174164

City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, November 6, 2019 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, November 6, 2019 at 2:35 p.m. in the Council Chambers.

Present: 9 - Councilman Sal DiCiccio, Councilmember Carlos Garcia, Councilwoman Betty Guardado, Councilman Michael Nowakowski, Councilwoman Laura Pastor, Councilwoman Debra Stark, Vice Mayor Jim Waring, Councilwoman Thelda Williams and Mayor Kate Gallego

Councilmember Garcia temporarily left the voting body prior to vote on Item 67 and returned during Item 70. Councilwoman Guardado temporarily left the voting body before the vote on Item 70 and returned during Item 86.

Mayor Gallego acknowledged the presence of Mario Barajas, a Spanish interpreter. In Spanish, Mr. Barajas announced his availability to the audience.

Councilman Nowakowski entered the Chambers and joined the voting body.

The City Clerk confirmed that copies of the titles of Ordinances G-6617, G-6632 through G-6639, S-46119 through S-46158, and Resolutions 21769, 21792 through 21797 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

MINUTES OF MEETINGS

1 For Approval or Correction, the Minutes of the Formal Meeting on March 20, 2019

Summary

This item transmits the minutes of the Formal Meeting of March 20, 2019, 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 Williams, that this item be approved. The motion carried by the following voice vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego

No: 0

2 For Approval or Correction, the Minutes of the Formal Meeting on April 3, 2019

Summary

This item transmits the minutes of the Formal Meeting of April 3, 2019, for review, correction and/or approval by the City Council.

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

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego

No: 0

BOARDS AND COMMISSIONS

3 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 by Mayor Gallego and Councilmembers:

Alhambra Village Planning Committee

Appoint Jonathan Ammon, for a term to expire Nov. 19, 2022, as recommended by Councilwoman Guardado

Camelback East Village Planning Committee

Appoint Dan Rush, replacing Kathryn Langmade as of Nov. 20, 2019, for a term to expire Nov. 19, 2021, as recommended by Councilman DiCiccio

Census Complete Count Committee

Appoint Rosa Molinar and Rich Nickel, for terms to expire July 1, 2020, as recommended by Mayor Gallego

Development Advisory Board

Appoint Lucas Lindsey, replacing Kimber Lanning in the Citywide Business category, for a term to expire July 1, 2022, as recommended by Mayor Gallego

Industrial Development Authority Board

Appoint Tony Cani, replacing Nicole Ong Colyer, for a term to expire Nov. 1, 2025, as recommended by Mayor Gallego

Judicial Selection Advisory Board

Appoint Judge David D. Weinzweig, for a term to begin Nov. 20, 2019 and expire Nov. 19, 2022, as recommended by the Chief Justice and Mayor Gallego

Neighborhood Block Watch Grant Program Oversight Committee

Appoint Vickie Jaquez, replacing AJ Marsden as the representative of the Block Watch Advisory Board, for a term to expire Aug. 31, 2020, as recommended by Mayor Gallego

North Mountain Village Planning Committee
Appoint Tom Argiro, for a term to expire Nov. 19, 2021, as recommended by Councilwoman Williams

Planning Commission
Appoint Joel McCabe, replacing John Glenn as of Nov. 8, 2019, for a term to expire April 15, 2023, as recommended by Mayor Gallego

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: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego

No: 0

Mayor Gallego administered the oath of office to Jonathan Ammon, Alhambra Village Planning Committee; Rosa Molinar and Rich Nickel, Census Complete Count Committee; Lucas Lindsey, Development Advisory Board; Tony Cani, Industrial Development Authority Board; Tom Argiro, North Mountain Village Planning Committee; and Joel McCabe, Planning Commission. The appointees were invited to approach the dais so Council could extend their appreciation.

ADD-ON ITEMS

A motion was made by Councilwoman Pastor, seconded by Councilwoman Stark, to suspend the rules and take Item 108 out of order. The motion carried by the following voice vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego

No: 0

108 ADD-ON - Selection of Vice Mayor

Request to permit the City Council, if necessary, to select one of its

members to serve as Vice Mayor, until such time of another Vice Mayor selection, pursuant to Phoenix City Charter IV, section 3.

Discussion

A motion was made and seconded to select Councilwoman Guardado as Vice Mayor.

Mayor Gallego thanked Vice Mayor Waring for his service as Vice Mayor. She mentioned she was impressed with his knowledge of the city and his district, as well as his noteworthy record of public service.

Councilman DiCiccio thanked Vice Mayor Waring for his exemplary job as Vice Mayor. Councilman DiCiccio noted this was the fastest a councilmember had been selected as Vice Mayor. He expressed he was impressed with Councilwoman Guardado's ability to get things done and said she was doing an amazing job.

Prior to his vote, Councilman Nowakowski thanked Vice Mayor Waring and congratulated Councilwoman Guardado.

Prior to her vote, Councilwoman Stark thanked Vice Mayor Waring for his service.

Prior to her vote, Councilwoman Williams thanked Vice Mayor Waring for doing an excellent job and for being a great leader for the City.

Following the vote, Mayor Gallego congratulated Councilwoman Guardado on being the next Vice Mayor.

Councilwoman Guardado stated she was honored to serve as the Vice Mayor of the fifth largest city in the country. She remarked she was grateful for the support from her fellow Councilmembers and the Mayor. She also thanked Vice Mayor Waring for his service, noting she was excited for this new role and wanted to move forward.

Mayor Gallego conveyed the Vice Mayor elect had already proven herself to be a strong advocate for all Phoenicians. She pointed out this was the most rapid ascent to Vice Mayor, noting Councilwoman Guardado would assume the role of Vice Mayor at the next Council meeting.

A motion was made by Councilwoman Pastor, seconded by Councilman Nowakowski, to select Councilwoman Betty Guardado. The motion carried by the following vote:

Yes: 8 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams and Mayor Gallego

No: 1 - Vice Mayor Waring

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

Mayor Gallego 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 5, 14, 15, 16, 17, 20 and 26 and opposed of Items 24 and 26 by the following individuals:

Mo Khera, Owner - Item 5
Sara Matlin, Applicant - Items 14-15
Rogelio Hernandez, Agent - Item 16
Erik Salcido, Owner - Item 16
Camila Alarcon, Agent - Item 17
Shannon Kolodin, Applicant - Item 20
Detective Shon Washburn, Police - Item 24
Joe Jackson, Applicant (in favor) - Item 26
Jerry Simms (opposed) - Item 26
Carol Turoff (opposed) - Item 26
David Johnson (opposed) - Item 26

A motion was made by Vice Mayor Waring, seconded by Councilwoman Williams, that Items 4 through 26 be recommended for approval, except Item 23; continuing Item 24 to the Dec. 4, 2019 City Council Formal Meeting and Item 26 to the Nov. 20, 2019 City Council Formal Meeting; and noting that Item 25 is as corrected. The motion carried by the following voice vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego

No: 0

4 (CONTINUED FROM OCT. 16, 2019) - Liquor License - MOD Pizza

Request for a liquor license. Arizona State License Application 73524.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
7620 S. 59th Ave., Ste. 101
Zoning Classification: S-1 (Approved 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 December 2019.

The 60-day limit for processing this application is Oct. 19, 2019.

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

Other Active Liquor License Interest in Arizona

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is an experienced licensee committed to upholding the highest standards to maintain compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"MOD Pizza offers a wide variety of options for customized pizzas, salads and more. Applicant would like to offer alcoholic beverages to its guests 21 and over as an incident to the delicious meals served."

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 - MOD Pizza
Liquor License Map - MOD Pizza

This item was recommended for approval.

5 Liquor License - Cactus Liquor

Request for a liquor license. Arizona State License Application 76248.

Summary

Applicant
Muhammad Khera, Agent

License Type
Series 9 - Liquor Store

Location
2850 W. Cactus Road
Zoning Classification: C-1
Council District: 1

This request is for a new liquor license for a liquor store. This location is currently licensed for liquor sales with a Series 10 - Beer and Wine Store license.

The 60-day limit for processing this application is Nov. 11, 2019.

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.

Chevron (Series 10)
2850 W. Cactus Road
Calls for police service: 18
Liquor license violations: In April 2002, a fine of $500 was paid for selling, giving or furnishing an underage person with alcohol.

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 have been operating at this location for over 20 years with a Liquor License #10. Site previously called Chevron Food mart. We loss the gas/inside sale due to QT across the street. We also loss the Chevron brand due to loss in fuel sale. We decided to add new items in the store to boost the sale. We have no complaint from the neighborood or any liquor citation for all that 20 years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Customers have been asking for liquor. It will add to the customer convenience to find beer, wine and liquor at one place."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Cactus Liquor
Liquor License Map - Cactus Liquor

This item was recommended for approval.

6 Liquor License - Hot N Juicy Crawfish

Request for a liquor license. Arizona State License Application 73549.

Summary

Applicant
Lauren Merrett, Agent

License Type
Series 12 - Restaurant

Location
7000 E. Mayo Blvd. #E1114
Zoning Classification: PUD PCD
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 was Nov. 5, 2019. However, the applicant has submitted a written request for more time.

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

Hot N Juicy Crawfish (Series 12)
6751 N. Sunset Blvd., Ste. E101, Glendale
Calls for police service: N/A - not in Phoenix
Liquor license violations: In September 2017, a fine of $750.00 was paid for failure to request ID and selling, giving, or furnishing alcohol to an underage person.

Hot N Juicy Crawfish (Series 12)
740 S. Mill Ave. #185, 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:
"Owner is capable reliable and qualified with multiple locations and businesses in the state of Arizona. Several have liquor licenses. They have been shown to be responsible providers of alcohol."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The public convenience and the community will be served by providing alcohol To customers who desire alcohol in their beverages."

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 - Hot N Juicy Crawfish
Liquor License Map - Hot N Juicy Crawfish

This item was recommended for approval.

7 Liquor License - Shell Food Mart

Request for a liquor license. Arizona State License Application 76187.

Summary

Applicant
Ayush Panta, Agent

License Type
Series 10 - Beer and Wine Store

Location
17027 N. Cave Creek Road
Zoning Classification: C-2
Council District: 2

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

The 60-day limit for processing this application is Nov. 11, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The owner manages many businesses in Arizona. He will do all that is required to ensure compliance with all laws and will attending basic and management liquor training."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location has had a liquor license for many years. its the neighborhood gas station and store."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Shell Food Mart
Liquor License Map - Shell Food Mart

This item was recommended for approval.

8 Liquor License - Special Event - First Hungarian Reformed Church in Phoenix

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

Summary

Applicant
Frank Kiraly

Location
1822 W. Vogel Ave.
Council District: 3

Function
Cultural Celebration

Date(s) - Time(s) / Expected Attendance
Dec. 7, 2019 - 11 a.m. to 6 p.m. / 200 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - Barro's Pizza

Request for a liquor license. Arizona State License Application 76931.

Summary

Applicant
Bruce Barro, Agent

License Type
Series 12 - Restaurant

Location
2601 N. Central Ave.
Zoning Classification: C-2 HRI TOD-1
Council District: 4

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in December 2019.

The 60-day limit for processing this application is Nov. 19, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I've managed/owned 19 Barro's pizza for over twenty years and have never had an issue/violation with liquor dept."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This is a family restaurant that only serves approx 2-3% of its sales in alcohol. This location will be a positive addition to the mid town area."

Staff Recommendation

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

Attachments
Liquor License Data - Barro's Pizza
Liquor License Map - Barro's Pizza

This item was recommended for approval.

10 Liquor License - Special Event - CASA Academy

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

Summary

Applicant
Tacey Cundy

Location
1500 W. Maryland Ave.
Council District: 5

Function
Community Event

Date(s) - Time(s) / Expected Attendance
Feb. 28, 2020 - 7 p.m. to 10 p.m. / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

11 Liquor License - Special Event - The Johnny O Alzheimer's, Dementia and TBI Awareness Foundation

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

Summary

Applicant

Mark Oravitz

Location
4344 W. Indian School Road, Ste. 100
Council District: 5

Function
Benefit Concert

Date(s) - Time(s) / Expected Attendance
Nov. 22, 2019 - 7 p.m. to 2 a.m. / 450 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

12 Liquor License - Linger Longer Lounge

Request for a liquor license. Arizona State License Application 06070625.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 6 - Bar

Location
6522 N. 16th St., Ste. 6
Zoning Classification: C-1
Council District: 6

This request is for an ownership transfer of a liquor license for a bar. This location was previously licensed for liquor sales and may currently operate with an interim permit. A bar is not permitted in a C-1 zoning district.

The 60-day limit for processing this application is Nov. 12, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Applicant will provide a friendly neighborhood bar/grill, which includes a game room and patio. Applicant would like to continue offer alcoholic beverages to guests 21 and over."

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

Attachments
Liquor License Data - Linger Longer Lounge
Liquor License Map - Linger Longer Lounge

This item was recommended for approval.

13 Liquor License - Special Event - Be Causal

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

Summary

Applicant
Julie Jennings

Location
734 W. Polk St.
Council District: 7

Function
Arts Festival

Date(s) - Time(s) / Expected Attendance
Nov. 9, 2019 - 10 a.m. to 2 a.m. / 500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

14 Liquor License - Special Event - Community Food Connections, Inc.

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

Summary

Applicant
Sara Matlin

Location
721 N. Central Ave.
Council District: 7

Function
Holiday Craft Market

Date(s) - Time(s) / Expected Attendance
Dec. 12, 2019 - 5 p.m. to 10 p.m. / 3,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - Special Event - Community Food Connections, Inc.

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

Summary

Applicant
Sara Matlin

Location
721 N. Central Ave.
Council District: 7

Function
Holiday Craft Market

Date(s) - Time(s) / Expected Attendance
Dec. 19, 2019 - 5 p.m. to 10 p.m. / 3,000 attendees

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

16 Liquor License - Antojitos Ay Wey!

Request for a liquor license. Arizona State License Application 76659.

Summary

Applicant
Rogelio Hernandez, Agent

License Type
Series 12 - Restaurant

Location
7435 W. Lower Buckeye Road, Ste. 110
Zoning Classification: C-1 PCD
Council District: 7

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow sales of alcoholic beverages as an accessory to a restaurant.

The 60-day limit for processing this application is Nov. 17, 2019.

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

Other Active Liquor License Interest in Arizona

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have for 10 plus year managed multiple businesses. I have responsibly managed my businesses and we have become part of the communities in which do business in."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The community will be able to go to a place that is relaxed and fun for the whole family. Members of the community won't have to drive long distances from their homes to eat and have fun. Many homes are walking distance from our location and with new communities being built we would love to provide smart great service. to those members of the community."

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

Attachments
Liquor License Data - Antojitos Ay Wey!
Liquor License Map - Antojitos Ay Wey!

This item was recommended for approval.

17 Liquor License - Where?House Gallery

Request for a liquor license. Arizona State License Application 06070706.

Summary

Applicant
Camila Alarcon, Agent

License Type
Series 6 - Bar

Location
702 N. 21st Ave.
Zoning Classification: A-2
Council District: 7

This request is for an ownership and location transfer of a liquor license for a bar. 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 Nov. 8, 2019.

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 licenses in the State of Arizona. This information is listed below and includes: information about any liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the

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

Walter Station (Series 3 & Series 7)
4056 E. Washington St., Phoenix
Calls for police service: 1
Liquor license violations: In May 2019, a fine of $1,000 was assessed for failure to report microbrewery annual production.

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 applicant has several years of experience as a full service entertainment production company. It is committed to upholding the highest standards with all applicable laws. All relevant stuff 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 6 liquor license at an art-focused event venue. This event space currently serves a demonstrative need in the community and will continue to do so with added liquor sales."

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 - Where?House Gallery

Liquor License Map - Where?House Gallery

This item was recommended for approval.

18 Liquor License - Yes! Mart

Request for a liquor license. Arizona State License Application 76268.

Summary

Applicant
Sridhar Maduri, Agent

License Type
Series 10 - Beer and Wine Store

Location
5448 S. Central Ave.
Zoning Classification: C-2 SPVTABDO
Council District: 7

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

The 60-day limit for processing this application is Nov. 12, 2019.

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:
"1. I am a law abiding resident of AZ. 2. I am capable of handling & managing situations occuring while serving liquor to people at my place. 3. All my staff are trained & knowledgeble. 4. I am a non alcoholic & non smoker all my life."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The community is served within walkable distance, & in limited quantities based on the liquor license law. We can educate people about drug & alcoholic side effects & make them a responsible citizen."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Yes! Mart
Liquor License Map - Yes! Mart

This item was recommended for approval.

19 Liquor License - Special Event - GLSEN, Inc.

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

Summary

Applicant

Madelaine Adelman

Location
215 N. 7th St.
Council District: 8

Function
Awards Ceremony

Date(s) - Time(s) / Expected Attendance
Nov. 21, 2019 - 6 p.m. to 10 p.m. / 350 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

20 Liquor License - Special Event - Heritage Square Foundation

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

Summary

Applicant
Shannon Kolodin

Location
113 N. 6th St.
Council District: 8

Function
Concert/Dance

Date(s) - Time(s) / Expected Attendance
Dec. 31, 2019 - 8 p.m. to 12:30 a.m. / 500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

21 Liquor License - Bar Axiom

Request for a liquor license. Arizona State License Application 06070079.

Summary

Applicant
Alex Li, Agent

License Type
Series 6 - Bar

Location
922 N. 6th St.
Zoning Classification: DTC-East Evans Churchill ACOD
Council District: 8

This request is for an ownership and location transfer of a liquor license for a bar. 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 January 2020.

The 60-day limit for processing this application is Nov. 18, 2019.

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

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

in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have the business acumen and financial means to manage and support our proposed project on Roosevelt Row. In addition, I have a strong team of individuals that have a background in managing similar projects (Undertow, Brill Line, Pobrecito, So Far So Good, etc). We intend to do our best to adhere to the rules and regulations set in place by the City of Phoenix, County of Maricopa, and 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 will be used for a small intimate cocktail bar at the ever growing Roosevelt Row. We believe our bar will bring a unique experience to the residents of Phoenix. Futhermore, there are several growing developments around our area, such as The Blocks of Roosevelt Row, that will bring in more residents and visitors to the area who are looking for new entertainment in the area. We hope that our project will be a small getaway from the hustle and bustle of the growing Phoenix metropolitan."

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 - Bar Axiom

Liquor License Map - Bar Axiom

This item was recommended for approval.

22 Liquor License - Carniceria Mr. Muuu

Request for a liquor license. Arizona State License Application 72777.

Summary

Applicant
Rebeckah White, Agent

License Type
Series 10 - Beer and Wine Store

Location
1628 E. Southern Ave.
Zoning Classification: C-2 SPVTABDO
Council District: 8

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

The 60-day limit for processing this application was Oct. 8, 2019. However, the applicant has submitted a written request for more time.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 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:
"We have taken all the training classes required to properly follow all the liquor laws of Arizona. We are planing on hiring, trained, skilled and knowledgeable staff to help with our business."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We are offering the public a family friendly business that offers a meat market and grocery store in one convenient location. Offering a variety of alcoholic and non-alcoholic beverages that will make it convenient for our clients to do their shopping in one family friendly location."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Carniceria Mr. Muuu
Liquor License Map - Carniceria Mr. Muuu

This item was recommended for approval.

24 Liquor License - Mariscos El Nuevo Altata

Request for a liquor license. Arizona State License Application 71546.

Summary

Applicant

Guadalupe Galaviz Quiroz, Agent

License Type
Series 12 - Restaurant

Location
5828 W. Indian School Road
Zoning Classification: C-2
Council District: 5

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

The 60-day limit for processing this application was Sept. 30, 2019. However, the applicant submitted a written request for more time.

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

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

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
“I have experience working in establishments with liquor licenses, I also coordinate large events and concerts from 1,000 to 15,000 people were liquor is consumed. I have taken all the liquor license training requirements; basic and management. I know and understand local and state liquor laws.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“This restaurant has been operating for more than 20 years serving the local community. We will continue to do the same as a family oriented restaurant in a safe and clean atmosphere.”

Staff Recommendation
Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on allegations concerning reports of fraudulent activity conducted by the applicant. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments
Liquor License Data - Mariscos El Nuevo Altata
Liquor License Map - Mariscos El Nuevo Altata
Liquor License Police Department Recommendation - Mariscos El Nuevo Altata

This item was continued to the Dec. 4, 2019 City Council Formal Meeting.

25 Off-Track Pari-Mutuel Wagering Permit Renewal - The Burg Sports Grill

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose. Staff

recommends approval of this application.

Summary

Applicant
Aaron Feinberg, Agent for Turf Paradise

Location
751 E. Union Hills Drive
Zoning Classification: PSC
Council District: 2

Staff Recommendation
Staff recommends approval of this renewal application.

This item was recommended for approval as corrected.

26 Off-Track Pari-Mutuel Wagering Permit - Moon Valley Grill

Request for an Off-track Pari-mutuel Wagering Permit for a business that has a Series 12 liquor license.

Summary
State law requires City Council approval before a State Off-track Pari-mutuel Wagering Permit can be issued.

Applicant
David Auther, Agent for Arizona Downs

Location
15414 N. 7th St., Ste. 1 & 2
Zoning Classification: C-1
Council District: 3

Public Opinion
Public notice was posted at the proposed location and special notice letters were mailed to residents within a 1/8 mile radius of the proposed location. The comment period expired Sept. 30, 2019. Three letters protesting the issuance of this license have been received and are on file in the Office of the City Clerk. The letters are from local residents expressing concern about the potential for increased traffic and noise in the shopping center and adjacent neighborhood, as well as a potential

negative impact on property values in the surrounding area.

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

Attachments
Off-track Pari-mutuel Wagering Permit Data - Moon Valley Grill
Off-track Pari-mutuel Wagering Permit Map - Moon Valley Grill

This item was continued to the Nov. 20, 2019 City Council Formal Meeting.

23 Liquor License - Caravan Taproom

Request for a liquor license. Arizona State License Application 06070343.

Summary

Applicant
Antonio Tovar, Agent

License Type
Series 6 - Bar

Location
4835 N. 15th Ave.
Zoning Classification: C-2 TOD-1
Council District: 4

This request is for an ownership transfer of a liquor license for a bar. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow outdoor dining, outdoor alcohol consumption and patron dancing.

