were raised, five speed limits are no longer within City of Phoenix jurisdiction and seven speed limits involved clarification from the previous ordinance (record keeping). A detailed list of the proposed changes are included in the Summary of Changes
(**Attachment B**).

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

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

Yes: 6 - Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark and Mayor Williams

No: 1 - Vice Mayor Waring

Absent: 1 - Councilman Nowakowski

70 **Small Wireless Facilities Master License Agreement to NewPath Networks, LLC (Ordinance S-44998)**

Request to authorize the City Manager, or his designee, to grant a Small Wireless Facilities Master License Agreement ("Master License") to NewPath Networks, LLC ("Licensee") to install, operate, and maintain small wireless facilities in the local public rights-of-way subject to the terms and conditions contained in the license and Phoenix City Code. Further request the City Treasurer to accept all funds related to this item. Also request that the Licensee sign the Master License within 60 days of Council action or this authorization will expire. Licensee will pay applicable rates and fees. There is no cost to the City of Phoenix.

Summary

NewPath Networks, LLC executed a City of Phoenix Agreement for Telecommunication Equipment in Right-Of-Way (City Contract 135134) effective Dec. 20, 2012, to install, use, and maintain wireless telecommunications equipment within the City right-of-way as required under Phoenix City Code section 5C-4. The Master License contains appropriate insurance and indemnification provisions, requires a standby irrevocable letter of credit, provides for terms of transfer and revocation, and sets applicable rates and fees for use of local rights-of-way as provided by law. The Master License permits Licensee to install, operate, and maintain small wireless facilities at individual sites through site license agreements, which are subject to the terms and conditions of this Master License.

Contract Term

The Master License term begins on the date the City Clerk signs the Master License and expires after 10 years unless automatically renewed for an additional 10-year term as provided by law.

Financial Impact

Licensee will pay applicable rates and fees to install, operate, and maintain small wireless facilities in local public rights-of-way by law. There is no cost to the City of Phoenix.

Discussion

Councilman DiCiccio requested this item be continued so staff could take another look at the ordinance and see if there was any other language that could be added to protect citizens.

City Manager Ed Zuercher conveyed staff would prepare a report for the October 3 meeting.

A motion was made by Vice Mayor Waring, seconded by Councilwoman Stark, that this item be continued to the Oct. 3, 2018 City Council Formal Meeting. The motion carried by the following vote:

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

71 Small Wireless Facilities Master License Agreement to Cox Communications Arizona, LLC (Ordinance S-44999)

Request to authorize the City Manager, or his designee, to grant a Small Wireless Facilities Master License Agreement ("Master License") to Cox Communications Arizona, LLC ("Licensee") to install, operate, and maintain small wireless facilities in the local public rights-of-way subject to the terms and conditions contained in the license and Phoenix City Code. Further request the City Treasurer to accept all funds related to this item. Also request that the Licensee sign the Master License within 60 days of Council action or this authorization will expire. Licensee will pay applicable rates and fees. There is no cost to the City of Phoenix.

Summary

The Master License permits Licensee to install, operate, and maintain small wireless facilities at individual sites through site license agreements, which are subject to the terms and conditions of this Master License. The Master License contains appropriate insurance and

indemnification provisions, requires a standby irrevocable letter of credit, provides for terms of transfer and revocation, and sets applicable rates and fees for use of local public rights-of-way as provided by law. Cox Communications Arizona, LLC has executed a City of Phoenix Cable Television License (City Contract 147444) effective Jan. 1, 2018 to allow them to continue to engage in the business of operating a cable television system in the City of Phoenix as required under Phoenix City Code section 5C-4.

Contract Term
The Master License term begins on the date the City Clerk signs the Master License and expires after 10 years unless automatically renewed for an additional 10-year term as provided by law.

Financial Impact
Licensee will pay applicable rates and fees to install, operate, and maintain small wireless facilities in local public rights-of-way by law. There is no cost to the City of Phoenix.

Discussion
Councilman DiCiccio requested this item also be continued to the next formal meeting. In addition, he asked that Councilwoman Pastor and Councilman Nowakowski be briefed as they were involved in this issue.

City Manager Ed Zuercher affirmed staff would brief all the Council.