The 60-day limit for processing this application was Oct. 5, 2019. However, the applicant submitted a written request for more time.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been bartending for 9 years, I have been in the Industry as a bartender, bar manager and General manager, I understand the importance of protecting your liquor license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I plan to create a fun, safe, and accepting bar in order to work for our community. I would love to be accepting of all minorities and communities."

Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on several factors including recent citations of liquor license violations and not having a designated manager listed on the application. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license. Staff also notes that the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Caravan Taproom
Liquor License Map - Caravan Taproom
Liquor License Police Department Recommendation - Caravan Taproom

Discussion

License Services Manager Jenni Wingenroth stated this was a request for an ownership transfer of a Series 6 liquor license for a bar. She indicated this location was previously licensed for liquor sales and could operate with an interim permit. She said staff recommended disapproval of this application based on a Police Department recommendation for disapproval.

Mayor Gallego noted Police Officer Vaughn and Officer Titus submitted a speaker comment card.

Police Detective Dawn Vaughn stated the Phoenix Police Department recommended denial of this Series 6 person-to-person transfer for the Caravan Taproom. She advised Antonio Tovar was the applicant through TT & Associates, LLC. She conveyed on June 13, 2019, the Phoenix Police Department conducted a liquor inspection, noting the only employee working at that time was the bartender who said Mr. Tovar was in charge. She pointed out two violations were found; one for failing to exhibit the liquor license and the other for employee records not being available. She added warnings were given for both of those violations.

Police Detective Vaughn continued on June 21 and 22, 2019, the Arizona Department of Liquor License and Control cited Caravan Taproom for A.R.S. 4-244.32, allowing alcohol to be removed from the licensed

premise. Additionally, Mr. Tovar acknowledged music, live entertainment and patron dancing at the establishment but did not have a City of Phoenix use permit for those activities. She added Mr. Tovar was convicted of DUI in Phoenix in 2018. She noted Mr. Tovar failed to designate a manager on the application as required by A.R.S. 4-202.01C. She conveyed on Sept. 12, 2019, an interview was completed with Mr. Tovar and he said he was in the process of applying for the use permit for live entertainment. However, as of Oct. 22, he had not been granted the use permit.

Police Detective Vaughn indicated Mr. Tovar was unable to provide a copy of the lease stating the prior owner of Caravan Taproom, Keith Rowlands, and the property owner, Mohammad Patwoary, refused to give it to him. She stated that Mr. Tovar was told refusal to provide a lease agreement strongly suggested the possibility of hidden ownership. She said Phoenix investigators also told Mr. Tovar there would likely be reinspections of the bar during the investigation process. She remarked that Mr. Tovar understood and said there would be no issues as he was cleaning up the place. Moreover, Mr. Tovar denied being in charge of the bar on June 13, 2019.

Police Detective Vaughn conveyed on Oct. 5, 2019, Mr. Tovar submitted a request for more time for the application review. Further, on Oct. 11, 2019, the Arizona Department of Liquor License and Control cited the Caravan Taproom for the following violations:

A.R.S. 4-241.A.1, failure to check I.D.;
A.R.S. 4-244.9, sale of alcohol to underage; and
R-19-1-502, failure to maintain employee records.

She pointed out an employee working at that time was also criminally cited for two counts of violating A.R.S. 3-2441.A.1, failure to check I.D. and two counts of violating A.R.S. 4-244.9, sale of alcohol to underage. She noted Mr. Tovar provided the lease for the Caravan Taproom a few days after receiving these violations. Police Detective Vaughn emphasized Mr. Tovar demonstrated he had little to no experience owning a bar and his lack of managerial oversight showed he was not reliable, capable or qualified to own a liquor license. In addition, it would

not be in the best interests of the community to approve this liquor license application.

Mayor Gallego noted Antonio Tovar submitted a comment card in favor, but did not wish to speak.

Haley Ritter spoke in favor, noting she had met with the owner, Mr. Tovar. She indicated she had a friend who had been working at the establishment for the past three months and expressed it was a calm environment. She recommended approval of this liquor license because he was trying to clean up the place and attempting to learn the business of owning a bar and managing it. She suggested the Police Department work with Mr. Tovar and help him through some of the struggles he was having in establishing ownership. She said he seemed to be a responsible person but was having challenges with the lease, use permit and other details previously mentioned.

Councilwoman Pastor stated she met with staff yesterday about this disapproval and that afterward she called and left Mr. Tovar a message to call back so she could discuss this case with him. She did not receive a call back and wanted to have a dialogue regarding some of the claims in the report. She conveyed she gave the applicant an opportunity to speak with her; however, her motion was for disapproval.

A motion was made by Councilwoman Pastor, seconded by Councilwoman Williams, that this item be recommended for disapproval. The motion carried by the following vote:

Yes:	9 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego
No:	0	

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

Mayor Gallego 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 of Items 59-60, 86 and 101-102 by the following individuals:

Bill Halper, Representative - Items 59-60
Dan Klocke - Items 59-60
Maria Baier - Items 59-60
Patricia Boreham - Items 59-60
Akira Boreham - Items 59-60
Billy Shields - Items 59-60
Rick Carpinelli - Item 86
Alisse Caton, Applicant - Items 101-102

A motion was made by Vice Mayor Waring, seconded by Councilwoman Williams, that Items 27 through 108 be approved or adopted, except Items 39, 59-60, 63, 67-68, 70, 86, 104 and 107; and continuing Item 38 to the Nov. 20, 2019 City Council Formal Meeting. The motion carried by the following vote:

Yes:	9 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego
No:	0	

Items 27-37, Ordinance S-46119 was a request 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 Copper State Supply, Inc.

For $90,000.00 in payment authority for a new contract, entered on or about Dec. 1, 2019, for a term of five years for straw hats for Citywide use. The contract will provide various sized straw hats for field employees, primarily during the summer months. The broad-brimmed straw hats protect the city employees by providing UV sun protection to

prevent sunburn and heat related illnesses.

This item was adopted.

28 Atlantic Signal, LLC

For $12,700.00 in payment authority to purchase Atlantic Signal LO-VIS-R23 Ruggedized Two Wire Kits to replace outdated tactical low visibility radio communication equipment for the Police Department's Special Assignment Unit. Police radios and associated communication accessories are utilized on all high-risk events such as hostage rescue incidents, barricaded subjects, high-risk search warrants, and workplace and school active shooter incidents.

This item was adopted.

29 Griffeye Inc.

For $29,300.00 in payment authority for a new contract, entered on or about Nov. 15, 2019, for a term of three years for the Griffeye Analyze Toolset for the Phoenix Police Department. The contract will provide software licenses for the Analyze CS Operations and Analyze DI PRO. The licenses offer advanced analytical features and capabilities for processing, sorting, and analyzing huge volumes of image and video files in an expedited manner. Manual operations of reviewing enormous quantities of images and videos that previously took months to complete will be completed in hours or days and will allow the Internet Crimes Against Children investigators to work individually or collaboratively. The toolset includes camera forensics for the extraction of investigation information from images, internet crawl searching for related investigative images, as well as sites hosting the images, geolocation of images, facial recognition, and detailed camera information for identifying and locating suspects.

This item was adopted.

30 Pride Group, LLC doing business as Pride Outfitting

For $9,592.80 in payment authority for bleacher rental and set-up for the Homeland Security and Emergency Management Office. The City hosted the National Homeland Security Conference at the Phoenix Convention Center (PCC) on June 17, 2019. As the host, the City's responsibilities included a live exercise demonstration and a demonstration to showcase federally funded assets received under the Phoenix Urban Area Security

Initiative. The demonstrations required setting up an environment inside and outside the PCC to accommodate 1,500 attendees. Audio visual services and equipment were required for the City to meet its responsibilities.

This item was adopted.

31 Settlement of Claim(s) Uhl v. City of Phoenix

To make payment of up to $75,000.00 in settlement of claim(s) in *Uhl v. City of Phoenix,* Maricopa County Superior Court, case number CV2018-013122, 17-1009-001 AU BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

32 Settlement of Claim(s) Scrivner v. City of Phoenix

To make payment of up to $50,000.00 in settlement of claim(s) in *Scrivner v. City of Phoenix,* Maricopa County Superior Court, case number CV2018-003775, 16-1145-002 AU BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

33 Settlement of Claim(s) Sanchez et. al. v. City of Phoenix

To make payment of up to $500,000.00 in settlement of claim(s) in *Sanchez et. al. v. City of Phoenix,* Maricopa County Superior Court, case number CV2018-011229, 17-1024-001 AU BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

34 Settlement of Claim(s) Almanza v. City of Phoenix

To make payment of up to $47,000.00 in settlement of claim(s) in *Almanza v. City of Phoenix*, 18-0494-002 AU BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

35 Settlement of Claim(s) Wilson v. City of Phoenix

To make payment of up to $200,000.00 in settlement of claim(s) in *Wilson v. City of Phoenix,* Maricopa County Superior Court, case number CV2018-007578, 17-0586-001 GL BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

36 Levi, Ray & Shoup, Inc.

For $62,763.99 in additional payment authority for Contract 103651 for annual system maintenance costs for the Retirement Department. Levi, Ray & Shoup, Inc. is the service provider for the City's pension administration system and manages the pension benefit process for all City of Phoenix public safety and general employees. The costs are for the public safety portion of the system. The increased spending authority is necessary as the annual maintenance costs for the system are dependent on many factors, such as the number of active and retired employees, and the basic system support that is required. The annual maintenance costs were approved by the Phoenix Fire and Police Local Retirement Boards at the Oct. 1, 2019, board meeting.

This item was adopted.

37 Salt River Project Agricultural Improvement and Power District

For $195,000.00 in annual payment authority for Agreement No. 117110 for annual license and maintenance for use of leased fiber to connect Water Services Department facilities. The leased fiber provides telecommunication and network interconnectivity in support of process control and security communications needs.

This item was adopted.

38 (CONTINUED FROM SEPT. 4, SEPT. 18, AND OCT. 2, 2019) - Election Funding Disclosure (Dark Money) (Ordinance G-6617)

Request City Council approval of an ordinance amending Chapter 12, Article VII of the Phoenix City Code by revising Division 2 on campaign finance and adding a new Division 3 relating to election funding disclosure obligations.

Summary

The "Keep Dark Money Out of Local Phoenix Elections Ordinance" is intended to secure the right of City of Phoenix residents to know the source of all major contributions made to influence the result of a local Phoenix election, to prevent actual corruption and its appearance, and to protect the integrity of Phoenix elections. On Nov. 6, 2018, City of Phoenix voters passed Proposition 419 with 85 percent of votes in favor, for a Charter Amendment requiring election funding disclosure. On July

3, 2019 Gov. Doug Ducey signed the Charter Amendment. This report provides the City Council with information on election funding disclosure and provides a draft ordinance for Council consideration **(Attachment A)**.

This ordinance will require entities currently not subject to disclosure under State law, including nonprofit organizations, to disclose expenditures of $1,000 or more to influence the outcome of a City of Phoenix election, as well as the source(s) of contributions received of $1,000 or more, including any intermediary through which such contributions passed. These disclosure reports will be filed with the City Clerk Department within 48 hours of making an expenditure of $1,000 or more. The disclosure will be required for any person or association that makes independent expenditures to influence a City candidate or ballot measure election. Entities that are found to be in violation of this ordinance may be fined up to three times the amount spent on the expenditure they failed to disclose.

Concurrence/Previous Council Action
On Feb. 15, 2018, then Councilwoman Kate Gallego, Councilwoman Debra Stark and then Mayor Greg Stanton requested an item be placed on a Formal agenda related to a proposed Charter Amendment regarding the disclosure of the contribution source for election-related independent expenditures, sometimes referred to as "dark money."

At the March 7, 2018 Formal Meeting, the City Council approved an eight-hour rule request for staff to conduct research on proposed ballot language for election funding disclosure.

On April 17, 2018, the Sustainability, Housing, Efficiency, and Neighborhoods Subcommittee approved a draft ordinance.

At the May 2, 2018 Formal Meeting, the City Council adopted an ordinance referring the proposed Charter Amendment regarding election funding disclosure to voters at the General Election on Nov. 6, 2018.

This item was continued to the Nov. 20, 2019 City Council Formal Meeting.

40 Proposed 17th Avenue and Desert Hollow Drive Annexation -

Authorization to File

Request to authorize the City Manager, or his designee, to file with the Maricopa County Recorder's Office a blank petition for a proposed annexation. This annexation was requested by Emil and Emila Pop for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation.

Summary

Signatures on the proposed annexation petition shall not be obtained for a waiting period of 30 days after filing the blank petition with the Maricopa County Recorder. Additionally, a Public Hearing will be scheduled within this 30-day waiting period, permitting the City Council to gather community input regarding the annexation proposal. Formal adoption of this proposed annexation will be considered at a later date.

Location

The proposed annexation area includes parcel 210-10-003 located at 25250 N. 17th Avenue (**Attachment A**). The annexation area is approximately 5.3 acres (0.0083 sq. mi.) and the population estimate is zero individuals.

Council District: 1

This item was approved.

41 Inspection Testing and Maintenance Report System for Fire and Life Safety Compliance - PPA Cooperative Contract RFP 1406 (Ordinance S-46120)

Request to authorize the City Manager, or his designee, to allow the use of the Public Procurement Authority (PPA) cooperative contract 1406 with Brycer, LLC, for an inspection testing and maintenance reporting system for fire and life safety compliance. Average annual staffing costs to operate the program are estimated at approximately $825,149 for nine additional full-time positions. The Department also anticipates the need for eight new vehicles to support inspections and follow-up on deficiencies. The one-time cost for purchase of the eight new support vehicles is approximately $208,000 or $26,000/each with an annual operations and maintenance cost of $72,000 to maintain all vehicles. Anticipated revenue with the current proposed fee of $30 per life safety

system submittal, could equate to approximately $683,200 annually, or $3,416,000 over the five-year term, once the program is fully implemented.

Summary

Fire Prevention is the inspection, education, and enforcement division of the Phoenix Fire Department (PFD), providing life safety services through fire code enforcement. One major component of protecting Phoenix residents and businesses from a destructive fire or other life safety risks is the regular inspection, testing and maintenance of fire protection systems. It is estimated that more than 40,000 fire protection systems exist in Phoenix, and each one must be evaluated and maintained properly. The Fire Code, that is based on nationally accepted standards and has been codified by the Phoenix City Council, requires third party contractors to conduct these inspections and report life safety system deficiencies to Phoenix Fire Prevention for appropriate follow-up and enforcement. The Brycer inspection testing and maintenance reporting system will allow PFD to focus on the required follow-up of deficiencies that are reported by the third party contractors.

In accordance with Arizona Revised Statutes (A.R.S.) 9-499-15, PFD has completed the process of posting the proposed new fees associated with the administration of inspection, testing and maintenance requirements of the Phoenix Fire Code. The current proposed fee per fire life safety system inspection charged by Brycer will not exceed $30.

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 use of the PPA cooperative contract will provide the City the deepest national discounts for these services.

Concurrence/Previous Council Action

This item was approved by the Public Safety and Justice Subcommittee on Oct. 9, 2019 by a vote of 3-0.

Contract Term

The contract term will begin on or about Dec. 1, 2019 and will expire on Nov. 30, 2024.

Financial Impact

Average annual staffing costs to operate the program are estimated at approximately $825,149 for nine additional full-time positions. The Department also anticipates the need for eight new vehicles to support inspections and follow-up on deficiencies. The one-time cost for purchase of the eight new support vehicles is approximately $208,000 or $26,000/each with an annual operations and maintenance cost of $72,000 to maintain all vehicles. Anticipated revenue with the current proposed fee of $30 per life safety system submittal, could equate to approximately $683,200 annually, or $3,416,000, over the five-year term, once the program is fully implemented.

This item was adopted.

42 Authorization to Enter into Wireless Communications License with New Cingular Wireless PCS, LLC at 38925 N. New River Road (Ordinance S-46121)

Request to authorize the City Manager, or his designee, to enter into a wireless communications license with New Cingular Wireless PCS, LLC, a Delaware limited liability company, for a new wireless communications site on land controlled by the Water Services Department at 38925 N. New River Road. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

The license is for access, construction, installation, operation and maintenance of a new wireless communications site that includes a 65-foot monopole and a 21-foot-by-24-foot equipment compound. The wireless communications site consists of approximately 2,813 square feet of ground space including access. New Cingular Wireless will provide and maintain all utility services such as electricity and communication lines to the site. New Cingular Wireless is responsible for obtaining all required permits, complying with all environmental regulations, and completing all maintenance and repairs at the site. The equipment compound will be secured and screened in accordance with Phoenix zoning regulations and requirements. New Cingular Wireless will

have access to the site seven days a week, 24 hours a day.

The license will be for an initial term of five years with one five-year option to extend. The license fee during the first year of the initial five-year term will be $1,200 per month, plus applicable taxes. The license fee will increase three percent annually beginning the second year of the initial term and each year thereafter, including the option period. This license fee and annual escalation rate are in accordance with the rate structure for wireless communications equipment on City-owned property established by Ordinance S-35981.

New Cingular Wireless will provide insurance and indemnification acceptable to the City's Risk Management Division and the Law Department. The license may be canceled pursuant to Arizona Revised Statute 38-511, or upon 180-days' prior written notice by the City. The license may contain other terms and conditions deemed necessary by the City.

Contract Term
Five years with one five-year option to extend.

Financial Impact
Annual revenue will be $14,400, plus applicable taxes, during the first year. The license fee will be increased three percent annually during the initial lease term and option period.

Location
38925 N. New River Road, Peoria, Ariz.
Council District: Out-of-City

This item was adopted.

43 Authorization to Amend Lease to Extend Term for Transit Center and Park-and-Ride at Metrocenter Mall (Ordinance S-46122)

Request to authorize the City Manager, or his designee, to amend Contract 104427 with Carlyle ER Metro, LLC to extend the lease term by one five-year period for the transit center and park-and-ride at Metrocenter Mall. Further request authorization for the City Controller to disburse funds related to this item. Base rent will be $60,000 per year

(plus applicable taxes) over the five-year extension period.

Summary

In 2003, the City of Phoenix leased approximately 113,163 square feet of land located at the southwest corner of the Metrocenter Mall property for public transit purposes. The leased premises contain two functional areas: (1) a transit center with a bus shelter, passenger waiting areas, and related improvements; and (2) a park-and-ride with 200 non-exclusive parking spaces. The City is in the final year of its final option period for the lease. The current lease expires Dec. 31, 2019. The Public Transit Department desires to continue operating the transit center and park-and-ride at this location to coincide with construction of the Northwest Extension Phase II Project and subsequent light rail operations, which will serve the Metrocenter Mall area.

The lease will be amended to extend the term for one five-year period. Base rent during the extended term will remain at $60,000 per year (plus applicable taxes), which is deemed reasonable by the Finance Department's Real Estate Division. The lease will also be amended to include a mutual cancelation provision. The extension will allow sufficient time for the City to demolish and remove the current transit infrastructure on this site and return it to its original condition in coordination with the planned Northwest Extension Phase II light rail project. All other terms and conditions of the current lease will remain in effect.

Contract Term

The extended contract term is one five-year period, expiring Dec. 31, 2024. The contract may be canceled by either party with 360 days written notice.

Financial Impact

Base rent will be $60,000 per year (plus applicable taxes) over the five-year extension period. Funds are available in the Public Transit Department's operating budget under the Transportation 2050 Fund.

Concurrence/Previous Council Action

The current contract was authorized by Ordinance S-29487, adopted Oct. 16, 2002.

This item was recommended for approval at the Transportation,

Infrastructure and Innovation Subcommittee meeting on Oct. 2, 2019, by a vote of 4-0.

Location

Metro Parkway West, across from Mission Lane, within a portion of property identified by the Maricopa County Assessor as Parcel 149-16-005A.
Council District: 1

This item was adopted.

44 Residential and Commercial Appraisal Services - Requirements Contracts (Ordinance S-46125)

Request to authorize the City Manager, or his designee, to enter into contracts with CBRE, Inc., Cushman & Wakefield of Arizona, Inc., Desmond, Marcello & Amster, LLC, Edwards Hahn Valuation & Advisory, Inc., EAD PLLC dba Every Appraisal Service, Integra Realty Resources - Phoenix, Inc., Kalinowski & Associates, Inc., Overland, Pacific & Cutler, LLC, SignValue, Inc., SITUS Real Estate Group, LLC, and Wayne Harding & Associates Real Estate Appraisal and Consulting, Inc. to provide residential and commercial appraisal services for the Finance Department. The aggregate contract value will not exceed $700,000 (including applicable taxes), with an estimated annual expenditure of $350,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix Finance Department Real Estate Division's Appraisal Section provides City departments with appraisal reviews, appraisals, and valuation services of real and personal property. This Qualified Vendor List (QVL) will supplement the Real Estate Division's existing QVL contracts established in 2017. The City's need for appraisal services have expanded over recent years. Four of the appraisers on the existing QVL are currently unavailable to accept work. These vendors will provide for appraisal services that are not covered by the existing QVL, such as residential, multi-family, and special purpose appraisals.

Procurement Information

Request for Qualifications 19-119 was issued in accordance with Administrative Regulation 3.10 with the intent to establish a QVL to

provide the appraisal services of real, commercial, and personal property. There were 13 offers received by the Finance Department Procurement Division on May 31, 2019. One offer was deemed non-responsive. Twelve offers were evaluated by a committee which determined 11 of the offers met the City's minimum qualification criteria.

The following offerors are recommended to be included on the QVL:

-CBRE, Inc.
-Cushman & Wakefield of Arizona, Inc.
-Desmond, Marcello & Amster, LLC
-Edwards Hahn Valuation & Advisory, Inc.
-EAD PLLC dba Every Appraisal Service
-Integra Realty Resources - Phoenix, Inc.
-Kalinowski & Associates, Inc.
-Overland, Pacific & Cutler, LLC
-SignValue, Inc.
-SITUS Real Estate Group, LLC
-Wayne Harding & Associates Real Estate Appraisal and Consulting, Inc.

The Deputy Finance Director recommends this list of responsive and responsible offerors to be included on the QVL.

Contract Term
The contract term shall begin on or about Oct. 2, 2019 and expire on Jan. 31, 2021.

Financial Impact
The aggregate contract value will not exceed $700,000 (including applicable taxes), with an estimated annual expenditure of $350,000. Funds are available in all City of Phoenix Departments' budgets.

This item was adopted.

45 Protective Footwear Contract (Ordinance S-46132)

Request to authorize the City Manager, or his designee, to add additional expenditures to Boot Barn contract 148178, Foot Solutions for Life, LLC doing business as (dba) Foot Solutions contract 148180, Uniforms, LLC dba Ace Uniforms of Phoenix contract 148177, Red Wing Brands of

America, Inc. contract 148175, Industrial Safety Shoe Company dba Industrial Shoe of Arizona contract 148919, and Jay R Rivin dba Jr's Shoes and Boots contract 148179, to provide protective footwear to meet the City's requirements of Administrative Regulation 2.313 Personal Protective Equipment (PPE), in the amount of $350,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Additional funds are necessary for employee safety by minimizing exposure to hazards that cause serious workplace injuries and illnesses. The requested products are critical to safe citywide operations and will aide in meeting the Administrative Regulation 2.313 requirements, that sets administrative controls to eliminate employee exposure to unsafe conditions. Vendors will provide protective footwear to meet the Occupational Safety and Health Act section 5(a)(1) General Duty Clause, which states each employer "shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." The City has recently improved the accounting process to track these purchases leading to a more accurate forecast of future spend amounts. Additionally, the City Manager has tasked the City Auditor to review the contracts and the usage to ensure the City is providing the right equipment at the right intervals. In order to give time to complete the audit and validate contract amounts for the future, staff is requesting some additional authority for what is currently estimated as the next 6 months of expenditure to allow time for the audit to be completed. Primary contract users include the Water Services, Public Works, Street Transportation, Parks and Recreation and Aviation departments. The City has purchased 2,759 pairs of shoes since July 2018 of which approximately 61 percent are from enterprise funds. Footwear contract vendors are located within and surrounding the Phoenix Metro areas.

Financial Impact

With the $350,000 additional funds, the contract's revised aggregate value through June 30, 2020 is now $850,000, and the revised estimated annual expenditure is $425,000. Water Services, Public Works, Street Transportation, Parks and Recreation and Aviation departments are the primary users and funds are available in each department's budget. The

contracts are available to all City departments. Staff will return to City Council to request approval of additional funds for the remaining term of the contract.

Concurrence/Previous Council Action
These contracts are the result of RFQu 18-184 awarded by Formal Council Action on the July 5, 2018 Council agenda with an estimated aggregate amount of $500,000.

This item was adopted.

46 Acceptance and Dedication of Easements for Public Utility and Sidewalk Purposes (Ordinance S-46133)

Request for the City Council to accept and dedicate easements for public utility and sidewalk purposes; further ordering the ordinance be 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: Clement Agboola and Bukunola Agboola, its successor and assigns
Purpose: Sidewalk
Location: 4635 S. 7th St.
File: FN 190099
Council District: 8

Easement (b)
Applicant: Alta Warehouse LLC, its successor and assigns
Purpose: Public Utility
Location: 402 W. Lincoln St.
File: FN 190089
Council District: 8

Easement (c)
Applicant: Alta Warehouse LLC, its successor and assigns
Purpose: Public Utility

Location: 402 W. Lincoln St.
File: FN 190089
Council District: 8

Easement (d)
Applicant: Alta Warehouse LLC, its successor and assigns
Purpose: Sidewalk
Location: 402 W. Lincoln St.
File: FN 190089
Council District: 8

Easement (e)
Applicant: Joe O. Duarte and Linda Filipov-Duarte, its successor and assigns
Purpose: Public Utility
Location: 10210 S. 19th Ave.
File: FN 190097
Council District: 8

This item was adopted.

47 Acquisition of Real Property for Roadway Improvements at Thomas Road and 71st and 75th Avenue Intersections and Indian School Road and 51st and 67th Avenue Intersections (Ordinance S-46136)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests required by donation, purchase within the City's appraised value, or by the power of eminent domain for roadway improvements at the Thomas Road and 71st and 75th Avenue intersections and the Indian School Road and 51st and 67th Avenue intersections. Further request authorization to dedicate land with roadway and/or public improvements to public use for right-of-way purposes via separate recording instrument. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
Acquisition is required to construct improvements to enhance the roadway and pedestrian conditions. The improvements include new traffic signal poles, traffic equipment upgrades, sidewalk ramps to meet Americans with Disabilities Act (ADA) requirements, curbs, gutters, and

pavement.

The properties impacted by this project are identified in **Attachment A.**

Financial Impact
Funding is available in the Street Transportation Department's Capital Improvement Program budget using Federal Highway Safety Improvement Program funds.

Location
Thomas Road and 71st and 75th Avenue intersections, and Indian School Road and 51st and 67th Avenue intersections.
Council Districts: 4, 5 and 7

This item was adopted.

48 Voluntary Acquisition of Three Parcels Near E. Sherman Street and S. 9th Place and Disposal of Three City-owned Parcels Near E. Watkins and S. 18th Streets (Ordinance S-46128)

Request to authorize the City Manager, or his designee, to voluntarily acquire three parcels located at 712 S. 9th Place, 801 S. 9th Way and 803 S. 9th Way, and sell three City-owned parcels located at 2406, 2410 and 2424 S. 18th St. within the City's appraised value. Further request authorization for the City Controller to disburse, and for the City Treasurer to accept all funds related to this item.

Summary
The properties to be acquired are located within Aviation's Land Reuse Strategy Area under the Airport Land Use Plan. This area consists of 166 acres of Aviation-controlled land, ready for redevelopment pursuant to feedback from the Federal Aviation Administration and the City-adopted implementation plan. Aviation, in partnership with the Community and Economic Development Department, desires to voluntarily acquire remaining privately-owned parcels as they become available, to create economically viable and marketable sites.

Rossco Electric LLC has agreed to voluntarily sell three lots to the City in a desired location within Aviation's Land Reuse Strategy Area on the condition that three City-owned sites are available to purchase as replacement lots. Aviation identified three parcels previously acquired for

noise compatibility to be suitable. Due to the parcel locations, zoning, intended use of the buyer, and other long-term compatibility factors, the Federal Aviation Administration supports disposal of the three parcels. The disposal of the three City-owned parcels will occur in conjunction with the acquisition. The properties will be acquired and sold based on appraised value.

The properties impacted by this project are identified in **Attachment A.**

Financial Impact
Funding is available in the Aviation Department's Capital Improvement Program.

Concurrence/Previous Council Action
The Land Reuse Strategy and Airport Land Use Plan were approved at the City Council Policy Session on Oct. 23, 2018 by a vote of 8-0.

Location
717 S. 9th Place, 801 S. 9th Way and 803 S. 9th Way, 2406, 2410 and 2424 S. 18th St.
Council District: 8

This item was adopted.

49 Request for City Council to Call to Meet in Executive Session on Nov. 19, 2019 at 1 p.m. and Revise Work Study Session to a Policy Session on Nov. 12, 2019

Request for the City Council to call to meet in Executive Session pursuant to Arizona Revised Statutes (A.R.S.), section 38-431.03.A, on Tuesday, Nov. 19, 2019 at 1 p.m. in the East Conference Room, 12th Floor of Phoenix City Hall, 200 W. Washington St., Phoenix, Arizona.

Additionally, change the scheduled 2:30 p.m. Nov. 12, 2019 Work Study Session back to a Policy Session.

Public Outreach
The Notice and Agenda for the Nov. 19, 2019 Executive Session will be posted no later than 1 p.m. on Nov. 18, 2019, pursuant to A.R.S. section 38-431.02.

This item was approved.

50 Authorization To Apply for, Accept, Disburse Funds and Enter into Agreements For U.S. Environmental Protection Agency Brownfields Assessment Coalition Grant for Rio Reimagined Project (Ordinance S-46153)

Request approval for the City Manager, or his designee, for the City of Phoenix Office of Environmental Programs (OEP) to submit a grant application to the U.S. Environmental Protection Agency (EPA) for a $600,000 Brownfields Assessment Coalition grant for the Rio Reimagined Project and, if awarded, to execute all contracts and Memorandums of Agreement (MOA) necessary to accept and disburse the grant funds. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, grant funds in accordance with the terms of the aforementioned grant and agreement.

Summary

The EPA Brownfields program provides grants to assess, safely clean up and sustainably reuse contaminated properties. The goal of the program is to put underused and abandoned properties with contamination or the perception of contamination back into productive use. This assessment grant would provide $600,000 in funding for environmental assessments on property acquisitions for the Rio Reimagined/Rio Salado Project. For many years, the City of Phoenix has worked with partners to invest in revitalizing the Rio Salado, and the region is reengaged to transform over 45 miles of the river stretching from the Salt River Pima Maricopa Indian Community to the east to the City of Buckeye to the west. Efforts to move the project forward continue at the federal level. Arizona State University (ASU) has helped to corral various jurisdictions and projects along the Rio Salado by developing a working group and framework for moving the project forward.

The opportunity to apply for brownfields funding was brought to the attention of the Rio Salado Working Group in June 2019 with additional education and resources presented in a Rio Reimagined Brownfields Workshop in August conducted by OEP, EPA, Arizona Department of Environmental Quality, developers, consultants, and the Center for Creative Land Recycling. As a result of the outreach, the cities of Avondale, Buckeye and Tempe elected to join the Coalition with Phoenix.

Other cities and tribal communities located within the Rio Reimagined Project area were also invited; however, declined to participate at this time. The OEP Brownfields Land Recycling Program will serve as the Lead Applicant for the coalition. The OEP has more than 20 years of experience in brownfields redevelopment and was one of the first cities to receive an EPA brownfields grant when the program was initiated in the 1990s. OEP has successfully managed several EPA assessment, land use planning, and environmental workforce development grants. As such, the Coalition nominated and OEP accepted the role of Lead Applicant, responsible for overall grant management. The MOA will detail the roles, responsibilities, authority, and details of disbursement of the grant funds and must be completed prior to award.

Within the City of Phoenix project boundaries there are properties that are challenged with environmental conditions that prohibit redevelopment and these grant funds will assist in determining the extent of environmental challenges. OEP informed the Community and Economic Development Department of this grant opportunity and they are supportive of applying for these funds. These grant funds can be used to fund environmental site assessments to define the actual environmental conditions, if any, at underutilized sites. This allows potential buyers to make informed decisions about redevelopment opportunities on these sites and encourages redevelopment of properties that may otherwise remain unused.

The assessments include Phase I Environmental Site Assessments (ESA), which are site investigations and searches of historical records and current databases for indicators of potential environmental contamination, and Phase II ESAs, which usually involve conducting soil, soil vapor, or groundwater testing to investigate any environmental concerns identified during the Phase I ESA. These environmental assessments must be conducted prior to property purchase to quality for liability protections. Often, purchasers of property, especially small business owners, are unable to cover the costs of environmental investigations.

The grant application deadline is Dec. 3, 2019. Award of funds is anticipated in Spring 2020, with funding available in October 2020.

Contract Term
The grant and any resulting contracts or MOAs are for three years.

Financial Impact
No match or General Fund monies are required for this grant.

Location
Council District(s): 6, 7, 8

This item was adopted.

51 Authorization to Apply for, Accept, Disburse Funds and Enter into Agreements for U.S. Environmental Protection Agency Brownfields Revolving Loan Fund Grant (Ordinance S-46154)

Request approval for the City Manager, or his designee, for the City of Phoenix Office of Environmental Programs (OEP) to submit a grant application to the U.S. Environmental Protection Agency (EPA) for a $1,000,000 Brownfields Revolving Loan Fund Grant and, if awarded, to execute all contracts and Memorandums of Agreement (MOA) necessary to accept and disburse the grant funds. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, grant funds in accordance with the terms of the aforementioned grant and agreement.

Summary
The EPA Brownfields program provides grants to assess, safely clean up and sustainably reuse contaminated properties. The goal of the program is to put underused and abandoned properties with contamination or the perception of contamination back into productive use. The Brownfields Revolving Loan Fund (RLF) Grant provides funding to capitalize an RLF program to provide low interest rate loans and subgrants to eligible entities to carry out cleanup activities at brownfield sites contaminated with hazardous substances and/or petroleum. The RLF would be available to projects city-wide with a focus on targeted areas, including, the Rio Reimagined Project, designated Redevelopment Areas, Neighborhood Initiative Areas, and special projects, such as the Edison-Eastlake Choice Neighborhood. The fund is termed revolving because it will use the loan and interest repayments to provide new loans to additional borrowers.

A total of $1 million is available with a minimum of 50 percent to be used for loans and the remaining may be awarded as grants to eligible entities, such as nonprofit organizations. OEP is responsible for overall administration of the RLF program, including community relations, public involvement activities and marketing of the loan fund to eligible applicants. OEP informed the Community and Economic Development Department of this grant opportunity and they are supportive of applying for these funds, are aware of potential projects that could benefit from the RLF, and will coordinate with OEP to promote the program.

LISC Phoenix, through the MOA, will be the Fund Manager and responsible for activities related to evaluating borrower applications and distributing funds in accordance with the grant requirements, as well as accepting payments. LISC is a national organization focused on interconnected national objectives of strong growth and widespread economic well-being. LISC Phoenix' strategy to invest in businesses, housing and other community infrastructure to catalyze economic, health, safety and educational mobility for individuals and communities fits well within the goals of this RLF program and the overall goals of the Phoenix Brownfields Land Recycling Program. LISC has extensive experience in managing loan funds and they also have experience through their national organization in administering Brownfields RLFs.

The grant application deadline is Dec. 3, 2019. Award of funds is anticipated in Spring 2020, with funding available in October 2020.

Contract Term

The grant and resulting contracts or MOAs are for five years.

Financial Impact

A 20 percent cost share or $200,000 is required and will be met through in-kind services from OEP and other City staff that may be involved in specific projects and from other available and eligible incentives that may be awarded to applicants.

This item was adopted.

52 2019-20 HOME Investment Partnerships Program Call for Interest

Request for City Council approval of the Housing Department's Affordable Housing Loan Program (AHLP) Call for Interest (CFI), Community Priorities for the 2019-20 HOME Investment Partnerships Act (HOME) Program competitive funding round, and the associated revisions to the AHLP's Underwriting Guidelines. The HOME Program is a federally funded program. There is no impact to the General Fund.

Summary

The AHLP's Community Priorities (Priorities) and Underwriting Guidelines allow the City to be proactive in communicating housing needs to developers of affordable and/or special needs housing. On Nov. 14, 2018, City Council approved the Priorities as follows, and the Housing Department recommends continuing with these Priorities for the 2019-20 CFI:

Acquisition, rehabilitation, and/or new construction of properties that focus on homeless or special needs populations and that provide appropriate services to assist and sustain these populations.

Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Program.

The total allocation available for the 2019-20 CFI is approximately $6 million in HOME funding, of which $828,000 must be awarded to CHDOs. The remaining funds will allow for an estimated five to six affordable housing project awards with a maximum award of $1 million.

Procurement Information

The CFI will be available through the City's website in November 2019. A selection committee will convene to evaluate proposed projects for the CFI-identified Priorities, based on the criteria listed below. The committee will be made up of representatives from City departments and community partners with housing development expertise who are not competing for the funding. Formal recommendation for the CFI award(s) will be presented to the Land Use and Livability Subcommittee and City Council for approval.

Applicants must meet the following threshold criteria prior to moving forward for evaluation and scoring by the selection committee.

Threshold Criteria:
Application submitted before deadline.
Development team is not on the HUD Debarment List.
Compliance with existing city loans.
Complete application as specified in the CFI.

Those applications that do not meet the threshold criteria will be rejected and not move forward to evaluation.

Evaluation criteria for selection will include the following:

Developer Experience (130 pts) - Capacity and prior experience of the organization; its staff member and consultant experience in planning and completing projects similar to the proposed project; property management experience of those who will manage the proposed property; including compliance with federally-subsidized units.

Project Merits (215 pts) - Project need, proximity to services; sustainability as demonstrated in energy efficient design; location near transportation; amenities included in the project design; site plans and elevations; accessibility; experience of the General Contractor; project readiness and timeline.

Financial Feasibility (130 pts) - Includes development financing plan; funding commitments; mitigation of identified risks; leverage of City funds.

Project Impact (25 pts) - How likely the project is to succeed and accomplish its goals; serve the intended population; and demonstration of financial feasibility and project readiness.

Underwriting Guidelines Revisions
The City first adopted the Underwriting Guidelines (Guidelines) in October 2005. Since then the Guidelines have been periodically updated to reflect current City priorities, federal funding regulations and changes in lending practices. The Guidelines were last updated in November 2018. The goals of the Guidelines are to:

Provide long-term housing affordability.
Outline clear guidelines for quality, well-constructed or rehabilitated housing.
Create predictable, clear underwriting and approval process.
Manage risk and encourage high performing projects.

Proposed revisions to the Guidelines include the following:
Ensure consistency throughout as it relates to disbursement schedules, debt service coverage ratio, area median income served, loan terms, etc.
Update community outreach requirement to include documentation of outreach efforts.
Revise definition of cash flow.

Financial Impact

There is no impact to the General Fund. HOME is a federally funded program.

Concurrence/Previous Council Action

This item was recommended for approval at the Land Use and Livability Subcommittee meeting on Oct. 16, 2019, by a vote of 4-0.

This item was approved.

53 Authorization to Enter into Contract for Social and Emotional Learning Program and Professional Development (Ordinance S-46130)

Request to authorize the City Manager, or his designee, to enter into a contract with Loving Guidance, Inc., dba Conscious Discipline to provide a social and emotional learning program and professional development in an amount not to exceed $500,000 over the life of the contract. Further request authorization for the City Treasurer to receive funds and the City Controller to disburse all funds related to this item. Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. No additional General Funds are required.

Summary

The City of Phoenix Head Start Birth to Five Program (City) requires a social and emotional learning program and professional development

package in alignment with Head Start Performance Standard §1302.45. The Head Start Performance Standard requires a program-wide culture that promotes children's mental health, social and emotional well-being, and overall health.

Strong social-emotional development in the early years provides a critical foundation for lifelong development and training. Teaching staff have identified an increasing number of and escalating types of behavioral concerns in the classroom. Although behavior support staff are responsive, the need for a comprehensive, program-wide approach to ensure classroom safety is imperative. In addition, the City must implement policies to limit suspension and prohibit expulsion as described in Head Start Performance Standard §1302.17.

Procurement Information

RFP-19-EDU-27 was issued on Feb. 27, 2019. Three offers were received but all offers were rejected for nonresponsivness and the solicitation was canceled. This solicitation was conducted in accordance with Administrative Regulation 3.10. A second Request for Proposal, RFP-19-EDU-32 was issued on Aug. 9, 2019. One offer was received on Aug. 30, 2019. This solicitation was also conducted in accordance with Administrative Regulation 3.10.

The offer was evaluated on the following criteria: Experience, Qualifications, Capability and Capacity (500 points), Method of Approach (350 points) and Purchase Price (150 points). The evaluation committee recommends contract award to Loving Guidance, Inc., dba Conscious Discipline with a total score of 950.

Contract Term

The initial contract term will begin on or about Nov. 1, 2019 and end Oct. 31, 2021 with one three-year option to extend.

Financial Impact

Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. No additional General Funds are required.

Concurrence/Previous Council Action
The Head Start Birth to Five Parent Policy Council approved the request to release the Social and Emotional Learning Program and Professional Development RFP on Aug. 13, 2018.

This item was adopted.

54 Authorization to Amend Agreement and Accept Additional Department of Economic Security Funding (Ordinance S-46137)

Request to authorize the City Manager, or his designee, to amend Intergovernmental Agreement (IGA) 140755 with the Arizona Department of Economic Security to accept additional funding in an amount not to exceed $1,021,758 for a contract aggregate not to exceed $10,758,192 for the period between July 1, 2019, to June 30, 2020. Further request authorization for the City Treasurer to accept and City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary
Funds provided to the City of Phoenix through this agreement will be used to assist low-income individuals and families by removing barriers to self-sufficiency through employment and education resources, housing assistance, emergency and utility assistance, along with ongoing supportive services through case management and community coordination.

This funding will allow the City to provide approximately 2,290 additional emergency rent, mortgage and utility assistance services and assist with case management and information and referral services.

Contract Term
This is an amendment to the IGA for fiscal year July 1, 2019, to June 30, 2020. The entire term of the existing IGA is July 1, 2015 to June 30, 2020.

Financial Impact
There is no impact to the General Fund. Funding for FY2019-20 will be provided from various fund sources (**Attachment A**).

This item was adopted.

55 Phoenix Public Library's Annual Application for Arizona State Library's State Grants-In-Aid Funds

Request to authorize the City Manager, or his designee, to apply for, accept and for the City Controller to expend Phoenix Public Library's application for FY 2019-20 State Grants-in-Aid (SGIA) money. The amount allocated for Phoenix Public Library this year is $77,447 and will be utilized to assist Phoenix Public Library with its efforts in the areas of Workforce Assistance and Early Literacy Outreach.

Summary

State Grants-in-Aid (SGIA) are allocated annually to the Library based on a per capita distribution of funds by the Arizona State Legislature through the Arizona State Library, Archives and Public Records. The amount allocated for Phoenix Public Library this year is $77,447.

For the sixth year running, the above funds will be utilized to assist Phoenix Public Library with its efforts in the areas of Workforce Assistance and Early Literacy Outreach. On the Workforce Assistance front, $22,000 of the funds will be used for continued funding of a part-time employee to assist with the implementation of workforce literacy classes and drop-in workforce assistance at the Ocotillo Library and Workforce Literacy Center and $48,000 of the funds will be used to continue to fund two part-time Early Literacy Outreach employees to conduct outreach into the communities of the Harmon, Cesar Chavez, Palo Verde, Ocotillo and Desert Sage libraries. The remaining $7,447 will be used to provide outreach supplies, children’s books for outreach visits, and to pay for employee mileage.