A motion was made by Vice Mayor Waring, seconded by Councilwoman Stark, that this item be continued to the Oct. 3, 2018 City Council Formal Meeting. The motion carried by the following vote:

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

A motion was made by Vice Mayor Waring, seconded by Councilwoman

Stark, that Item 75 be adopted and Item 76 be adopted as corrected. The motion carried by the following vote:

Yes: 7 - Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams

No: 0

Absent: 1 - Councilman Nowakowski

75 **Authorization to Enter into Intergovernmental Agreement with Metropolitan Domestic Water Improvement District for Storage, Recovery and Exchange of Colorado River Water (Ordinance S-44992)**

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) between the City of Phoenix and the Metropolitan Domestic Water Improvement District (Metro) for storage, recovery, and exchange of Colorado River water. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Metro is a Tucson-area public water utility. The IGA authorizes Phoenix to store and recover up to 8,000 acre-feet annually of its Colorado River water at Metro's Avra Valley Recharge Project (AVRP). Since 2015, when a pilot project was commenced and later expanded, Phoenix has stored approximately 8,650 acre-feet of its unused annual Colorado River water allocation at AVRP. The current IGA terminates on Dec. 31, 2018.

Phoenix will pay Metro an Annual Water Storage Fee, starting at $32.95 per acre-foot in 2019, and escalating up to $38.41 per acre-foot in 2028. Separately, Phoenix pays for its Central Arizona Project (CAP) allocation of Colorado River water pursuant to its subcontract with the Central Arizona Water Conservation District and the United States.

Contract Term

The term of the IGA will begin on Jan. 1, 2019 for ten years and includes an option to extend for up to 10 years, which may be exercised by the

City Manager or designee.

Financial Impact

The total cost to store the maximum amount of 8,000 acre-feet per year of Phoenix's CAP (Colorado River) water in AVRP from 2019 through 2028, is approximately $2,845,745, with an average annual expense of $284,575. Funding is available in the Water Services Department's Capital Improvement Program budget.

Concurrence/Previous Council Action

The original IGA was approved by City Council on Oct. 1, 2014, as a pilot program. The City Council further approved Ordinance S-42167 (Amendment 1) on Nov. 18, 2015, and Ordinance S-43199 (Amendment 2) on Dec. 14, 2016.

Note: Refer to Item 76 for discussion on this item.

This item was adopted.

76 Contract for Water Conservation Outreach - Statewide - State of Arizona Cooperative Agreement ADSPO16-145335 (Ordinance S-44993)

Request to authorize the City Manager, or his designee, to enter into a cooperative agreement with Statewide contract ADSPO16-145335 with Esser Design, LLC to publicize the "Water - Use It Wisely" program through a multimedia campaign for the Water Services Department (WSD). Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $3,000,000.

Summary

WSD is initiating an intense advertising campaign using a multimedia plan that promotes the "Water - Use It Wisely" program and "Phoenix WaterSmart" materials. The plan will create a broad-reaching advertising program for the Phoenix Metropolitan area. The Esser Design contract awarded by the State of Arizona provides all necessary services required to meet the City's needs.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from

another public agency. The contract was awarded through a competitive process consistent with the City's procurement processes, as set forth in Phoenix City Code, chapter 43. Cooperative agreements allow the City to benefit from national government pricing and volume discounts. The Statewide contract was awarded Aug. 12, 2016 and provides all the services WSD requires.

Contract Term
The one-year contract will begin Sept. 15, 2018, with two one-year extensions, ending no later than Aug. 31, 2021.

Financial Impact
The aggregate contract value will not exceed $3,000,000. Funds are available in WSD's operating budget.

Discussion
Leonard Clark stated he supported Items 75 and 76. He expressed the water levels at Lake Mead and Lake Powell were not good so he agreed with the City's attention to water conservation. He thought this was a legacy decision to protect the City's water supply.

Lydia Dutton spoke about the current planning initiatives and Council's agenda on water resource provisions for current and future populations. She said she supported the most responsible process of agreement on planning for those purposes. She asked Council to consider federal opportunity numbers and guidelines for water renewability and atmospheric concerns in Phoenix.

Councilwoman Pastor requested confirmation that the City had a conservation outreach program with regard to Item 76.

Water Services Director Kathryn Sorensen affirmed that was correct, noting the department had a section that handled water conservation education and outreach. She added the city also partnered regionally through the Arizona Municipal Water Users Association, "Water Use it Wisely" campaign. She pointed out staff was looking to increase those efforts, particularly media outreach which was more expensive. She stated staff felt this was necessary based on the conditions of the

Colorado River.

Councilwoman Pastor asked if the City had partnered with anybody else in the state and, if so, how much they contributed to the campaign.

Ms. Sorensen replied that other cities continued to contribute to the "Water Use it Wisely" campaign. Further, she knew the Arizona Department of Water Resources increased its financial contribution to that campaign. She advised this campaign would be based on "Water Use it Wisely" with a unique Phoenix element, including additional bilingual outreach.

Councilwoman Pastor said she felt the City was taking the lead in the water conservation area by moving its dollars forward. She expressed that conservation was citywide and wanted other cities to invest the same way Phoenix did in this conservation outreach. She understood this was an investment of $3 million in this campaign, but she wanted to know the investment of other cities that were part of the campaign.