The Ocotillo Library and Workforce Literacy Center assists job seekers by offering classes in resume writing, interviewing skills, and computer use. It also offers PhoenixWorks, which is a collection of materials to support workforce needs including resume writing, occupational testing, language learning and computer skills.

SGIA funds allow Phoenix Public Library to extend critical early literacy outreach into areas of the City identified with the most need.

Concurrence/Previous Council Action

This item was recommended for approval at the Land Use and Livability Subcommittee on Oct. 16, 2019, by a vote of 4-0.

Financial Impact
The amount allocated for Phoenix Public Library this year is $77,447.

Location
Ocotillo Library and Workforce Literacy Center, 102 W. Southern Ave.
Harmon Library, 1325 S. 5th Ave.
Cesar Chavez Library, 3635 W. Baseline Road
Palo Verde Library, 4402 N. 51st Ave.
Desert Sage Library, 7602 W. Encanto Blvd.
Council Districts: 5, 7, 8

This item was approved.

56 2019 Community Development Block Grant Reprogramming Request (Ordinance S-46138)

Request to authorize the City Manager, or his designee, to reprogram $250,000 of available Community Development Block Grant (CDBG) program income to continue to fund additional targeted code enforcement. Further request to authorize the City Controller to disburse the funds for the purpose of this ordinance.

Summary
Each fiscal year, the Neighborhood Services Department (NSD) requests that program income from projects funded by the CDBG allocation are reprogrammed into critical, core department services that have previously been approved by City Council. This year, NSD requests that $250,000 of CDBG program income be reallocated to fund the following service:

Targeted Code Enforcement ($250,000)
This provides an additional year of continued funding for two Neighborhood Preservation Inspector I positions originally eliminated as part of the Feb. 3, 2009 General Fund budget reduction. Staff will continue to provide enforcement of the Neighborhood Preservation Ordinance in targeted eligible low- and moderate-income census tracts, specifically in the City's targeted Neighborhood Initiative and Redevelopment areas, including the West Phoenix Revitalization Area through June 30, 2020.

Concurrence/Previous Council Action
This item was recommended for approval at the Land Use and Livability Subcommittee meeting on Oct. 16, 2019, by a vote of 4-0.

Location
Targeted Neighborhood Initiative and Redevelopment areas citywide, including the West Phoenix Revitalization Area.

This item was adopted.

57 2020-21 CDBG Public Service and Public Facility Request for Proposals

Request City Council approval of the Community Development Block Grant (CDBG) Request for Proposals (RFP) process and proposed priorities for the Public Service and Public Facility (PS/PF) program.

Summary
The CDBG RFP process for the PS/PF program provides an opportunity for nonprofits to apply for funding to implement facility improvements and deliver critical programs and services that serve low- and moderate-income communities in Phoenix. The PS/PF program is an important element of the Consolidated Plan and Annual Action (AA) Plan required by the U.S. Department of Housing and Urban Development (HUD). For fiscal year 2020-21, NSD staff estimates that approximately $352,000 is available for the Public Service RFP and $428,000 is available for the Public Facility RFP.

The following proposed PS/PF program priorities are reflective of the City's current 5-Year Consolidated Plan and based on feedback from residents and neighborhood leaders during prior outreach and engagement activities including community budget hearings, input from local nonprofits who serve low- and moderate-income Phoenix residents, and guidance from the Community Development (CD) Review Committee. The CD Review Committee is a Mayor and Council-appointed advisory board that provides recommendations regarding methods to address the needs of Phoenix neighborhoods and residents. Each year, the Neighborhood Services Department receives over 100 applications requesting more than $3 million in funding from the PS/PF program. The number of applications demonstrates the need for

assistance to our neighborhoods far exceeds the availability of funding.

Procurement Information
The proposed priorities for the 2020-21 RFPs are as follows:

Public Service Priorities
Low-Income Youth Service
Support Services to Persons with Disabilities
Senior Support Services

Staff estimates approximately $352,000 is available for Public Service.

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

Staff estimates approximately $428,000 is available for Public Facility.

The tentative dates for the 2020-21 Public Service and Public Facility RFPs are as follows:
RFPs Available - Nov. 8, 2019
Proposals Due - Dec. 10, 2019

City Council will be asked to review and approve the proposed CDBG RFP allocations in the spring of 2020.

Concurrence/Previous Council Action
This item was recommended for approval at the Land Use and Livability Subcommittee meeting on Oct. 16, 2019 by a 4-0 vote.

This item was approved.

58 Intergovernmental Agreements with Various School Districts for Phoenix Afterschool Center (PAC) Sites (Ordinance S-46135)

Request to authorize the City Manager, or his designee, to execute Intergovernmental Agreements (IGAs) between the Parks and Recreation Department and various school districts for PAC sites throughout the City of Phoenix. There is no financial impact associated

with this item as participants pay program fees that support the PAC program.

Summary

The City of Phoenix Parks and Recreation Department's PAC program is an affordable afterschool recreation and enrichment program for youth ages 6 to 13. PAC serves approximately 1,400 youth daily at 36 school sites throughout the City of Phoenix (**Attachment A**). PAC provides a fun, supportive and educational atmosphere during the crucial afterschool hours. PAC's programming includes organized physical activity and games; Science, Technology, Engineering and Math (STEM) educational enrichment; arts; cultural activities; homework assistance; and civic and community involvement.

The Parks and Recreation Department partners with school districts to offer the PAC program at school sites. PAC is currently offered in the following 13 school districts: Balsz, Creighton, Roosevelt, Tempe, Wilson, Osborn, Paradise Valley, Washington, Cartwright, Pendergast, Riverside, Tolleson and Union. Additionally, there are two PAC sites located at charter schools (ASU Prep and AmeriSchools). PAC is currently funded for 36 school sites.

To facilitate the PAC program, the Parks and Recreation Department requires each school district to sign an IGA. The IGAs contain substantially similar language, including required City provisions, such as indemnification/hold harmless and nondiscrimination language. Additionally, the IGAs contain a list of City responsibilities, such as programming hours, staffing levels, staff-to-participant ratios and registration options. The IGAs also contain a list of responsibilities of the participating school districts, including that they must provide free facility usage with adequate indoor/outdoor space, a daily healthy snack for participants and access to cleaning materials/custodial services, among other requirements. Similar agreements are entered into with charter schools; however, these agreements take the form of Memoranda of Understanding (MOUs) rather than IGAs and are not approved by City Council.

School districts do not pay for their school sites to participate in the PAC program. Participants pay program fees that support the PAC program.

To ensure PAC remains affordable, the fee structure is based on each school's U.S. Department of Agriculture (USDA) free and reduced lunch rate. Program fees for all sites range from $30 to $65 per session ($120 to $260 annually). Families can sign up for all four sessions or fewer, depending on their afterschool needs. Scholarships for families in need of assistance also are available and provided by private donors, school districts and Block Watch grants.

Once approved by the governing board of the respective school district, the IGA is then routed back to the Parks and Recreation Department, which has compiled the IGAs for City Council approval. The term of the respective IGAs is generally five years, through the 2023-24 school year, although the City and the school districts have the mutual option to withdraw from PAC based on factors such as low enrollment or budget reductions.

Contract Term

The IGAs with the school districts generally have terms of five years (through July 2024).

Financial Impact

There is no financial impact associated with this item. PAC is currently funded for 36 school sites. Participants pay program fees that support the PAC program.

This item was adopted.

61 Authorization to Enter into Development Agreement with Mercury Systems (Ordinance S-46155)

Request authorization for the City Manager, or his designee, to enter into a Development Agreement (Agreement), and to execute any other instruments or documents necessary with Mercury Systems. Further request the City Controller to disburse funds in an amount not to exceed $100,000 with this action. Funding is available in the Strategic Economic Development Fund.

Summary

After a search involving multiple states and regions, Mercury Systems expressed its desire to expand its presence in Phoenix. Mercury Systems, an international company with 1,200 employees worldwide, was

founded in 1981 and is a publicly-traded provider of critical defense and intelligence programs with an emphasis on defense electronics. Mercury Systems currently occupies a manufacturing facility at 3601 E. University Drive #7217, and will expand into an adjacent 50,000 square foot building by 2022.

Mercury Systems has approximately 290 local employees. This expansion will result in up to 100 new high-wage advanced manufacturing jobs to be phased by 2023. As part of the expansion Mercury Systems will be investing nearly $31 million in construction, machinery and equipment, furniture and fixtures and IT.

The City recognizes the significant economic impacts to the City and region from Mercury System's expansion efforts. Advanced manufacturing has a multiplier effect that ripples across the economy creating jobs and growth in other industries. To remain competitive on an international level and ensure quality manufacturing positions are created in Phoenix, the terms of the Agreeement are as follows:

Mercury Systems agrees to expand its organization within the City of Phoenix into an exiting facility near 3601 E. University Drive.
Mercury Systems intends to create up to 100 additional new jobs within four years of entering into the agreement.
The Agreement will detail a performance-based training fund.
The City will provide $1,000 to Mercury Systems for each net new employee earning an annual wage exceeding $50,000 in their second year of employment, and certification of other requirements to be specified in the Agreement.
All other terms and conditions deemed necessary by the City.

Entering into the Agreement and participation in this job creation fund does not preclude Mercury Systems from working with the City's Workforce Innovation Opportunity Act Program or any other local and/or State program.

Financial Impact

The total contract amount will not exceed $100,000 over a four-year period. Funding is available in the Strategic Economic Development Fund beginning in FY 2020-21.

Location
3601 E. University Drive and expand to an adjacent facility
Council District: 8

This item was adopted.

62 Dedication of a Sidewalk Easement Located at 222 E. Jefferson St. (Ordinance S-46152)

Request for the City Council to dedicate an easement to public use for sidewalk purposes over a portion of City-owned real property, and further ordering the ordinance recorded.

Summary
The dedication is required to facilitate the development of a multifamily residential building as part of a Community and Economic Development Department project. Upgrades to the existing sidewalk and streetscape will be completed as part of the project. The approximately 2,304-square-foot sidewalk easement will enhance the pedestrian experience along the street frontage of the building.

Location
222 E. Jefferson St.
Council District: 7

This item was adopted.

64 Consent to Assignment of Leases from Fox Rent A Car, Inc. to Europcar Mobility Group (Ordinance S-46151)

Request to authorize the City Manager, or his designee, to consent to the assignment of Rental Car Concession Agreement No. 146863 (Concession Agreement), Rental Car Center Lease No. 146864 (RCC Lease), and Airport Land Lease Agreement No. 118863 (Land Lease) from Fox Rent A Car, Inc. (Fox) to Europcar Mobility Group USA LLC (Europcar). All terms and conditions of the Agreement and Leases will remain the same.

Summary
Fox operates concession space for a storefront service counter in the Customer Service Building at the Rental Car Center (RCC). Fox also leases a vehicle service site at the RCC, which includes part of an office building, carwash, fueling facility, and parking area. In addition, Fox

leases approximately 6,893 square feet of parking space located west of 16th Street near the RCC. Fox was awarded space in the RCC based on its revenue market share resulting from the last revenue contract solicitation in 2017. Fox is in the process of completing a transaction under which Europcar will purchase 100 percent of Fox's outstanding capital stock. The Agreement and Leases require the City's prior approval to the sale of the stock, which will result in a transfer of control in Fox as a result of Europcar's pending purchase of Fox's outstanding stock. Fox's financial position will be strengthened under its ownership by Europcar, a subsidiary of Europcar Mobility Group, which operates a 27 percent market share in Europe.

Contract Term

The Concession Agreement and Leases will expire on Dec. 31, 2022, but may be extended for an additional five years if the City, in its sole discretion, exercises its options to extend the terms.

Financial Impact

There is no change in the financial terms of the Concession Agreement or Leases. The Concession Agreement is set at the greater of 10 percent of gross sales or the minimum annual guarantee of $1,353,047. Fox also collects and remits a $6 per day customer facility charge for each day a car is rented. Rent for the RCC Lease is based on ground rent, which is currently $0.79 per square foot and subject to adjustment according to the Phoenix-Mesa-Scottsdale CPI Index, along with its annual share of operation and maintenance (O&M) expenses. For fiscal year 2020, the O&M expenses are projected to be $516,965. Rent for the Land Lease is $6,225.54 monthly subject to annual CPI adjustments.

Location

Phoenix Sky Harbor International Airport Rental Car Center, 1805 Sky Harbor Circle
Council District: 8

This item was adopted.

65 Amend and Extend Transit Scheduling Software Maintenance Agreement (Ordinance S-46140)

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

contract change order to Agreement 140238 with GIRO software company to extend the transit scheduling software (HASTUS) agreement through February 2022. Further request authorization for the City Controller to disburse funds in an amount not to exceed $687,280 over the contract term.

Summary

HASTUS is the transit scheduling and dispatch system used by the Public Transit Department (PTD), Valley Metro/Regional Public Transportation Authority (RPTA), and regional transit contractors for creating bus and rail routes and schedules, performing multi-modal transit service planning, and managing bus operations including transit contractor work assignments. The software is also used for service monitoring conducted by agency staff. As a transit scheduling software, HASTUS enables the City's planners and schedulers to create bus and rail schedules and plan region-wide transit services. Transit schedules created in HASTUS are then imported into to the Computer Aided Dispatch and Automatic Vehicle Locator (CAD/AVL) system on-board regional transit vehicles, whereby transit service contractors use the integrated systems to operate transit services as provided to the public in published schedules. Regional transit planning staff also use the system to analyze bus service data and plan for future service improvements, and to evaluate transit routes for operating efficiencies. Additionally, the City's North/South Transit Facility operations contractor uses the software for the bidding of bus operator work, workforce dispatching, and payroll functionality. The City's West Transit Facility contractor and RPTA's East Valley contractor are also in the process of migrating to using HASTUS for operator assignments dispatch functions.

The current contract expires on Feb. 9, 2020. Due to the proprietary nature of the system and the need for continuous use to ensure uninterrupted regional transit operations, the Public Transit Department requests extending the agreement to Feb. 9, 2022. This will allow for continuous use of the system with its current version until the next system upgrade is completed.

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

Contract Term

Request to extend the contract term from Feb. 10, 2020 through Feb. 9, 2022.

Financial Impact

The total amount of this change order will not exceed $687,280. Funds are available in PTD's operating budget using Transportation 2050 funds. The City recovers a portion of the costs associated with providing and maintaining this software on behalf of its regional partners through support agreements with those agencies.

Concurrence/Previous Action

Agreement 140238 was initially approved by Council on Feb. 4, 2015.

This item was adopted.

66 Amend Scheduling/Dispatch Software Agreement to Include Additional Peak Vehicle Licenses (Ordinance S-46141)

Request to authorize the City Manager, or his designee, to enter into a contract change order to Agreement 98517 with GIRO to increase the total number of peak vehicle licenses as part of the HASTUS scheduling/dispatch software system from 700 units to 800 units. Further request authorization for the City Controller to disburse funds in an amount not to exceed $121,660.

Summary

The Public Transit Department (PTD), regional partners, and transit operations contractors currently utilize the GIRO-HASTUS software program for various transit planning and operations functions. HASTUS is the scheduling and dispatch system used by the PTD and the Regional Public Transportation Authority (RPTA) for creating bus and rail routes and schedules, performing multi-modal transit service planning, and managing bus operations. The PTD has been using the HASTUS proprietary scheduling software since 2001. As transit-scheduling software, HASTUS enables regional transit planners and schedulers to create bus and rail schedules and plan region-wide transit services. Transit schedules created in HASTUS are then imported into the Computer Aided Dispatch and Automatic Vehicle Locator (CAD/AVL) system on buses, whereby bus operators use the integrated system information to operate transit services. Regional planning staff also use

the system to analyze bus service data and plan for future service improvements.

Transit operations contractors, operating from the region's transit garages, use the HASTUS system to manage their daily bus operations and work assignments. The software provides transit operations contractors with the following functionality:
Operator check-in/check-out process at dispatch;
Creation of operator work schedules;
Management of bus assignments;
Ability for operator bidding on work schedules; and
Payroll generation using operator assignments and shift data.

The HASTUS scheduling software is a critical component of transit service planning, scheduling, and management; it provides critical information into the CAD/AVL system, which in turn provides information to the fare collection system. The fare collection system further enables the City to collect transit fares and track bus ridership for the region. Transit operations, planning, and contractor staff rely on this information to ensure efficient service planning and delivery to our passengers.

Licensing for HASTUS is based on the number of peak vehicles used in the region, and the PTD and its partners plan on using more than the currently stipulated number of licensed peak vehicles (700). The PTD requests to increase the number of available licenses to accommodate the regional transit fleet, while also planning for future fleet expansion. The next available level of peak licensing is 800 vehicles, which will meet the department's and region's fleet needs over the next several years. The PTD uses an existing Intergovernmental Agreement (IGA) with Valley Metro/RPTA to recover vehicle software license and maintenance costs.

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

Financial Impact
This change in the License and Services Agreement is a one-time payment, and the total amount of this change order will not exceed

$121,660. Funds are available in the PTD's operating budget using Transportation 2050 funds.

Concurrence/Previous Council Action

Agreement 98517 was originally approved by Council on Feb. 21, 2001.

This item was adopted.

69 Miscellaneous Building Repairs - Requirements Contracts (Ordinance S-46144)

Request to authorize the City Manager, or his designee, to enter into contracts with three firms: 1) SOS Builders, LLC, Skyline Builders & Restoration, Inc., 2) Hernandez Companies, Inc., and 3) BWC Enterprise, Inc. dba Woodruff Construction, for incidental building repairs to be used on an as-needed basis in an amount not to exceed $1,250,000 over the life of the contracts. Further request the City Controller to disburse all funds related to this item.

Summary

These contracts will be used for commercial maintenance, incidental building repairs and tenant improvement services for over 600 City-owned facilities maintained by the Public Works Department. The services will be used as needed to provide Facilities Management Division additional support with increased building repairs and tenant improvements for various customer departments, including but not limited to: Fire, Police, Parks and Recreation, Library, Human Services, Street Transportation, Neighborhood Services, and the Office of Arts and Culture departments.

Procurement Information

Invitation for Bid 20-FMD-020 for miscellaneous building repairs was conducted in accordance with Administrative Regulation 3.10. There were eight offers received by the Public Works Procurement Division on Sept. 11, 2019. The offers were evaluated based on price, responsiveness to all specifications, and the responsibility to provide the required goods and services. The offers submitted by SOS Builders, LLC, Skyline Builders & Restoration, Inc., Hernandez Companies, Inc., and BWC Enterprise, Inc. dba Woodruff Construction, were deemed to be fair and reasonable.

Contract Term

The initial one-year contract term shall begin on or about Dec. 1, 2019 with four, one-year options, for a total contract term of five years.

Financial Impact

The aggregate contract value including all option years will not exceed $1,250,000, including applicable taxes, with an estimated annual expenditure of $250,000. Funds are available in the Public Works Department's budget.

This item was adopted.

71 Intergovernmental Agreement with Arizona Department of Transportation for Loop 101 Mobility Project (Ordinance S-46123)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) to commit to providing at least $2 million in City match projects in support of the Loop 101 Mobility Project, which provides for Integrated Corridor Management (ICM) for the Phoenix portion of Loop 101 Pima Freeway. The cost to fund this agreement is $2 million of in-kind match projects utilizing existing CIP funded programs over three fiscal years. Further request to authorize the City Controller to disburse funds.

Summary

The Loop 101 Mobility Project will allow for the design, integration and implementation of a Decision Support System (DSS) to address safety, improve mobility and reduce congestion on the Loop 101 Pima Freeway. The DSS will be housed at ADOT's Traffic Operations Center and will provide recommendations to jurisdictions affected by incidents on the Loop 101 Pima Freeway. The project will provide ICM operations which will help identify and execute arterial detour routes that optimize the use of existing capacity based on real-time data and predicted congestion levels. The City of Phoenix will have final approval of the detour routes and have the ability to override DSS recommendations.

In an effort to advance the Loop 101 Mobility Projects, various governmental entities are being asked to design, construct, maintain, and integrate individual in-kind projects to ensure the federal dedication of funds. Currently, the City match projects under evaluation include:

upgrading three signalized intersections and nine signal cabinets; installing fiber-optic interconnection on Mayo Boulevard from 64th Street to Scottsdale Road; and installing technological improvements to improve traffic management and signal timing. The technological improvements, also referred to as intelligent transportation systems, include: 30 closed circuit cameras to monitor traffic at intersections, 40 small devices that collect travel time data, and advanced vehicle detection sensors at 6 intersections that improve traffic flow efficiency along the Loop 101 corridor.

Contract Term

The IGA term will begin on or about Nov. 6, 2019 and end on June 30, 2022.

Financial Impact

The cost to fund this agreement is $2 million of in-kind City match projects utilizing existing CIP funded programs over three fiscal years. Funding is available in the Street Transportation Capital Improvement Program (CIP).

Location

Loop 101 Pima Freeway corridor bounded by Pinnacle Peak Road to the north and Bell Road to the south; 51st Avenue to the west and up to but not including Scottsdale Road to the east.
Council Districts: 1, 2 and 3

This item was adopted.

72 MCDOT Intergovernmental Agreement Indemnification Language (Ordinance S-46146)

Request to authorize the City Manager, or his designee, to include a mutual indemnification provision in an Intergovernmental Agreement (IGA) with the Maricopa County Department of Transportation (MCDOT) that was previously authorized by Ordinance S-45239, waiving PCC 42-18. This authorization will not alter the amount previously authorized under Ordinance S-45239 authorizing the City's share not to exceed $2.5 million.

Summary

This request relates to a proposed IGA previously authorized by

Ordinance S-45239. The proposed IGA highlighted MCDOT's plan to make improvements to Lower Buckeye Road from 71st to 67th Avenue in fiscal year (FY) 2020. Through the IGA the City will enter into a cost share agreement with MCDOT to complete full roadway improvements. This agreement includes widening this segment of Lower Buckeye Road to align with the adjacent roadway configuration and allows for other improvements such as sidewalks, Americans with Disabilities Act (ADA) sidewalk ramps, streetlights, and traffic signal upgrades. This section of Lower Buckeye Road was originally programmed for improvements in FY 2030 using Transportation 2050 (T2050) funds.

During negotiations MCDOT requested that the IGA include a mutual indemnity provision. Accordingly, staff requests an exemption from the indemnification prohibition set forth in Phoenix City Code 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20 so that the City and County can include a mutual indemnity provision within the IGA.

Concurrence/Previous Council Action
The City Council previously approved the authorization to enter into an Intergovernmental Agreement with MCDOT (Ordinance S-45239) on Dec. 12, 2018.

Financial Impact
This authorization will not alter the amount previously authorized under Ordinance S-45239 authorizing the City’s share not to exceed $2.5 million.

Location
Lower Buckeye Road from 71st Avenue to 67th Avenue
Council District: 7

This item was adopted.

73 Request to Amend and Extend Contract for LED Street Light Services (Ordinance S-46127)

Request to authorize the City Manager, or his designee, to amend Contract 144691 with Ameresco to extend services through the end of the 10-year warranty term for the energy efficient Light Emitting Diode

(LED) street lights under the City's Energy Saving Street Light Project for the Street Transportation Department. The warranty was a fundamental requirement of the procurement and original contract, and this Amendment aligns the contract term with the full warranty period. Further request authorization for the City Controller to disburse funds related to this item.

Summary

On Nov. 30, 2016, the City Council approved a $30 million contract to convert the City's high pressure sodium (HPS) street lights to energy efficient LED street lights under the City's Energy Saving Street Light Project. Financing for this project was provided through issuance of an excise tax bond, and annual energy and maintenance savings resulting from the installation of the more efficient LED lighting more than covers the financing costs. A requirement of the excise tax bond was a 10-year extended warranty to maintain the approximately 95,000 newly installed LED street lights. The term of the LED conversion portion of the project was not to exceed 36 months for all phases of the project, which will be completed as expected and on time.

The 10-year extended warranty included in the contract begins at substantial completion of the LED conversion. The original authorization (S-43048) included the 36-month LED conversion in the contract term, but did not include the term of the 10-year extended warranty since the exact project term date was unknown. The Street Transportation Department is requesting to extend the term of the contract to cover the 10-year warranty period, including authorization for any payments that may be made to Ameresco during the warranty period - within the original amount authorized for the project. No additional funds are being requested in this Amendment.

Procurement Information

In accordance with Administrative Regulation 3.10, a formal procurement was conducted in 2016 through a Request for Proposals.

Contract Term

This Amendment will extend the payment authorization and contract period through March 31, 2029 to cover the warranty period.

Financial Impact

There is no financial impact to the City of Phoenix.

Concurrence/Previous Council Action

The original contract (S-43048) was approved by City Council on Nov. 30, 2016.

This item was adopted.

74 Fire Alarm - Job Order Contracting Services Contracts (Ordinance S-46143)

Request to authorize the City Manager, or his designee, to enter into separate agreements with four contractors to provide Fire Alarm Job Order Contracting (JOC) Services citywide on an as-needed basis. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $8 million for each master agreement.

Additionally, request to authorize the City Manager, or his designee, to take all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project and to include disbursement of funds. Utility services include, but are not limited to: electrical; water; sewer; natural gas; telecommunications; cable television; railroads; and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary

The State of Arizona (State) has completed a procurement process to select four Job Order Contractors to provide Fire Alarm Services throughout the Phoenix area. The City of Phoenix (City) would like to enter into a cooperative use agreement to utilize the solicitation. The four contractors are 1. Copperstate Fire Protection, 2. Firetrol Protection Systems, Inc., 3. Atlas Fire Company, LLC, and 4. American Fire Equipment Sales and Service.

The contractors' services include, but are not limited to: assessment,

design, procurement and installation of new intelligent/addressable fire alarm systems; and replacing or upgrading existing fire alarm systems in occupied buildings.

Procurement Information
These cooperative contracts will allow the City to utilize Fire Alarm JOC Services and benefit from rates already negotiated with the contractors, thereby providing a better cost for construction services to the City.

Contract Term
The term of each master agreement is for up to three years, or up to $8 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact
The master agreement value for each of the JOC contractors will not exceed $8 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed $32 million.

Request to authorize the City Manager, or his designee, to execute job order agreements performed under these master agreements for up to $4 million each. In no event will any job order agreement exceed this limit without Council approval to increase the limit.

Funding is available in the citywide departments' Capital Improvement Program and Operating budgets. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

This item was adopted.

75 Salt River Project Land Use License at 24th Street and the Arizona Canal and Waiver of Phoenix City Code 42-18 (Ordinance S-46142)

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

land use license with Salt River Project (SRP) for a bridge replacement project at 24th Street and the Arizona Canal (Cambridge Avenue). There is no financial impact to the City of Phoenix.

Summary

The land use license is necessary for the replacement of the 24th Street bridge crossing the Arizona Canal. The existing 24th Street bridge was constructed in 1940 and widened in 1961. The construction of the bridge will be consistent with, and shall not interfere with, U.S. Bureau of Reclamation Fee property.

Indemnification

The SRP License agreement includes authorization pursuant to Phoenix City Code (PCC) Section 42-20, for wiaver of PCC 42-18, to indemnify, release and hold harmless SRP for: (A) acts of omissions of the City, its agents, officers, directors or employees; (B) the City's use of occupancy of the licensed property for the purposes contemplated by the license, including but not limited to claims by third parties who are invited or permitted onto the licensed property, either expressed or implied by the City or by nature of the City's improvement or other use of the licensed property pursuant to this license; or (C) the City's failure to comply with or fulfill its obligations established by the license or by laws. Per Phoenix City Code, indemnification of another public entity requires approval from City Council.

Contract Term

The term of the license shall be for 25 years beginning on or about Nov. 6, 2019 and ending Nov. 30, 2044. The license may be renewed upon written agreement by the parties.

Financial Impact

There is no financial impact to the City of Phoenix.

Location

24th Street and the Arizona Canal (Cambridge Avenue)
Council District: 8

This item was adopted.

76 Authorization to Apply, Accept and Disburse Funding and if

Awarded, Enter into Agreement for Transportation Safety Projects in Fiscal Year 2020 (Ordinance S-46147)

Request to authorize the City Manager, or his designee, to apply for, accept and if awarded, enter into agreements for transportation funding through the Maricopa Association of Governments (MAG). Further request an exemption from the indemnification prohibition set forth in the Phoenix City Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20 if funding is received. Further request authorization for the City Treasurer to accept, and the City Controller to disburse all funds related to this item. If awarded funding, the City's estimated participation is 10 percent of the total project costs up to $200,000 or the cost of design, whichever is greater.

Summary

MAG is soliciting applications for the Roadway Safety Program (RSP) to implement low cost safety solutions in the near term that supplement the existing state and local programs in addressing transportation safety needs. The funding supports improving the safety conditions of our roadways in an expedited manner. MAG developed this program to supplement the Arizona Department of Transportation Highway Safety Improvement Program to address critical safety concerns in the near term as opposed to traditional program opportunities that are typically a few years out.

On Sept. 24, 2019, MAG announced a Call for Projects for MAG RSP funding over multiple fiscal years. The City is eligible to compete for up to $2 million in RSP funds.

The Street Transportation Department aims to pursue all funding opportunities whenever solicitations are made by MAG that align with the City’s Transportation goals and objectives. This recent MAG Call for Projects is an opportunity to leverage City dollars while increasing the City’s ability to complete more transportation related projects that enhance safety in the community. The program has its own competitive review and ranking process managed by MAG.

MAG will formalize application submittals on Nov. 7, 2019, and between now and then, staff will continue to refine the locations, costs and scope

of the grant submittals to be competitive with other local and regional submittals.

Financial Impact

The MAG Roadway Safety Program requires a local match contribution of 10 percent of the total project cost or design costs encumbered by the lead agency, whichever is greater. With an estimated ask of up to $2 million, we can expect to participate up to $200,000 if awarded this grant. Funding is available in the Street Transportation Capital Improvement Program.

This item was adopted.

77 Project Agreement with Maricopa Association of Governments to Accept and Disburse Regional Transportation Funds (Ordinance S-46149)

Request to authorize the City Manager, or his designee, to enter into a Project Agreement with the Maricopa Association of Governments (MAG) under the Arterial Life Cycle Program (ALCP). Further request an exemption from the indemnification prohibition set forth in the Phoenix City Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20 if funding is received. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

In November 2004, the voters of Maricopa County approved a transaction excise tax for implementing the Regional Transportation Plan. MAG is required by state law to adopt a program that provides for life cycle management for the funding and programming of the ALCP.

On Sept. 19, 2019, the Street Transportation Department submitted a Project Overview of a future arterial capacity improvement project on Happy Valley Road from 67th Avenue to 35th Avenue. The project scope involves completing full roadway improvements along Happy Valley Road from 35th Avenue to 67th Avenue consistent with the planned roadway classification a modified A/B arterial roadway with three lanes in each direction, medians, curb, gutter, sidewalk, bike lanes and streetlights where they do not exist today. Happy Valley Road is a regional east-west arterial street in our northern city limits that has largely been built out by

development. This project will complete the ultimate roadway cross section for Happy Valley Road that had not previously been improved by development. Funds programmed through the ALCP are administered by the Arizona Department of Transportation (ADOT) through its Regional Arterial Road Fund (RARF). Execution of this Project Agreement to receive RARF funds disbursed by ADOT through MAG, will allow the City to request reimbursements through MAG for all project related costs.

MAG has programmed $500,000 in the Arterial Life Cycle Program Fiscal Year 2020 using RARF funding for an arterial scoping and environmental assessment in anticipation of a future arterial capacity improvement on this project. The City is a self-certified agency which allows the City to complete the required procedures for project development in a more efficient, cost-effective and timely manner.

Financial Impact

The MAG ALCP requires member agencies to participate in 30 percent or $214,200 of the total project cost to leverage 70 percent or $500,000 in regional and RARF funding for the Life Cycle Program. Funding for this project is available in the Street Transportation Capital Improvement Program.

This item was adopted.

78 Phoenix Deer Valley Airport Taxiway D - Engineering Services - AV31000089 FAA (Ordinance S-46157)

Request to authorize the City Manager, or his designee, to enter into an agreement with TRACE Consulting, LLC to provide Engineering Services that include Construction Administration & Inspection (CA&I) Services for the Phoenix Deer Valley Airport (DVT) Taxiway D project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $630,000.

Additionally, request to authorize the City Manager, or his designee, to take all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the

project and to include disbursement of funds. Utility services include, but are not limited to: electrical; water; sewer; natural gas; telecommunications; cable television; railroads; and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to design and construct a new Taxiway D to be located south of Taxiway C. The hold bars south of Runway 7R/25L are currently located 150 feet south of the runway centerline. The design standard is 250 feet. This standard cannot be met with the current taxiway configuration without impacting traffic on Taxiway C. The addition of Taxiway D, as recommended in the DVT Master Plan Update, solves this problem.

TRACE Consulting, LLC's CA&I Services include, but are not limited to: project administration, construction meetings, inspection and review of contractor's work; certifying contractor progress payments; preparing FAA reports and a Construction Management Plan; providing post-construction services; and other related CA&I services as required. TRACE Consulting, LLC's services are necessary to oversee construction of the project scheduled to begin Nov. 18, 2019.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). Scoring and selection were made in conjunction with the Engineering (design) Services selection process.

Contract Term

The term of the agreement is for two years from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for TRACE Consulting, LLC will not exceed $630,000, including all subconsultant and reimbursable costs.

On Aug. 9, 2019, staff signed a grant agreement in the amount of $14.64 million from the Federal Aviation Administration. The total amount of $630,000 is available in the Aviation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability before execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The City Council approved:

Engineering Services Agreement 146519 (Ordinance S-44131) on Dec. 13, 2017.

Location

702 W. Deer Valley Road

Council District: 1

This item was adopted.

79 Fence Line and Atmospheric Odor Treatment Equipment Monitoring Services Contract (Ordinance S-46124)

Request to authorize the City Manager, or his designee, to enter into an agreement with LambTech, Inc. to provide Fence Line and Atmospheric Odor Treatment Equipment Monitoring at the 91st Avenue Wastewater Treatment Plant and Lift Stations for the Water Services Department (WSD). Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total agreement value will not exceed $176,000.

Summary

This service entails monitoring and evaluation for odor control at the 91st Avenue Wastewater Treatment Plant and Lift Stations in support of Maricopa County Air Quality Department’s (MCAQD) regulatory compliance standards.

LambTech, Inc. will conduct fence line odor monitoring and atmospheric odor treatment equipment monitoring on an annual basis. Reports will be

provided to WSD to ensure compliance with regulatory standards.

Procurement Information
The selection was made using a Request for Proposal procurement process in accordance with Administrative Regulation (AR) 3.10.

Two vendors submitted proposals and the following vendor was selected:

Selected Vendor
LambTech, Inc.

Additional Proposer
Ace Environmental Consultants, LLC

Contract Term
The term of the agreement is five years and will begin on or about Nov. 1, 2019.

Financial Impact
The total agreement value for LambTech, Inc. is $176,000.

Funding is available in the Water Services Department's Operating budget.

This item was adopted.

80 HERE Mapping Data Maintenance and Support for Oracle’s Mobile Workforce Management - Contract Direct Selection (Ordinance S-46126)

Request to authorize the City Manager, or his designee, to enter into an Agreement with Korem Corporation, to provide software, maintenance and support services for the City’s Mobile Workforce Management (MWM) - Mobile Data Terminals. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $168,330, including taxes.

Summary

The purpose of this Agreement is to provide software maintenance and support services for the HERE Core Maps data, required by the Oracle MWM application for providing street information and latitude/longitude coordinates to City work crews. The direct selection is necessary because the HERE software application (formerly NAVTEQ) is the intellectual property of Korem Corporation. It is maintained, updated and supported exclusively by Korem.

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

Procurement Information

The selection was made using a direct selection process set forth in City of Phoenix Administrative Regulation 3.10. A direct selection was made because there is only one capable supplier of goods and services due to the unique nature of the requirement, thereby establishing this as a sole-source procurement.

Contract Term

The term of the Agreement is a base period of five years, commencing on Nov. 1, 2019, with an option period of five years (based on need and reasonable pricing), commencing on Nov. 1, 2024, if exercised.

Financial Impact

The Agreement value for Korem Corporation will not exceed $168,330. Funding is available in the Water Services Department's operating budget.

This item was adopted.

81 Maintenance and Repair Services for Locator Equipment Agreement (Ordinance S-46129)

Request to authorize the City Manager, or his designee, to enter into an agreement with AZ Locators, LLC to provide maintenance and repair services for the subterranean pipe locator equipment owned by the Water Services Department (WSD). Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total

agreement value will not exceed $50,000.

Summary

WSD requires testing, calibration, maintenance, and repair services for City-owned locator equipment, which is used by Utility Technicians to detect subterranean pipes while performing maintenance and repair work on water and wastewater infrastructure.

Procurement Information

The selection was made using a Request for Quotation (RFQ) procurement process set in City of Phoenix Administrative Regulation 3.10. The RFQ was sent to 144 vendors.

Selected Vendor:
AZ Locators, LLC: $1,950, plus taxes and pass-through costs for captive parts.

The Procurement Officer recommends acceptance of the quote from AZ Locators, LLC.

Contract Term

The term of the agreement is five years and will begin on Jan. 15, 2020.

Financial Impact

The total agreement value for AZ Locators, LLC will not exceed $50,000. Funding is available in the Water Services Department's operating budget.

This item was adopted.

82 Joint Funding Intergovernmental Agreement with U.S. Department of the Interior, U.S. Geological Survey for Stormwater Monitoring Services (Ordinance S-46131)

Request to authorize the City Manager, or his designee, to enter into a Joint Funding Intergovernmental Agreement (IGA) with the U.S. Department of the Interior, U.S. Geological Survey (USGS) for stormwater monitoring services. Further request to authorize the City Controller to disburse all funds related to this item. The total agreement value will not exceed $744,816.

Summary

The purpose of this IGA is to assist with meeting the terms of the City's Arizona Pollutant Discharge Elimination System Permit No. AZS000003. The City is required to sample and analyze stormwater discharges at seven outfall locations within the Municipal Separate Storm Sewer System (MS4). Under the agreement, USGS maintains these seven sampling locations by collecting rainfall, runoff and water quality data to characterize stormwater quality from representative urban land uses during rain events on behalf of the City.

USGS' services include, but are not limited to: collecting, monitoring, analyzing, and investigating impurities in urban stormwater runoff for the Water Services Department.

This service has been performed by the USGS on behalf of the City since September 2004. USGS has been actively involved with the City of Phoenix MS4 wet-weather monitoring program since its inception in 1997 and has expertise in local and regional stormwater monitoring issues and protocols.

Contract Term
The term of this agreement is for a period of five years to begin on or about Oct. 1, 2019.

Financial Impact
The total value of the agreement will not exceed $744,816. Funding for this agreement is available in the Water Service Department's Operating budget. Payments may be made up to agreement limits for all rendered agreement services, which may not extend past the agreement termination.

Location
Citywide

This item was adopted.

83 Development Agreement between City of Phoenix and Aspire Fillmore, LLC for Upsizing of Water Main at 3rd Avenue, North of Fillmore Street (Ordinance S-46145)

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

Development Agreement between the City of Phoenix and Aspire Fillmore, LLC (“Developer”) to allow the Developer to pay the City an amount of $90,307 in lieu of the requirements to upsize approximately 200 feet of a substandard water main and to perform associated street pavement repairs along 3rd Avenue heading north of Fillmore Street. Further request to authorize the City Controller to disburse, and the City Treasurer to accept, all funds related to this item.

Summary

The Developer owns approximately 1.3 acres of property consisting of 5 lots along 3rd Avenue, and 4 lots along 2nd Avenue on the north side of Fillmore Street. The Developer is currently going through the Planning and Development Department’s plan review process for approval of construction documents, and as part of this process the Developer was stipulated to upsize the existing 6-inch water main in Fillmore Street along the project's frontage to a 12-inch water main. This stipulation is a requirement from the Water Services Department’s Downtown Master Plan. This Master Plan requires that any water lines 6-inch in diameter or smaller in the Downtown Core Area (bounded by 7th Street, 7th Avenue, Jackson Street, and I-10) must be upsized to a minimum diameter of 12-inches.

Due to other development agreements along 3rd Avenue, the Water Services Department (WSD) has programmed a future water main replacement project to upsize the existing 6-inch water main in 3rd Avenue to a 12-inch water main. WSD contacted the Developer to inquire if they would be interested in contributing funds, in-lieu of fees, to the water main project instead of constructing the new water line. The Developer agreed to this proposal due to the project timing and construction logistics of their project. The Developer will promptly pay $90,307 to the City of Phoenix to satisfy the Developer’s obligations for water main upsizing and street pavement repair.

Financial Impact

The Developer will pay the City a one-time payment of $90,307.

Location

Northeast corner of 3rd Avenue and Fillmore Street
Council District: 7

This item was adopted.

84 Request to Enter into Development Agreement with Host Hotels & Resorts, L.P. to Construct Water Booster Pump Station (Ordinance S-46148)

Request to authorize the City Manager, or his designee, to enter into a Development Agreement (DA) with Host Hotels & Resorts, L.P. for the design and construction of a new water booster pump station. Further request to authorize the City Controller to disburse the necessary funds related to this item.

Summary

Host Hotels & Resorts, L.P. owns and operates the Phoenician Resort and Golf Course. Nine holes of the golf course are being redeveloped. The City's existing water booster pump station will not accommodate the increased water quantity needed for the redevelopment. In addition, the Water Services Department plans to rehabilitate the existing water booster pump station within the next 10 years due to its age.

The DA will provide terms for Host Hotels & Resorts, L.P. to fund, design and construct the new booster pump station and upsize associated water lines. The new booster pump station is estimated to cost between $4.4 million to $4.8 million. After the new booster pump station and associated upsized water lines are completed and accepted by the City, the City will reimburse Host Hotels & Resorts, L.P. for half of the actual new booster pump station improvement costs, but not to exceed $2.4 million. The construction of upsized water lines are the sole responsibilities of Host Hotels & Resorts, L.P. and are not eligible for any reimbursement from the City. In addition to dedicating the new booster pump station and associated upsized water lines to the City, Host Hotels & Resorts, L.P. will donate a land easement at the Phoenician Resort to the City for the new booster pump station. Host Hotels & Resorts, L.P. will provide financial guarantees adequate to ensure the construction of the project.

Contract Term

The contract term will not exceed a five-year period.

Financial Impact

The City will contribute half of the actual booster pump station

improvement costs, not to exceed $2.4 million, towards the design and construction of the new booster pump station. Funding for this project is available in the Water Services Department Capital Improvement Program budget.

Location
Council District: 6

This item was adopted.

85 SRP Data Licensing Agreement (Ordinance S-46150)

Request to authorize the City Manager, or his designee, to execute a Data Licensing Agreement between the City of Phoenix and the Salt River Agricultural Improvement and Power District, and the Salt River Valley Water Users' Association, collectively referred to as the Salt River Project (SRP), for a non-exclusive license to use SRP's Service Area maps and related Geographical Information System (GIS) files. There is no cost to the City for these uses.

Summary
SRP operates a federal Reclamation project constructed in the early 1900s to provide irrigation water and flood control for Phoenix-area agricultural users within a defined service area. As the area has urbanized however, SRP's customer base has converted to mostly municipal and industrial users; to this end, the City has entered into a long-term Water Delivery and Use Agreement (WDUA) with SRP for delivery of raw water to specific Water Services Department (WSD) water treatment plants and other locations.

The WDUA requires both SRP and WSD to compile periodic data and reports and furnish these to each other. Moreover, the City is required to submit additional annual water supply- and storage-related reports to regulatory agencies. The ability to use SRP's GIS and related data files and documents will assist WSD staff in preparing/receiving, understanding, filing and storing the relevant data and reports.