Ms. Sorensen responded she did not have the other cities' direct contribution into the campaign but would provide that information to the Council. She agreed Phoenix was out in front; however, staff was pushing it because of the importance of the issue. She reiterated the campaign would have a unique Phoenix brand so customers were clear it was a Phoenix campaign. She said she expected other cities would increase their financial contribution for the same reasons but she did not know where they were in that process.

In further response to Councilwoman Pastor, Ms. Sorensen said the City was collaborating with the Arizona Municipal Water Users Association. She noted that Mayor Williams served on the board, which consisted of the cities of Phoenix, Scottsdale, Glendale, Peoria, Mesa, Chandler, Gilbert, Tempe and Goodyear.

Councilwoman Pastor stated she wanted the other cities to contribute as much as Phoenix or look at the campaign cost and distribute it between the bigger cities with smaller cities contributing a lesser amount. She also understood when constituents conserved more water because of this

education that the City would not generate as much revenue because water bills would decrease. She thought the community needed to understand what the effect would be in the future when the City did these campaigns.

Ms. Sorensen acknowledged it was a conundrum for water utilities across the country that revenue was less the more people conserved water. She advised the City had practiced integrated supply and demand management planning for decades, noting water rate consumption had declined 30 percent in the last 20 years. She indicated that did factor into the financial picture, but it also helped the City on its infrastructure so there were positive aspects to water conservation in terms of cost. Nonetheless, she mentioned it was a careful balance to create for customers.

Vice Mayor Waring asked if pipes were used less if the City had to replace them less.

Ms. Sorensen replied water was under pressure so the City had to maintain those pressures regardless of how much water was used. She added the size of the pipes themselves related more to the size needed to get adequate fire flows than meet individual house demands over time. She conveyed it potentially saved the City money in the need to expand major infrastructure, such as surface water treatment plants.

Vice Mayor Waring remarked it was good that Phoenix was using the same amount of water as 20 years ago with 400,000 more people. He questioned if staff had a breakdown of how much of that was from conservation versus agriculture as that used more water than people.

Ms. Sorensen answered it was predominantly conservation since consumption rates had declined over time as people had embraced a desert mentality and wise water use. She emphasized if it were not for the conservation achieved to date, the City would not only be using but out-stripping available Colorado River supplies. She noted there was an impact on revenue but also a positive impact in terms of infrastructure and water resource planning.

Vice Mayor Waring stated it was probably a longer track record, but staff had only provided data for the last 20 years. He acknowledged what had been done in the last 20 years had pushed back the date that the City would be in a potential crisis situation. He remarked at some point what people paid would be immaterial if there was no water. He accepted that staff had done the research to find the best program and hoped to continue what had been done in the past as well as innovate because it had made a big difference. He applauded staff and their predecessors for making this happen which was why he would be voting yes on this item.

Councilman DiCiccio said this was an interesting discussion about conservation versus higher rates though he liked this proposal. He asked if the City was successful in its conservation methods if that affected its allotment from the CAP.

Ms. Sorensen replied it did not affect the City's allocation of Colorado River supplies. She explained what it did was put the City in a position where it was able to live within that allocation rather than out-strip it and find additional resources. She added the City used about two-thirds of its Colorado River allocation for the potable water distribution system and banked about one-third of it in local aquifers as well as in Tucson aquifers.

Councilman DiCiccio suggested staff move more toward an incentive-based model when dealing with other cities, so if Phoenix was doing better it should get some type of incentive.

Ms. Sorensen advised it was a fundamental flaw of western water rights which were designed around a concept called prior appropriation, which meant use it or lose it, that created a disincentive for conservation. She recalled the City entered into a partnership last year with the Gila River Indian community for system conservation on the Colorado River. She pointed out those were new and innovative ways to overcome the disincentive for regional conservation and set a precedent for Phoenix and the region.

In further response to Councilman DiCiccio, Ms. Sorensen specified

Colorado River water that was not used by the City was turned back and made available to the next lowest priority water user on the system which was a disincentive for conservation.

Councilman DiCiccio said staff could modify the prior appropriation concept at a city level, but he thought staff should look at an incentive-based model.

Councilwoman Pastor asked if metrics were built into this contract.

Ms. Sorensen replied there were contract requirements, but in terms of metrics staff used gallons per capita per day as a metric for measuring the success of these programs. She noted the City's gallons per capita per day water usage could vary independent of conservation efforts based on the weather. She added the source of revenue would come out of enterprise funds within the water utility.

This item was adopted as corrected.