SRP's standard-form "SRP Data Licensing Agreement" includes an indemnification and hold harmless clause that is beyond the scope of Phoenix City Code, section 42-18; however, such clauses are currently common in data-sharing agreements. There is a low likelihood that any

occurrence resulting from this Agreement would result in the City incurring liability beyond that as may be imposed as a matter of law upon the City.

Contract Term
The Agreement is effective upon execution by both parties, and will be in effect until terminated by either party.

Financial Impact
There is no cost to the City pursuant to this Agreement.

This item was adopted.

PLANNING AND ZONING MATTERS

87 PCD Major Amendment - Rezoning Application Z-190-H-84-7 - Southwest Corner of 83rd Avenue and Palm Lane

Request to approve Rezoning Application Z-190-H-84-7 to allow a Special Permit for a self-storage facility, height waiver to allow 3 stories and 40 feet, and all underlying C-2 uses. This item requires Formal Action only.

Summary
Current Zoning: PCD (Approved C-2 PCD)
Proposed Zoning: C-2 HGT/WVR SP PCD
Acreage: 2.61
Proposed Use: Major Amendment to the Amberlea PCD to allow a Special Permit for a self-storage facility, a height waiver to allow 3 stories and 40 feet, and all underlying C-2 uses.

Owner: Guardian Storage Centers, LLC
Applicant: Brian Greathouse - Burch & Cracchiolo
Representative: Brian Greathouse - Burch & Cracchiolo

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Maryvale Village Planning Committee heard this case on Sept. 11, 2019, and recommended approval per the staff recommendation by an 11-1 vote.
PC Action: The Planning Commission heard this case on Oct. 3, 2019, and recommended approval per the Maryvale Village Planning

Committee recommendation by an 8-0 vote.

Location
Southwest corner of 83rd Avenue and Palm Lane
Council District: 7
Parcel Addresses: 1820 N. 83rd Ave.

This item was approved.

88 Final Plat - Norterra PUD Union Street Lots 2 & 3 - 190040 - Southeast Corner of White Thorn Boulevard and Norterra Parkway

Plat: 190040
Project: 15-3108
Name of Plat: Norterra PUD Union Street Lots 2 & 3
Owner(s): US Relp Norterra East 1, LLC
Engineer(s): Wood Patel Associates, Inc.
Request: A 2 Lot Subdivision Plat
Reviewed by Staff: Oct. 7, 2019
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 at the southeast corner of White Thorn Boulevard and Norterra Parkway.
Council District: 1

This item was approved.

89 Final Plat - I-17 & Jomax Apartments - 190041 - 337 Feet North of Jomax Road on the West Side of 27th Avenue

Plat: 190041
Project: 16-3189
Name of Plat: I-17 & Jomax Apartments
Owner(s): Atticus Jomax, LLC
Engineer(s): 3 Engineering, LLC
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Oct. 8, 2019

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 337 feet north of Jomax Road on the west side of 27th Avenue.

Council District: 2

This item was approved.

90 Final Plat - Western Enclave 2 - 180126 - Southwest Corner of 91st Avenue and Campbell Avenue

Plat: 180126
Project: 18-645
Name of Plat: Western Enclave 2
Owner(s): Lennar Arizona, Inc.
Engineer(s): Hubbard Engineering
Request: A 283 Lot Residential Subdivision Plat
Reviewed by Staff: Aug. 22, 2019
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. This plat needs to be recorded concurrently with both of the following: Abandonment V180066A and Plat 190031. The recording sequence is as follows: Abandonment V180066A, Plat 180126, and then Plat 190031.

Location

Generally located at the southwest corner of 91st Avenue and Campbell Avenue.

Council District: 5

This item was approved.

91 Final Plat - Parcels 2A & 2B of Western Enclave 2 - 190031 - 1,475 Feet West of 91st Avenue Along Campbell Avenue

Plat: 190031
Project: 18-645
Name of Plat: Parcels 2A & 2B of Western Enclave 2
Owner(s): Lennar Arizona, Inc.
Engineer(s): Hubbard Engineering
Request: A 241 Lot Residential Subdivision Plat
Reviewed by Staff: Aug. 22, 2019
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. This plat needs to be recorded concurrently with both of the following: Abandonment V180066A and Plat 180126. The recording sequence is as follows: Abandonment V180066A, Plat 180126, and then Plat 190031.

Location

Generally located 1,475 Feet west of 91st Avenue along Campbell Avenue.
Council District: 5

This item was approved.

92 Final Plat - Logic Park 91 - 190043 - Southwest Corner of 91st Avenue and Buckeye Road

Plat: 190043
Project: 15-894
Name of Plat: Logic Park 91
Owner(s): CRP/Marwest Logic Park Owner, L.L.C. A Delaware Limited Liability Company
Engineer(s): Hunter Engineering
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Oct. 1, 2019
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 at the southwest corner of 91st Avenue and Buckeye Road.
Council District: 7

This item was approved.

93 Final Plat - Aspire Fillmore - 190055 - 601 N. 3rd Ave.

Plat: 190055
Project: 16-3314
Name of Plat: Aspire Fillmore
Owner(s): Aspire on Fillmore, LLC
Engineer(s): Westwood Professional Services
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Oct. 7, 2019
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
601 N. 3rd Ave.
Council District: 7

This item was approved.

94 Final Plat - 700 N. 4th Street - 190044 - 700 N. 4th St.

Plat: 190044
Project: 18-2646
Name of Plat: 700 N. 4th Street
Owner(s): DRI/CA Phoenix II, LLC
Engineer(s): Wood Patel
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Oct. 11, 2019
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
Located at 700 N. 4th St.
Council District: 8

This item was approved.

95 (CONTINUED FROM AUG. 28 AND OCT. 2, 2019) - Abandonment of Easement - V190030A - 4250 N. 103rd Ave. (Resolution 21769)

Abandonment: V190030A
Project: 02-4478
Applicant(s): Jack Gilmore; Gilmore Planning & Landscape Architecture
Request: To abandon 15 feet of a multi-use trail easement located along the south, east and north property lines of Lot 1, per "Villa de Paz," Book 1027 Page 30.
Date of Decision/Hearing: May 21, 2019

Location
4250 N. 103rd Ave.
Council District: 5

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.

96 Abandonment of Easement - V190044A - 25322 N. 21st Ave. (Resolution 21796)

Abandonment: V190044A
Project: 15-3108
Applicant(s): AWH Construction, Incorporated
Request: To abandon a portion of drainage easement dedicated under DEDI 190010 (approved by City Council on June 5) located in the Union Street Corridor.
Date of Decision/Hearing: Aug. 26, 2019.

Location
25322 N. 21st Ave.
Council District: 1

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

This item was adopted.

97 Abandonment of Easement - V180015A - 11011 N. 13th Ave. (Resolution 21794)

Abandonment: V180015A
Project: 13-1933
Applicant: Richard Dalotto
Request: To abandon a portion of a 10 foot drainage and public utility easement located on the north side of parcel addressed 11011 N. 13th Ave.; APN 159-10-029B.
Date of Decision: Dec. 6, 2018.

Location
11011 N. 13th Ave.
Council District: 3

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.

98 Abandonment of Easement - V190035A - 4502 W. Monterosa St.

(Resolution 21797)

Abandonment: V190035A
Project: 99-8517
Applicant(s): Exeter 4502 West Monterosa, LLC
Request: To abandon the 1-foot vehicular non-access easement, located on the west end of parcel APN 145-25-026E; per Final Plat "Santa Fe Pacific Business Center," Book 303, Page 10.
Date of Decision/Hearing: June 26, 2019.

Location
4502 W. Monterosa St.
Council District: 5

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.

99 Abandonment of Easement - V190050A - 6204 N. 22nd St. (Resolution 21793)

Abandonment: V190050A
Project: 99-35328
Applicant: Brennan Ray; Burch & Cracchiolo
Request: To abandon Tract E of Final Plat of "2200 East Bethany," MCR 454-08. Tract E is a public utility easement.
Date of Hearing: Aug. 15, 2019.

Location
6204 N. 22nd St.
Council District: 6

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.

100 Abandonment of Right-of-Way - V190014A - Southeast Corner of Kaler Drive and 3rd Street (Resolution 21795)

Abandonment: V190014A
Project: 99-39823
Applicant: Darryl and Lynn Lutzer
Request: To abandon 10-foot alley from 3rd Street to 6th Street, between Wagon Wheel Drive and Kaler Drive. Subdivision Plat "Adobe Village Unit 1, Book 89 Page 30."
Date of Hearing: April 11, 2019.

Location
Southeast corner of Kaler Drive and 3rd Street
Council District: 6

Financial Impact
A fee was also collected as part of this abandonment in the amount of $1,847.10.

This item was adopted.

101 Amend City Code - Ordinance Adoption - Rezoning Application Z-5-19-1 - Approximately 2,640 Feet North of the Northeast Corner of 51st Avenue and Tonopah Drive (Ordinance G-6635)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-5-19-1 and rezone the site from RE-35 and RE-43 to RE-35 for single-family detached residential. This is a companion case to Z-6-19-1.

Summary
Current Zoning: RE-35 and RE-43
Proposed Zoning: RE-35
Acreage: 60.50 acres
Proposal: Single-family detached residential

Owner: Camis, Inc.
Applicant: Alisse Caton, Rose Law Group
Representative: Alisse Caton, Rose Law Group

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on Sept. 19, 2019, and recommended approval per the staff recommendation by a 6-0-2 vote.
PC Action: The Planning Commission heard this case on Oct. 3, 2019, and recommended approval per the Deer Valley Village Planning Committee recommendation with an additional stipulation by an 8-0 vote.

Location
Approximately 2,640 feet north of the northeast corner of 51st Avenue and Tonopah Drive.
Council District: 1
Parcel Addresses: 21022 N. 47th Ave.

This item was adopted.

102 Amend City Code - Ordinance Adoption - Rezoning Application - Z-6-19-1 - Approximately 2,640 Feet North of the Northeast Corner of 51st Avenue and Tonopah Drive (Ordinance G-6636)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-6-19-1 and rezone the site from RE-35 (Pending RE-35) and RE-43 (Pending RE-35) to RE-35 Hillside DNS/WVR for single-family detached residential and to permit increased density on the site pursuant to zoning ordinance hillside standards. This is a companion case to Z-5-19-1.

Summary
Current Zoning: RE-35 (Pending RE-35) and RE-43 (Pending RE-35)
Proposed Zoning: RE-35 Hillside DNS/WVR
Acreage: 60.50 acres
Proposal: Single-family detached residential

Owner: Camis, Inc.
Applicant: Alisse Caton, Rose Law Group
Representative: Alisse Caton, Rose Law Group

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on Sept. 19, 2019, and recommended approval per the staff recommendation by a 6-0-2 vote.
PC Action: The Planning Commission heard this case on Oct. 3, 2019, and recommended approval per the Deer Valley Village Planning Committee recommendation with an additional stipulation by an 8-0 vote.

Location
Approximately 2,640 feet north of the northeast corner of 51st Avenue and Tonopah Drive.
Council District: 1
Parcel Addresses: N/A and 21022 N. 47th Ave.

This item was adopted.

103 Amend City Code - Ordinance Adoption - Rezoning Application Z-33-19-1 - Northwest Corner of 33rd Avenue and the Jomax Road Alignment (Ordinance G-6633)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-33-19-1 and rezone the site from S-1 to R1-18 for single-family residential.

Summary
Current Zoning: S-1
Proposed Zoning: R1-18
Acreage: 18.41 acres
Proposal: Single-family residential

Owner: EB Rezzonico Properties, LLLP/Et Al.
Applicant: Ron Harris - Norris Design
Representative: Mike Musulin

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee meeting was cancelled on Aug. 15, 2019 due to a lack of quorum.
VPC Action: The Deer Valley Village Planning Committee heard this case on Sept. 19, 2019, and did not provide a recommendation (motion to approve per the staff recommendation with an additional stipulation failed

by a 2-4-2 vote and motion to deny failed by a 4-2-2 vote).
PC Action: The Planning Commission heard this case on Oct. 3, 2019, and recommended approval per the staff recommendation with an additional stipulation and modified stipulation by an 8-0 vote.

Location
Northwest corner of 33rd Avenue and the Jomax Road alignment
Council District: 1
Parcel Addresses: 26715 and 26815 N. 35th Ave.

This item was adopted.

105 Amend City Code - Ordinance Adoption - Rezoning Application Z-40-19-7 - Approximately 360 Feet East of the Northeast Corner of 2nd Street and Roeser Road (Ordinance G-6634)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-40-19-7 and rezone the site from C-2 SPVTABDO to R-4 SPVTABDO for multifamily residential.

Summary
Current Zoning: C-2 SPVTABDO
Proposed Zoning: R-4 SPVTABDO
Acreage: 1.00 acre
Proposal: Multifamily residential

Owner: MVP Apartments II, LLC
Applicant: Keith Deutscher - Stewart + Reindersma Architecture
Representative: Keith Deutscher - Stewart + Reindersma Architecture

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The South Mountain Village Planning Committee heard this case on Sept. 10, 2019, and recommended approval per the staff recommendation with an additional stipulation by a 10-1-1 vote.
PC Action: The Planning Commission heard this case on Oct. 3, 2019, and recommended approval per the South Mountain Village Planning Committee recommendation by an 8-0 vote.

Location
Approximately 360 feet east of the northeast corner of 2nd Street and

Roeser Road.
Council District: 7
Parcel Addresses: 330 E. Roeser Road

This item was adopted.

106 Amend City Code - Ordinance Adoption - Rezoning Application Z-27-19-8 - Southwest Corner of 55th Avenue and Dobbins Road (Ordinance G-6632)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-27-19-8 and rezone the site from S-1 (Approved RE-35 PCD), S-1 (Approved R1-10 PCD), S-1 (Approved R1-8 PCD), and S-1 (Approved R-3 PCD) to R1-10 for single-family residential per the Planning Commission's recommendation. The companion case, GPA- LV-2-19-8, was previously approved by City Council on Sept. 4, 2019.

Summary
Application: Z-27-19-8
Current Zoning: 15.24 acres of S-1 (Approved RE-35 PCD), 65.03 acres of S-1 (Approved R1-10 PCD), 67.89 acres of S-1 (Approved R1-8 PCD), and 15.66 acres of S-1 (Approved R-3 PCD)
Proposed Zoning: R1-8
Acreage: 163.82
Proposed Use: Single-family residential

Owner: ORMES, LLC & Miller 160, LLC
Applicant: Mari Flynn - Ashton Woods Arizona
Representative: Andy Baron - Anderson Baron

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Laveen Village Planning Committee heard the case on July 8, 2019, and recommended approval per the staff recommendation with modifications and additional stipulations by a 7-0 vote.
PC Action: The Planning Commission heard this case on Aug. 1, 2019, and remanded it back to the Laveen Village Planning Committee for reconsideration by an 8-0 vote.
VPC Action: The Laveen Village Planning Committee heard the case on Sept. 9, 2019, and recommended approval with modifications and additional stipulations by a 10-0 vote.

PC Action: The Planning Commission heard this case on Oct. 3, 2019, and recommended denial as filed and approval of R1-10 zoning per the stipulations recommended by the Laveen Village Planning Committee with an additional stipulation by an 8-0 vote.

Location
Southwest corner of 55th Avenue and Dobbins Road
Council District: 8
Parcel Addresses: N/A

This item was adopted.

39 Amendments to Rules of Council Proceedings (Ordinance G-6638)

An ordinance amending Phoenix City Code, Chapter 2, Article II, Section 2-60, Rules of Council Proceedings, to incorporate technical and procedural updates and feedback received from Councilmembers.

Summary
The proposed ordinance would amend existing Rules 2-6,11 and 13, add new rules related to ad hoc committees and speaker and audience decorum, and renumber accordingly.

Proposed changes detailed in the draft ordinance **(Attachment A)** include:

Adding Work Study Sessions to the list of calendared Council meetings and removing the reference to separate zoning meetings.

Clarifying that the City Manager will include an item on the Formal Agenda at the written request of the Mayor or at least three Councilmembers, the same requirement as for calling a special meeting.

Modifying the standard order of business of Formal meetings to better reflect current practice.

Applying the same guidelines for preparation of Policy Session agendas to Work Study Session agendas.

Separating the existing requirements for Subcommittees and Ad Hoc Committees into two distinct rules to provide clarification.

Changing the title of the rule formerly called "General Procedures" to clarify that it includes "Rules of Governance;" adding details related to motions and voting to reflect current practice; and establishing a time frame for selecting a Vice Mayor.

Adding provisions related to speaker and audience decorum, including

clarifying the Mayor's authority to preserve order in meetings.
Inserting more detail in the rule related to emergencies that is consistent with related provisions of the Phoenix City Charter and Code.

Discussion

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

A motion was made and seconded to approve this item as amended, noting Rule 7(C) would go into effect on Jan. 1, 2021.

Councilman DiCiccio thanked staff and the Mayor's office for working with Council on this matter, but he still had concerns with Rules 8 and 9 that dealt with First Amendment rights. He wanted to include language that was consistent with the First Amendment to protect individuals rights. He expressed he did not think anyone should have to go to court to protect their basic fundamental rights when calling the Council names. He said people had a right to call them names and use bad words but could not say something that was against the law. He requested a friendly amendment to include language in Rules 8 and 9 that was consistent with the First Amendment regarding an individual's right to free speech.

Councilwoman Williams asked for clarification.

Councilman DiCiccio conveyed his request was for additional language to Rules 8 and 9, noting he had other issues with this item but this particular matter was a big concern for him. He said he did not think there should be definitions unless they were clear and precise so Council knew what to vote on. He indicated there was no language in the ordinance that protected an individual's right to free speech.

Mayor Gallego mentioned from her perspective the Council was implementing things that were consistent with the constitution, so that was not a necessary change.

Councilman DiCiccio added things that were already implied might as well be stated. He stated the only alternative a person had was to take the City to court for what could be a basic fundamental right. He reiterated he wanted language added that gave people the right to call Council names and to be disrespectful based on their right to free speech.

Councilwoman Williams conveyed this was a public meeting and people came for many reasons, but a certain decorum was expected. She remarked everyone could provide testimony without cussing or calling names. She stressed Council was willing to listen, but she thought for the respect of the audience it was necessary to let people know what was inappropriate.

Councilman DiCiccio agreed; however, he expressed what was and was not appropriate should not be determined by Council. He mentioned the public was being told they could not be disrespectful but sometimes they wanted to impress a point. He noted he was uncomfortable with it and was asking for the additional language as a favor.

Haley Ritter spoke in opposition and wanted clarification on whether or not this item would limit public comment to five minutes or only public disruption and disruptive language.

Mayor Gallego advised the goal was to codify what the City had been doing and encourage people to comment on the agenda item being heard.

Dianne Barker spoke in favor as she supported local government and preserving democracy. She said she had seen great breadth by Council in allowing the public to speak and she hoped the City continued in that honor and remembered the constitution.

Michelle Rose spoke in opposition to Rule 9 but would support it with revisions. She understood there was a need for civility, such as no cursing, attacking Council or interrupting people. However, she remarked allowing the Mayor to select who spoke and for how long was an attack on free speech and the right to petition government. She noted it also exposed the City to allegations of selective application of that code. She urged Council to be wary of these rules continuing because Mayor Gallego would not hold that position forever and the next person might apply the code differently. She suggested the City obtain the request to speak system the State offered so everyone had an opportunity to have their voice recorded online. She said she thought the rule regarding

Phoenix residents having priority made sense, but she was also opposed to Rule 11 and the 30-minute limit.

Wade Padgett spoke in opposition to Rule 9 based on all of the ideas presented and the open meeting law which established the rights being discussed that was passed by the Arizona legislature in 1962. He said he was concerned Rule 9 would provoke and drive people away from this participatory system. He noted there would be a wide range of reactions from the community and urged Council to bear that in mind. Moreover, he conveyed state law required the context be borne in mind before someone was restricted in terms of time or ordered to be removed.

Leslie Pico spoke in opposition as she was concerned about public comment restrictions that suppressed a citizen's ability to speak to elected officials on matters of public concern, especially during public meetings where officials were weighing those issues. She asked that Council stop treating public comment as something to be endured and to make time so people could speak and be heard regardless of how offensive it was to them.

Shawn Severud spoke in opposition because this was about public service, not efficiency and the Council were public servants. He stated that since Mayor Gallego came into office she took away the ability for Council to address citizen petitions and put it to a subcommittee and moved citizen comments to the end of the meeting. He said he understood these decisions were great for having an efficient meeting, but it was disturbing. Further, he expressed concern that not many people knew about this item, specifically that it would allow whoever presided over the meeting to eliminate someone's speaking time. He urged Council to think about the consequences of cutting someone off that was addressing them.

Chimene Hawes spoke in opposition and commented this would send the wrong message to people. She asserted that Council were elected officials that answered to the people and could not answer if they did not listen to the people. She emphasized Council should not limit public comment, noting it was bad enough speakers only got two minutes.

Councilmember Garcia stated he thought Council should encourage more public participation, such as moving the meetings to the evening and provide parking. He indicated he would be voting no on this item.

Councilwoman Pastor said she had been in the community and some of the comments she heard, especially from the youth, was about public comment and how they were becoming disengaged because of the process and limitations that Council was unable to respond or did not follow-up. She stated she understood Council had to sit gracefully and understand what is happening when the public spoke and used inappropriate words out of frustration. She remarked she also understood that Council was trying to clean up some of the rules. She asked where Rule 8 regarding citizen comments was moved to since it was crossed out.

Acting Deputy City Manager Toni Maccarone replied when staff included a new section on debate and decorum it shifted the numbers around. She advised citizen comments was Rule 11, noting it had not changed and was still at the end of the meeting for up to 30 minutes provided there was a quorum of the Council.

A motion was made by Councilwoman Pastor, seconded by Councilwoman Williams, that this item be adopted as amended noting Rule 7(C) will go into effect on January 1, 2021. The motion carried by the following vote:

Yes:	6 -	Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams and Mayor Gallego
No:	3 -	Councilman DiCiccio, Councilmember Garcia and Vice Mayor Waring

59 Public Hearing and Resolution to Approve the 2020 Downtown Enhanced Muncipal Services District Assessments (Resolution 21792)

Request to hold a public hearing for the approval of the 2020 Downtown Enhanced Municipal Services District (EMSD) assessments and adopt a resolution approving such assessments for the 2020 calendar year. The City's estimated annual expenditure for this program is $1,329,856.

Summary

Pursuant to State law, a public hearing must be held prior to the annual adoption of the assessments for the Downtown EMSD. The City Council authorized the formation of the Downtown EMSD in 1990 to provide enhanced public services, above and beyond the level of services provided in the remainder of the City. The costs for the Downtown EMSD's services are paid through assessments on property owners within the Downtown EMSD boundaries, which are generally bounded by Fillmore Street on the north, 7th Street on the east, 3rd Avenue on the west, and on the south by the railroad tracks south of Jackson Street. The City contracts directly with Downtown Phoenix, Inc. (DPI) to implement the work plan of the Downtown EMSD. The work plan and budget for calendar year 2020 provides a variety of enhanced services in the Downtown EMSD area, including the Ambassadors, streetscape improvements and maintenance, a Clean Team, marketing, events, economic and community development, and transportation services.

The annual assessments for the Downtown EMSD will be levied for the 2020 calendar year after the required legal process for the Downtown EMSD has been completed. Assessments are determined in proportion to the benefits received by each parcel. There are approximately 785 parcels in the Downtown EMSD that the budget will be assessed on. This is based on the approved Downtown EMSD assessment diagram that indicates the properties to be assessed for enhanced municipal services. This diagram is on file in the office of the Director of the City of Phoenix Street Transportation Department, and was posted online at the City's Community and Economic Development Department website.

The figures below represent the assessments for private and public property owners based on the approved 2020 Downtown EMSD budget of $4,069,672. This includes $156,315 for streetscape maintenance expenses, which are paid only by property owners and tenants adjacent to the Streetscape Improvement District, as shown below.

Downtown Enhanced Municipal Services District Calendar Year 2020 Assessments

Private Property Owners Assessments: $1,865,313

Public Property Assessments: $2,204,359
Total Assessments: $4,069,672

Streetscape Maintenance Expenses (expenses included in the figures above)

Private Property Owners Assessments: $90,883
Public Property Assessments: $65,432
Total Streetscape Expenses: $156,315

Financial Impact

The City's estimated annual expenditures for this program are $1,329,856, which includes: $377,169 from the General Fund; $559,892 from the Phoenix Convention Center; $133,738 from the Sports Facilities Fund; $9,342 from the Genomics Facilities Operations and Maintenance Fund; and $249,715 from collections from tenants on City-owned properties. An additional $874,503 is collected from other government-owned properties including Maricopa County, Maricopa County Stadium District, and the State of Arizona. The remaining $1,865,313 of funds are collected from private property owners through an assessment on their property tax bills. The total amount for the calendar year 2020 Downtown EMSD budget is $4,069,672.

Concurrence/Previous Council Action

On Oct. 16, 2019, the City Council approved the Downtown EMSD 2020 estimate of expenses, assessment of expenses, the Downtown EMSD assessment diagram, and set the date of Nov. 6, 2019, for the hearing on the estimated assessments. The work plan and budget were recommended for approval by the Workforce and Economic Development Subcommittee on Sept. 25, 2019 by a vote of 3-0.

Public Outreach

On Oct. 16, 2019, the City Council set the date of Nov. 6, 2019 as the date for the public hearing on the Downtown EMSD assessments. On Oct. 16, 2019, a total of 21 days prior to the hearing, which is greater than the legally required 20 days, all property owners were notified by mail of their annual assessment cost by the Street Transportation and Community and Economic Development departments. In addition to the

budget and work plan being recommended by the Workforce and Economic Development Subcommittee on Sept. 25, 2019, DPI has sent letters to all property owners, and the Downtown EMSD Board approved the 2020 budget at its June 2019 board meeting.

Location

The Downtown EMSD is generally bounded by Fillmore Street on the north, 7th Street on the east, 3rd Avenue on the west, and on the south by the railroad tracks south of Jackson Street.
Council Districts: 7 and 8

Discussion

Mayor Gallego declared the public hearing open. She stated comment cards were submitted for the record in favor by the following individuals:

Bill Halper, Owner's Representative
Dan Klocke, Downtown Phoenix Partnership
Maria Baier
Patricia Boreham
Akira Boreham
Billy Shields

Noting no one was present wishing to speak, Mayor Gallego declared the public hearing closed.

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

Yes:	7 -	Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams and Mayor Gallego
No:	2 -	Councilman DiCiccio and Vice Mayor Waring

60 Authorization to Pay Invoices for 2020 Downtown Enhanced Municipal Services District (Ordinance S-46134)

Request to authorize the City Manager, or his designee, to pay all invoices received from Downtown Phoenix, Inc. (DPI) through the Phoenix Downtown Enhanced Municipal Services District (EMSD)

Agreement, City Contract 141594, in an amount not to exceed $4,069,672 for work related to the calendar year 2020 Downtown EMSD budget and work plan through Dec. 31, 2020. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse funds related to this item.

Summary

The City Council authorized formation of the Downtown EMSD in 1990 to provide enhanced public services, above and beyond the level of services provided in the remainder of the City. The City contracts directly with DPI to implement the work program of the Downtown EMSD, including enhanced streetscape, event management and the ambassador program. Pursuant to State law, each year a budget must be approved for the EMSD. This action is the final step in the annual budget process to authorize the Community and Economic Development Department to pay DPI for services rendered in calendar year 2020 under the Downtown EMSD contract.

Financial Impact

The City's estimated annual expenditure for this program is $1,329,856, which includes: $377,169 from the General Fund; $559,892 from the Convention Center; $133,738 from the Sports Facilities Fund; $9,342 from the Genomics Facilities Operations and Maintenance Fund; and $249,715 from collections from tenants on City-owned properties. An additional $874,503 is collected from other government-owned properties including Maricopa County, Maricopa County Stadium District and the State of Arizona. The remaining $1,865,313 of funds are collected from private property owners through an assessment on their property tax bill. The total amount for the 2020 calendar year budget is $4,069,672.

Concurrence/Previous Council Action

On Oct. 16, 2019, the City Council approved the calendar year 2020 Downtown EMSD estimate of expenses, assessment of expenses and the 2020 Downtown EMSD assessment diagram, and set the date of Nov. 6, 2019 for the public hearing on the estimated assessments. The work plan and budget were recommended for approval at the Workforce and Economic Development Subcommittee meeting on Sept. 25, 2019 by a vote of 3-0.

Public Outreach

On Oct. 16, 2019, City Council set the date of Nov. 6, 2019 as the date for the public hearing on the 2020 Downtown EMSD assessments. On Oct. 16, 2019, a total of 21 days prior to the hearing, which is greater than the legally required 20 days, all property owners were notified by mail of their annual assessment cost by the Street Transportation and Community and Economic Development departments. In addition to the work plan and budget being recommended by the Workforce and Economic Development Subcommittee on Sept. 25, 2019, DPI sent letters to all property owners and the Downtown EMSD Board approved the calendar year 2020 budget at its June 2019 board meeting.

Location

The Downtown EMSD is generally bounded by Fillmore Street on the north, 7th Street on the east, 3rd Avenue on the north, and on the south by the railroad tracks south of Jackson Street.
Council Districts: 7 and 8

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

Yes: 7 - Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams and Mayor Gallego

No: 2 - Councilman DiCiccio and Vice Mayor Waring

63 Mexico Trade Development Consulting Services Request for Proposals Contract Award (RFP-CED19-MTD) (Ordinance S-46158)

Request to authorize the City Manager, or his designee, to enter into a contract with Molera Alvarez LLC to provide Mexico trade development consulting services. The aggregate amount for the initial two-year contract term will not exceed $552,000. Further request to authorize the City Controller to disburse all funds related to this item. There is no impact to the General Fund. Funding for this contract is available in the Downtown Community Reinvestment Fund.

Summary

On March 20, 2019, City Council authorized staff to issue a Request for Proposals (RFP) for Mexico Trade Development Consulting Services to facilitate economic activity between Mexico and Phoenix.

In 2014, City Council authorized staff to issue a solicitation and subsequently enter into a professional services contract for Mexico trade development representative services to position the City and its partners to be proactive, focused and committed to long term, bilateral and strategic economic engagement with Mexico. As part of these services, the City opened trade offices in Mexico City and Hermosillo. The contract resulting from this solicitation expired on July 31, 2019. The City Council declined to extend the contract at its June 26, 2019 Formal City Council meeting, and the Mexico offices closed at the end of July.

If approved, services to be provided by Molera Alvarez will focus on:
Expanding the City's footprint in Mexico through the existing city offices and potentially additional offices in Guadalajara and Monterrey.
Developing and enhancing business to business connections between Mexico-based companies and companies operating in Phoenix.
Fostering Phoenix business expansion connections for Mexico-based companies seeking growth opportunities in the United States.
Identifying perspective Phoenix investments from Mexico-based investors seeking both development investment opportunities and business ventures in the United States.

Procurement Information
RFP-CED19-MTD, Mexico Trade Development Consulting Services, was issued on March 21, 2019 and conducted in accordance with Administrative Regulation 3.10. Five proposals were received; two of which were non-responsive. On May 24, 2019 an evaluation panel interviewed the three responsive proposers based on the published evaluation criteria (1,000 possible points):
Approach to Scope (0-300 points).
Primary Consultant's Qualifications and Experience (0-250 points).
Proposer's Qualifications and Experience (0-250 points).
Fee (0-200 points).

The scoring results were as follows:

Molera Alvarez LLC: 915 points.
Ballard Spahr LLP: 690 points.
The Morris Group USA: 489 points.

On June 10, 2019, the City announced the evaluation panel's recommended proposer. On June 17, 2019, the City received protests of the award recommendation from two unsuccessful proposers. On June 26, 2019, staff requested an extension to the then-current consulting services contract to allow services in the City's Mexico trade offices to continue while the protest was processed. However, City Council opted to not extend the contract, and the City's Mexico trade offices closed at the end of July. Also in July, the City rejected both protests: one lacked legal standing; and the other failed to establish a factual or legal basis to set aside the evaluation panel's recommendation. Later that month, the City received an appeal from one of the protestors, which was subsequently forwarded to the State of Arizona's Office of Administrative Hearings (OAH). On Sept. 16, 2019, the OAH issued a recommendation to dismiss the appeal and upheld the City's actions.

Staff recommends the proposal offered by Molera Alvarez LLC as the highest-scored, responsive and responsible proposal.

Contract Term
If approved, the term of the contract is for two years, with three one-year options to extend, which may be exercised by the City Manager, or his designee.

Financial Impact
There is no impact to the General Fund. Funding for this two-year contract is $276,000 annually, for a total amount not to exceed, $552,000, and is available in the Downtown Community Reinvestment Fund.

Concurrence/Previous Council Action
On Oct. 22, 2013, City Council approved the Community and Economic Development Department's Mexico Trade and Investment Update, which included a request to issue an RFP to select a qualified firm specializing in international trade promotion and foreign direct investment to represent

the City in Mexico in order to open a trade and investment office in early 2014.

On March 20, 2019, City Council authorized staff to issue an RFP for Mexico Trade Development Consulting Services to facilitate economic activity between Mexico and Phoenix.

On June 26, 2019 the City Council opted to not execute a short term extension of the then-current Mexico trade development representative consulting services contract.

Discussion

Councilwoman Williams said she supported this item, noting last spring she and Councilwoman Pastor were invited to Hermosillo where at that time they were running the Mexico office. Councilwoman Williams recalled they had a training session with Chris Mackay and were hoping to get 75 people to attend as the goal was to set up a business in Phoenix; however, over 300 people showed up. She was impressed with how the office ran and thought this was a real asset. She indicated this issue got caught up in politics and she was worried Hermosillo, Mexico, would think the City was breaking the connection to not only Phoenix but the State. She stated this would be a real loss to the community if the City broke the partnership, so she moved approval of this item.

Councilwoman Stark seconded the motion.

Carmen Ronan, manager of International Trade Services - formerly Alvarez, spoke in favor. She said she wanted to emphasize the merits of the proposal they submitted to provide Mexico trade development services. She also wished to recap what her team, in conjunction with City staff, had achieved as trade representatives in Mexico for the last five years. She conveyed they had helped more than 140 Phoenix companies explore business opportunities in Mexico, conducted 31 trade missions, represented Phoenix at 82 trade shows and conferences, negotiated 6 bilateral cooperation agreements and much more, all of which helped increase two-way trade.

Ms. Ronan specified their mission was to grow the number of jobs in Phoenix and give Phoenix companies a stronger competitive advantage

when trading with Mexico. She emphasized they had the experience to accomplish that mission. She expressed Phoenix's reputation in Mexico suffered following the aftermath of SB1070, but through this contract they had repaired the relationship with Arizona's largest trading partner and now Mexico was opening its doors to Phoenix. She added Phoenix could continue to demonstrate how it valued its relationship with Mexico and expand the foundation of trust that was formed. She recommended the City support the collective effort to bring in more jobs and enhanced trade opportunities with Mexico. She said she hoped to continue this important work and submitted letters of support on behalf of various government and business leaders.

Mayor Gallego stated Claude Mattox, who submitted a speaker comment card in favor, donated his time to Mr. Hamer.

Glenn Hamer, president and CEO of the Arizona Chamber of Commerce, spoke in favor. He mentioned for the past year the Arizona Chamber had been the leader in Arizona working with the business community to get the U.S.-Mexico-Canada agreement (USMCA) over the line. He stated the agreement connected 230,000 jobs across Arizona, noting the bulk of them were in Phoenix. He said it was important for Phoenix to take full advantage of the bipartisan movement to get the USMCA over the line. He recalled when this office was established five years ago it was not the greatest situation, so now was the time to double down.

Mr. Hamer conveyed the team of Molera Alvarez had done a brilliant job working with leaders in the business community to make this a valuable exercise. He pointed out Mexico was Arizona's largest trading partner and Phoenix's largest export market. He added it was an important source of jobs; therefore, this was not the time to go backwards especially with groups that supported going forward. He commended former Mayor Greg Stanton for traveling to Mexico during some of the darkest times to help mend the relationship and create an environment that many on the Council had helped to build up. He emphasized the Arizona Chamber supported the trade office on the state level, plus the trade offices from Phoenix.

Mr. Hamer thanked the Molera Alvarez team for leading the charge and

creating value, noting they won this contract fair and square. He remarked on behalf of the mainstream business community in Arizona that they had produced results and he expected the City would see more flights, jobs, tourism and more good things with Mexico. He said he agreed with Councilwoman Williams's comments about the Hermosillo trip and thought it would send the wrong message if the fifth largest city in the United States said goodbye. Therefore, he urged the Council to keep the offices open.

Fabian Valenzuela spoke in favor. He stated he represented Label and Printing Solutions, noting they were beneficiaries of these services. He conveyed in 2016 the Hermosillo office approached them to open a manufacturing company in Phoenix. He remarked that office helped them find a location close to the airport, assisted them with the lease contract which was complex and helped them obtain a certificate of occupancy. He mentioned the company invested $2.4 million in printing equipment, $150,000 in installations and hired 17 employees, noting a significant increase in sales because of customers. He thanked the City and suggested this be extended to Sonora since it was a bigger market as well as other big cities so Phoenix could see great benefits.

Mike Huckins, Vice President of Public Affairs for the Greater Phoenix Chamber, stated they supported staff's recommendation on this item. He conveyed since 2014 the trade offices in Mexico had provided Phoenix and business owners with exposure and resources in one of the world's largest markets. He remarked the trade offices were a valuable resource for Arizona's small- and medium-size businesses and their owners by equipping them with resources needed to break into a foreign market and be successful. He indicated Phoenix and Arizona had worked for several years to build and improve relations with Mexico, so it was vital to the state's economic potential that the trade offices reopen as soon as possible. He added given the pending ratification of the USMCA at the federal level it was critical that Arizona, and especially Phoenix, lead the way in showing trade support however possible. He said small and medium businesses selling exports to one of our largest trade partners was a great asset to Arizona's economy. For the good of the City, region and state's relationships with Mexico, he urged that Council approve this item.

Councilwoman Pastor said she understood this item went through an RFP process and that Molera Alvarez received the highest points. She requested staff explain the RFP process and how the Council had input as well as how it went through subcommittee.

Community and Economic Development Director Chris Mackay replied this went back to 2014 when the Council first authorized a contract for the Mexico office which had a five-year life that ended on July 31, 2019. She continued in preparation for completion of that contract staff came to subcommittee in March 2019 and asked for authorization to issue an RFP. She conveyed Council had some input at the subcommittee level as to how the RFP should look at foreign direct investment, focus more on business to business and explore business expansion opportunities within Mexico but keep the Mexico City and Hermosillo offices. She stated staff modified the RFP and issued it in March 2019 which resulted in five proposers but two were non-responsive. She remarked in May 2019 an independent panel interviewed the three proposers and recommended Molera Alvarez on June 10, 2019.

Councilwoman Pastor remarked the City received a protest on June 17, 2019 and she wanted to know what happened in the protest process.

Community and Economic Development Procurement Manager Gretchen Wolfe responded the City received two protests for the award recommendation. She advised one was from a proposer that did not have legal standing as their proposal was disqualified earlier in the process. She conveyed the second protest was from an unsuccessful proposer who questioned how the City scored the fees and raised other issues. She indicated that protest was reviewed, noting staff did not find a legal basis to overturn the panel's recommendation and sent them notice of the decision. She said they appealed the City's decision which was forwarded to the state's Office of Administrative Hearings. She pointed out the state reviewed it and made a recommendation to the City to dismiss the appeal. She stated staff sent them notice of that decision which ended the administrative options to challenge this award recommendation.

Councilwoman Pastor confirmed there were two processes so if the protester did not like the first answer there was a second process which she related to final judgment at court. She asked how long the Mexico trade office had been closed.

Ms. Mackay replied the last day of the existing contract was July 31, 2019 so the Hermosillo and Mexico City offices had been closed since August 1, 2019.

Councilwoman Pastor affirmed the Mexico office had been closed for about three months. She expressed she was taken back by this whole process since everyone had a right to appeal; however, this appeal demonstrated the RFP and the group that was selected were valid. She questioned what the next steps were and how long it would take to open an office in Mexico if this group was not selected.

Ms. Mackay responded staff currently had authorization from Council to complete this RFP. She advised if this item did not pass staff would have to come up with a new strategy for Council to consider regarding how to continue to conduct business in Mexico. She stated Council could also give staff direction on how they wanted staff to conduct business in Mexico. She said if it was a new RFP the process would take about six months, but if it was a different direction staff would implement it as quickly as possible.

Councilwoman Pastor asked if the City could manage this contract internally.

Ms. Mackay replied staff had been doing what it could internally to manage activity in the Mexico market since July 31, 2019. She remarked staff would have to look for additional resources from the Council to manage a contract at the same level; however, staff found it beneficial to have offices in Mexico. She noted the City would need a more robust staff to execute things efficiently.

Councilmember Garcia requested more detail on what it would look like and the staffing it would take to do this internally.

Ms. Mackay replied if the City tried to replicate similar activity based on the existing contract, there would need to be a trade representative in Mexico City and Hermosillo, along with at least two City staff to conduct and guide that business. She remarked two or three additional staff members were necessary and time to work on a strategy with Council on what they wanted staff to execute.

Councilmember Garcia inquired about the length of this contract.

Ms. Mackay responded the proposed contract was for two years with three one-year renewals for the Council's consideration each year. She indicated if this contract was approved it would be in place through 2021 with staff coming back to Council for an extension in 2022 if that was the direction given.

Councilman Nowakowski expressed he was one of the individuals that advocated this from the beginning, noting Councilman DiCiccio provided a connection at the state to work with on a joint office in Mexico City. Councilman Nowakowski said he believed the City had done a great job since more people were hearing about this work in Mexico including different consulates. He conveyed he served as an honorary chair of core consulates and they suggested to think globally instead of just Mexico. He said he thought that would be an opportunity for Phoenix to look at a global way of attracting business to the City.

Councilman Nowakowski remarked since the office had been closed he had several meetings with individuals interested in coming to Phoenix. He emphasized the general consulate of the United States who was stationed in Hermosillo called to see if the City could assist them with firefighter expertise. He expressed those were the types of relationships the City should have throughout the world, so he wanted to look at how to make this more global instead of just in Central America. Thus, he recommended in the future that staff look at a more global stance while continuing these partnerships. He commended staff for doing a wonderful job assisting the business community but he wanted to rethink the whole trade situation and not just do so in Mexico but throughout the whole world.

Mayor Gallego thanked Councilman Nowakowski for his leadership on Mexico issues, noting the City had been recognized by Mexico for his commitment to that relationship.

Councilwoman Pastor agreed that was a good idea but she did not want to hold up the Mexico trade office. She added the City should look at a global plan in the sense that Mexico was here then explore different areas to have many RFPs that reached different markets. She conveyed one of the ideas should be which markets Council wanted to hit because of the success with Mexico trade. She stated she went to three trade missions including a women's business summit in Hermosillo where over 50 women wanted to engage in trade. She expressed she did not want to lose that momentum or for politics to get in the middle of this process.

Councilwoman Williams said she agreed with Councilwoman Pastor's idea as she did not like the interruption in Hermosillo and Mexico City, not to mention it reflected badly on Phoenix. Councilwoman Williams wanted to move forward with the two years while a global plan was developed and Council decided where to expand offices. She requested to amend her motion and approve this for two years to give staff time to develop a plan to possibly do multiple offices in different countries. She stated she did not want the Hermosillo office empty for another 18 months as it was not good business for Phoenix or Arizona. She expressed keeping the office open for two years would provide staff ample time to come up with something new and if not this could come back to Council.

Councilwoman Stark concurred with the amended motion that this would be a two-year contract.

Prior to his vote, Councilman DiCiccio stated this was a difficult decision for him since he had been consistent in voting against lobbying contracts. He conveyed he would be voting no but it was not a reflection on the firm. He expressed this was hard decision because he helped get this thing started which had evolved and included multiple partners. He recognized Mayor Gallego for her leadership and the amount of work she had done in making sure ties with Mexico were restored since it was the City's largest trading partner.