77 Authorization to Enter into an Agreement with Salt River Project for Access to Water Storage Capacity (Ordinance S-44995)

Request authorization for the City Manager, or his designee, to enter into an Agreement between the City of Phoenix and the Salt River Valley Water Users' Association and the Salt River Project Agricultural Improvement and Power District, also known as Salt River Project (SRP), for priority access to storage capacity in SRP's groundwater savings facility and in SRP's storage space at the Granite Reef Underground Storage Project. Further request authorization for the City Controller to disburse all funds necessary for this item.

Summary

SRP owns and operates a portion of the Granite Reef Underground Storage Project (GRUSP), as well as a groundwater savings facility (SRP GSF) located within its service area. Phoenix also owns a portion of GRUSP and uses both GRUSP and the SRP GSF to store portions of its Colorado River allocation. This Agreement will give Phoenix priority access to up to 15 percent of SRP’s available capacity at GRUSP in exchange for payment of the associated operating and maintenance costs, and priority access of up to 15 percent of the SRP GSF available capacity in exchange for a reduced payment to Phoenix (in the case of

GSF storage, the owner of the facility pays the water provider). This Agreement allows Phoenix to maximize the potential to store water during non-shortage years and increase stored water available to pump within the SRP service area during times of shortage.

Contract Term

The term is for 10 years effective Oct. 1, 2018, through Sept. 30, 2028, with an option to extend for an additional ten years, which may be exercised by the City Manager or his designee.

Financial Impact

The financial impact of this Agreement to Phoenix is the additional operating and maintenance costs associated with the increased use of GRUSP capacity, as well as the reduction in fees paid to Phoenix by SRP for additional storage capacity made available in the SRP GSF. Those costs are variable based on the amount of capacity Phoenix uses, but will total $1,939,620 over the 10-year contract term in the event Phoenix maximizes the use of storage capacity during each year of the Agreement. Funding is available in the Water Services Department's Capital Improvement Program budget.

Note: Mayor Williams confirmed Leonard Clark submitted a speaker comment card in favor of this item, but was not present to speak.

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

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

87 (CONTINUED FROM JUNE 20 AND SEPT. 5, 2018) - Public Hearing - Abandonment Appeal of Right-of-Way - Appeal of Hearing Officer Decision - V180020A - 5102 E. Roma Ave.

Request to hold a public hearing on the Abandonment Appeal of Right-of-Way - V180020A located at 5102 E. Roma Ave. due to an

appeal letter dated May 15, 2018. The Abandonment Hearing Officer approved the property owners request to abandon a 16' alley at 5102 E. Roma Ave. The appellant outlined their rationale for the appeal as: 1) The alley allows for access to existing utilities (e.g. electric, irrigation, and sewer manhole) and pool. 2) Provides a buffer and separation from the property to the south. 3) Grade change, sewer manholes, and location of utility poles makes it challenging to place a new solid block wall with footings (i.e. preferable), which will need to be in the resulting easement area (i.e. a block wall in the easement area will not be acceptable per city requirements) (See **Attachment A**).

Summary

Project: 18-1347
Abandonment Applicant: Shawn Brown
Date of Abandonment Hearing Officer's Decision: May 8, 2018
Appellant: Michael Shields

Location

5102 E. Roma Ave.
Council District: 6

Discussion

Planning and Development Director Alan Stephenson stated this was a request to abandon an alley at 5102 E. Roma Ave., noting this particular appeal abutted four houses. He conveyed it was approved by the abandonment hearing officer subject to stipulations. He explained the abandonment was appealed by one of the abutting property owners due to concerns about their ability to acquire a portion of that once it was abandoned. He advised this was a private matter between the two parties that had to be resolved in court. He noted staff recommended approval pursuant to the abandonment hearing officer subject to those stipulations.

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

Councilman DiCiccio remarked this appeal pertained to entitlement of land in an alleyway once it was abandoned. He said based on research it was determined one person owned it all which impacted other neighbors in the area which made this a difficult case.

A motion was made by Councilman DiCiccio, seconded by Councilwoman Stark, to approve the abandonment subject to compliance with the stipulations of approval and an additional stipulation as follows: The applicant shall submit proof that the following property owner was notified at least 15 days prior to the scheduled final City Council administrative action to abandon the public's interest in the alley right-of-way pursuant to this City Council action. A. Michael Shields, 5105 E. Lafayette Blvd., Phoenix, AZ 85018. The motion carried by the following vote:

Yes:	7 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	
Absent:	1 -	Councilman Nowakowski

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

CITIZEN COMMENTS

There were no additional Citizen Comments.

ADJOURN

There being no further business to come before the Council, Mayor Williams declared the meeting adjourned at 3:49 p.m.

Thelda Williams

MAYOR

ATTEST:

Denise Archibald

CITY CLERK

SC

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 19th day of September, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of November, 2018.

DEPUTY CITY CLERK