Prior to his vote, Councilmember Garcia expressed as someone who was born in Sonora, Mexico, he cared deeply about this commitment. He said he welcomed a fresh start and thought the City should invest in its department. He stated he would have liked more time to figure things out, such as developing staff internally as this went through the process. He remarked he was committed to continuing the relationship with Mexico, but he would be voting no.

Prior to her vote, Councilwoman Guardado stated she understood the need as she came from a Mexican family and was excited about the partnerships, but she was more eager to see what the City could do to be more helpful and hands-on. She also appreciated the Sister Cities program and hoped for a fresh start moving forward, so she would be voting no.

Prior to her vote, Councilwoman Pastor indicated she was voting yes because of the process and findings that staff did everything correctly in awarding a proposal.

Prior to her vote, Councilwoman Williams said she was voting yes as this was best for the City to keep the office open.

A motion was made by Councilwoman Williams, seconded by Councilwoman Stark, that this item be adopted as amended noting the contract be awarded for two years with direction that staff work on developing a global plan to bring back to the Council. The motion failed by the following vote:

Yes:	3 -	Councilwoman Pastor, Councilwoman Stark and Councilwoman Williams
No:	6 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Vice Mayor Waring and Mayor Gallego

67 Fiscal Year Reconciliation with Regional Public Transportation Authority for Purchase of Fixed Route Transit Service for Fiscal Year 2018-19 (Ordinance S-46139)

Request to authorize the City Manager, or his designee, to enter into a contract change order for Contract 143071 with the Regional Public

Transportation Authority (RPTA) to make a year-end reconciliation payment in an amount not to exceed $85,815 for local bus service operated within Phoenix. Further request authorization for the City Controller to disburse the necessary funds.

Summary

An intergovernmental agreement (Contract 143071) between the RPTA and the City of Phoenix was originally approved by City Council commencing on July 1, 2016, and continuing through June 2036. A contract change order is executed each fiscal year to authorize the funding for each year's service, with Phoenix determining the level of service to be operated within its boundaries. Transit services are customarily purchased and sold between regional entities where adding service or continuing an existing bus route is most economical. Phoenix also sells service to the RPTA on multiple routes.

On April 4, 2018, City Council authorized payment to the RPTA for Phoenix's portion of bus service on routes 30 (University Drive), 45 (Broadway Road), 56 (Priest Drive), 61 (Southern Avenue), 77 (Baseline Road), 108 (Elliot Road/48th Street), 140 (Ray Road), and 156 (Chandler Boulevard) for fiscal year 2018-19. The end-of-year reconciliation of revenues and expenditures provided by the RPTA reflect actual expenses of $7,674,594, resulting in an additional $85,815 due to the RPTA. Public Transit Department staff has reviewed the reconciliation and determined it to be accurate.

The changes in final expenses were the result of:
Updated costs per mile;
Actual fares collected to offset transit expenses; and
Updated federal preventative maintenance credits received.

Financial Impact

The total amount of this change order will not exceed $85,815. Funds are available in the Public Transit Department's operating budget in the Transportation 2050 Fund.

Note: Councilmember Garcia temporarily left the voting body.

A motion was made by Councilwoman Williams, seconded by Councilwoman Stark, that this item be adopted. The motion carried by

the following vote:

Yes:	7 -	Councilman DiCiccio, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams and Mayor Gallego
No:	1 -	Vice Mayor Waring
Absent:	1 -	Councilmember Garcia

68 Request Authorization to Apply for 2019 Federal Transit Administration Transit Oriented Development Planning Grant for Capitol/I-10 West Extension (Ordinance S-46156)

Request to authorize the City Manager, or his designee, to submit a TOD Planning grant application to the Federal Transit Administration (FTA) for $2 million. The TOD Planning grant program provides a maximum federal share of 80 percent ($2 million), with a required local match of 20 percent ($500,000). T2050 funds will be used for the FTA required local match of $500,000.

Summary

The FTA Pilot Program for TOD Planning provides funding to local communities for integrating land use and transportation planning with transit capital investments that are seeking, or have recently received, funding through the Section 5309 Capital Investment Grant Program. The Pilot Program is intended to fund comprehensive proactive planning that supports economic development, business retention, expansion of access to job training and employment, ridership, multimodal connectivity and accessibility, increased transit access for pedestrian and bicycle traffic, and mixed-use development near transit stations.

The City is planning a ten-mile light rail transit investment that will connect the existing light rail system from downtown Phoenix to the 79th Avenue Park-and-Ride adjacent to the Interstate 10 corridor. The improvements also include projects that implement elements of the City’s Complete Streets Initiative, enhance multimodal connections, provide bicycle infrastructure improvements, and complete critical upgrades to existing transit facilities that support service along the alignment.

This TOD Planning grant would provide the resources to work with the

community (residents, businesses, schools, community groups, and others) to: (1) develop and implement plans that support existing residents and businesses and attract healthy new businesses to the corridor by enhancing connectivity, access, and mixed use development; and (2) identify opportunity sites for development that complements the history, culture and character of the Capitol/I-10 West corridor.

The TOD Planning grant application deadline is Nov. 18, 2019.

Financial Impact

The TOD Planning grant program provides a maximum federal share of 80 percent ($2 million), with a required local match of 20 percent ($500,000). T2050 funds will be used for the FTA required local match of $500,000.

Concurrence/Previous Council Action

The Citizens Transportation Commission recommended approval of the grant recommendation to the Transportation, Infrastructure and Innovation Subcommittee on Oct. 17, 2019 by a vote of 10-0.

This item is scheduled to be heard by the Transportation, Infrastructure and Innovation Subcommittee at the meeting on Nov. 6, 2019.

Location

Extending from downtown Phoenix to the State Capitol Complex along I-10 to 79th Avenue.
Council Districts: 4, 5 and 7

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

Yes:	6 -	Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams and Mayor Gallego
No:	2 -	Councilman DiCiccio and Vice Mayor Waring
Absent:	1 -	Councilmember Garcia

70 Pedestrian Safety Improvements

This report requests City Council approval of the proposed fiscal year 2019-20 pedestrian safety improvements under the Council-adopted Street Transportation Department Office of Pedestrian Safety $2 million Capital Improvement Program budget.

Summary

Preliminary numbers from the Arizona Department of Transportation (ADOT) show the City of Phoenix experienced 112 pedestrian fatalities on its roads in 2018. These preliminary numbers represent a dramatic increase of 67 percent over the last five years and more than 200 percent over the last 10 years.

However, so far in 2019 Phoenix has seen a decrease in pedestrian fatalities compared to a year ago. For the first six months of 2019, the Phoenix Police Department Vehicular Homicide Unit (VHU) reported 37 fatalities, a 24 percent decrease in pedestrian fatalities from the 49 fatalities in the first six months of 2018.

The Office of Pedestrian Safety has continued to seek funding for pedestrian safety related grant opportunities, providing increased educational outreach to neighborhood groups and residents, collecting data on our existing pedestrian safety infrastructure, increasing collaboration with outside agencies, and prioritizing capital improvement projects with an emphasis on pedestrian safety. The Office of Pedestrian Safety leads and participates in the interdepartmental staff Pedestrian Safety Task Force, created by the City Manager's Office in April 2018. The Pedestrian Safety Task Force includes representatives of the Street Transportation and Police Departments, the Communications Office, and the City Manager's Office. The Office of Pedestrian Safety utilizes the four "E"s of traffic safety to enhance pedestrian safety in Phoenix: Evaluation, Engineering, Enforcement and Education.

Pedestrian Safety Funding

To address the increase in pedestrian fatalities throughout the City of Phoenix, the City Council authorized the Street Transportation Department to allocate $2 million annually in Capital Improvement Project (CIP) funding to the Office of Pedestrian Safety to increase the implementation of pedestrian improvements beginning in fiscal year 2020. The funds are proposed to be expended in the following areas

(**Attachment A - Pedestrian Safety Improvements**):

Improve pedestrian visibility by adding streetlights on both sides of streets in high pedestrian collision areas where only single-sided lighting exists.
Address gaps in street lighting by adding streetlights at some existing crosswalks or roadway segments.
Add four HAWK signals at high pedestrian activity and/or collision locations.
Install raised medians at arterial hot spot locations with the highest pedestrian activity.
Fund research through Arizona State University to analyze the variety of factors leading to the increasing pedestrian collisions in Phoenix.
Leverage a $15,000 grant from the Governor's Office of Highway Safety to create and print Pedestrian Safety Activity Book for children in grades three to six in both Spanish and English.
Purchase a variety of safety related and age appropriate items to conduct educational outreach to schools.
Upgrade mid-block, unsignalized arterial and selected collector road crosswalks to high-visibility crosswalk standards.

The Street Transportation Department intends to utilize City staff and existing contracts to complete the proposed work.

Concurrence/Previous Council Action

This item was recommended for approval at the Transportation, Infrastructure and Innovation Subcommittee meeting on Oct. 2, 2019, by a vote of 3-0.
The City Council approved $2 million annually for pedestrian safety improvements beginning in fiscal year 2019-20 as part of the City's five-year Capital Improvement Program on June 19, 2019 (S-45820).

Discussion

A motion was made and seconded to approve this item.

Haley Ritter spoke in favor as pedestrian safety was important since she traveled by bicycle, but she was disappointed in the lack of bicycle studies. She thanked Council for their support in improving pedestrian safety as it was a big issue in the Valley. She said she thought the car

lanes were too wide and could be reduced to have flowable traffic for vehicles and bicycle lanes on all major arterial roads. She also expressed concern about drivers not respecting speed limits and ignoring stoplights. She commended Council for improvements with lighting and HAWK signals, but stated the City needed to work harder to improve pedestrian safety.

Note: Councilmember Garcia returned to the voting body. Councilwoman Guardado temporarily left the voting body.

Mayor Gallego conveyed this year's budget prioritized pedestrian safety and this item would allow the City to move forward with upgrades including better streetlighting.

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

Yes:	8 -	Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman Guardado

86 Desert Ridge Specific Plan - Southwest Corner of 56th Street and Deer Valley Road

Review of proposed plans for buildings in excess of four stories in Parcel 5.A of the Desert Ridge Specific Plan per requirements in the Desert Ridge Specific Plan and the Areas C and D General Plan. This request requires Formal Action only.

Summary
Current Zoning: C-2 DRSP
Acreage: 155.04
Proposed Use: Commercial/Mixed Use

Owner: Arizona State Land Department
Representative: Crown Realty and Development

Applicant: Crown Realty and Development

Staff Recommendation: Staff finds the submittal to meet the requirements of the Desert Ridge Specific Plan and the Areas C and D General Plan.
VPC Action: The Desert View Village Planning Committee heard this item on Sept. 10, 2019 and affirmed the plans without formal comment and that the plans are consistent with the Desert Ridge Specific Plan and the Areas C and D General Plan and recommended approval by a 9-0 vote.
PC Action: The Planning Commission heard this item on Oct. 3, 2019 and confirmed that the proposed plans are consistent with and meet the intentions of the Desert Ridge Specific Plan and the Areas C and D General Plan and recommended approval by a 7-1 vote.

Location
Generally located at the southwest corner of 56th Street and Deer Valley Road
Council District: 2
Parcel Address: 20855 N. 53rd St. and 5505 E. Deer Valley Drive

Discussion
Vice Mayor Waring announced this item was pulled because a card was submitted but it was supposed to be marked if necessary to speak.

Mayor Gallego remarked this was an exciting item that was moving forward in the Desert Ridge area.

Note: Councilwoman Guardado returned to the voting body.

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego

No: 0

104 Amend City Code - Ordinance Adoption - Rezoning Application

Z-18-19-4 - Northwest Corner of Central Avenue and Indian School Road (Ordinance G-6637)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-18-19-4 and rezone the site from C-3 TOD-1 to WU Code T5:5 UT to allow multifamily residential.

Summary

Current Zoning: C-3 TOD-1
Proposed Zoning: WU Code T5:5 UT
Acreage: 10.39
Proposed Use: Multifamily residential

Owner: Bayless Investment and Trading Co
Representative: Stephen C. Earl - Earl, Curley & Lagarde
Applicant: Stephen C. Earl - Earl, Curley & Lagarde

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Encanto Village Planning Committee heard this case on July 1, 2019 and recommended a continuance to the Aug. 5, 2019 Encanto Village Planning Committee meeting by a 12-0 vote.
The Encanto Village Planning Committee heard this case on Aug. 5, 2019 and recommended a continuance to the Sept. 9, 2019 Encanto Village Planning Committee meeting by an 11-0 vote.
The Encanto Village Planning Committee heard this case on Sept. 9, 2019 and recommended approval per staff recommendation and additional stipulations by an 8-4 vote.
PC Action: The Planning Commission heard this case on Oct. 3, 2019 and recommended approval per the staff memo dated Oct. 3, 2019 with a modified stipulation by an 8-0 vote.

Location

Northwest corner of Central Avenue and Indian School Road.
Council District: 4

Parcel Addresses: 4100, 4104, and 4110 N. Central Ave.; and 118, 124, 230, and 240 W. Indian School Road

Discussion

Dave Jenkins, a long-term Carnation neighborhood resident, spoke in opposition. He said he had one-on-one talks with neighborhood activists and the developer. He asked that the developer and the City preserve the neighborhood and provide a physical traffic diversion on the property's 3rd Avenue access. He indicated their concern was a need for more than a sign because without a diversion residents would be at risk for a fatal tragedy. He pointed out this property could create over 1,000 car trips daily through their community. He remarked their neighborhood was not designed for that amount of traffic but he had seen other communities design a traffic diversion that worked. He submitted a handout and expressed he was not against apartments, but he wanted the developer to preserve the family-oriented streets of the Carnation neighborhood.

Margaret Dietrich spoke in favor, noting this corner was important to many people because of its history. She stated since it was a major intersection in Phoenix that it deserved a beautiful property. She conveyed Toll Brothers built nice property, noting the quality of the original product was boring but they had put a lot of effort into making this a worthy project for the corner. She remarked she had not noticed an increase in traffic from another project in the area. She indicated 3rd Avenue had speed bumps and stated she believed the developer worked with the residents to make it a left turn only so traffic went to Indian School. Therefore, she said she thought the developer worked hard to keep traffic from going through the Carnation neighborhood.

Stephen Earl spoke in favor on behalf of the applicant, Toll Brothers, and noted Todd Bowden, the regional director of all multifamily projects throughout the western United States, was present. Mr. Earl indicated Mr. Bowden spoke with the residents about 3rd Avenue after the Planning Commission meeting since it came up during discussions. Mr. Earl pointed out the Village Planning Committee voted in favor of this request, and staff and the Planning Commission recommended approval.

Mr. Earl conveyed Stipulation 12 said the developer had to control the traffic at 3rd Avenue with diverters or other designs approved by the Street Transportation Department as well as include a sign. He remarked it was important to look at another development north of this project called The Station that was built 20 years ago. He noted it had access to

3rd Street going up to Monterosa where traffic could go out to Central or to 3rd avenues. He remarked a traffic study was conducted for that project, which had the same number of units as this project, that demonstrated traffic movement was to Indian School Road to get to the signal. He emphasized cars did not turn north into the neighborhood or west to 3rd Avenue. He stated the developer was committed to this neighborhood and would work with the Street Transportation Department to design a diversion so people went toward Indian School Road.

Councilman DiCiccio expressed Mr. Earl was an honorable individual and was working with a great client that brought in excellent products. He commended Mr. Earl and Councilwoman Pastor for the amount of work they put into this as it was a complicated case, noting there was only one individual in opposition. Councilman DiCiccio conveyed the current zoning was very intense and could allow multiple other uses people did not want to see on this corridor since it was the gateway into downtown. He stated what Mr. Earl had done on behalf of protecting this neighborhood were exemplary.

Mr. Earl indicated he had a presentation which showed the quality nature of the project.

Councilwoman Pastor interjected she wanted to see 3rd Avenue and what had been added.

Mr. Earl conveyed staff's display of the site plan showed it was at the far west end.

Councilwoman Pastor stated that Toll Brothers listened to the community as well as her recommendations regarding the architecture, specifically on Central and Indian School since that corner was rapidly changing. She said she wanted this to be part of the neighborhood, noting the developer took a mid-century piece and replicated it with modern apartments. She pointed out the addition of the arches which matched the famous building on Central and Osborn.

Councilwoman Pastor thanked Councilman DiCiccio for the compliment; however, Toll Brothers and the community worked hand-in-hand to create

this space. She stated she stayed behind the scenes because she liked when neighborhoods worked with a developer, but she did step in when it was contentious. She commended everyone, especially on 3rd Avenue, and noted Mr. Jenkins drawing was part of Stipulations 12, 13 and 14. Additionally, she wanted a high physical diversion so that no cars could make a right turn, noting the developer was looking at putting a left-turn at the light. Thus, she said she believed Mr. Jenkins questions and concerns had been addressed.

Planning and Development Director Alan Stephenson advised this case was not appealed for a public hearing so Council could not add stipulations. However, he said Councilwoman Pastor's comments could be direction to staff to work on what the right-turn divider would be to ensure traffic goes south on 3rd Avenue. He stated he would meet with the Street Transportation Department and bring Mr. Jenkins' exhibit along with the comments as direction on how staff could ensure it was difficult for someone to turn and go north on 3rd Avenue.

Councilwoman Pastor conveyed the central city was growing as it was the core and she would continue, along with neighborhoods, to discuss how to manage traffic and cut-through. She stated she thought a great agreement was reached to move this forward.

A motion was made by Councilwoman Pastor, seconded by Councilwoman Williams, that this item be approved per Planning Commission's recommendation on Oct. 3, 2019 and adopt the related ordinance. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego

No: 0

107 Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-86-18-2 - Northeast and Southeast Corners of Black Canyon Highway and the Dynamite Boulevard Alignment (Ordinance G-6639)

Request to hold a public hearing on the rezoning application for the following item and consider adoption of the Planning Commission's recommendation and the related Ordinance if approved. The request is to rezone the site from S-1 to CP/GCP for a recreational vehicle and boat storage facility.

Summary

Current Zoning: S-1
Proposed Zoning: CP/GCP
Acreage: 18.13
Proposed Use: Recreational vehicle and boat storage facility

Owner: The Prescott Valley Company, et al.
Applicant: Mark Temen, Fortress RV Storage, LLC
Representative: Lazarus, Silvyn, & Bangs, PC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on May 16, 2019 and made no recommendation (motion to approve failed by a 3-5 vote).
PC Action: The Planning Commission heard this case on June 6, 2019 and recommended approval per the staff recommendation with additional stipulations by a 9-0 vote.
CC Action: The City Council heard the case on July 3, 2019 and remanded the case back to the VPC for a recommendation and PC for further discussion and a recommendation.
VPC Action: The Deer Valley Village Planning Committee heard this case on July 18, 2019 and continued it to Sept. 19, 2019 by an 8-0 vote.
VPC Action: The Deer Valley Village Planning Committee heard this case on Sept. 19, 2019 and made no recommendation (motion to deny failed by a 1-4-3 vote and motion to approve failed by a 4-1-3 vote).
PC Action: The Planning Commission heard this case on Oct. 3, 2019 and recommended approval per the Addendum B Staff Report by an 8-0 vote.

*3/4 Vote Not Required.

Location

Northeast and southeast corners of Black Canyon Highway and the

Dynamite Boulevard alignment.
Council District: 2
Parcel Address: 3002 W. Oberlin Way

Discussion

Planning and Development Director Alan Stephenson stated this was a rezoning request located at the northeast and southeast corners of Black Canyon Highway and Dynamite Boulevard. He said the request was to go from S-1 to Commerce Park/General Commerce Park for an 18-acre site for the proposed use of a recreational vehicle and boat storage facility on the southern portion. He indicated staff recommended approval per the Planning Commission recommendation.

Mr. Stephenson displayed the subject site, noting this case came before Council in a slightly different configuration back in July 2019. He remarked at that point Council remanded the case back to the Deer Valley Village Planning Committee to re-start the hearing process. He noted the applicant made a change at that time to swap out some of the land area. He referred to his presentation and indicated this was a general plan designation with a mix of commerce park designation and multifamily residential 15-plus in an area bounded by the I-17 freeway and Skunk Creek wash. He stated the General Plan Amendment was approved in the early 2000s which allowed this area to develop over time with a mix of multifamily and commerce park type uses. He presented the zoning map of the area that showed multifamily residential, commerce park and a Planned Unit Development which allowed a mix of uses along with single-family residential on the other side of I-17 and Skunk Creek wash.

Mr. Stephenson displayed the previous zoning map that came before Council in July 2019 where the applicant was just looking at the site for boat/RV storage. He indicated the applicant reached agreement with the adjacent property owner and swapped the land so the other site would be developed in the future. He conveyed this proposal did go through the process where it was reviewed and discussed. He said Phase 1 was before the Council, whereas Phase 2 was future development. He added a stipulation was part of this request that required the future phase to go through a public hearing process to have the site plan and elevations approved. He explained the site plan would be approved by a planning

hearing officer and could be appealed to the Council for discussion about the site design. He noted the use would be approved it Council approved this case, so the hearing would be just about the site design.

Mr. Stephenson presented the overall site plan and proposed landscape plan with a minimum 30-foot landscaping per stipulations along I-17. He also displayed conceptual building elevations, such as the office, storage units and outside canopies for RV storage, plus a rendering of what it looked like from the I-17 frontage road. He stated staff recommended approval per the Planning Commission recommendation and adoption of the related ordinance, noting the commission unanimously approved it. He advised there was no recommendation on this case from the Deer Valley Village Planning Committee since no quorum of five members voted either to approve or deny the application.

Mayor Gallego declared the public hearing open and stated each side would have up to 30 minutes to present.

Heather Dukes, an attorney with Lazarus, Silvyn & Bangs, spoke in favor on behalf of their client, Fortress RV Storage. She requested Council's approval to rezone approximately 18 acres from the suburban S-1 district to the Commerce Park district, General Commerce Park option to develop this RV/boat storage facility along the east side of the I-17 freeway between Dynamite and Jomax Road. She stated since appearing before Council in July 2019 their client had amended this rezoning application by negotiating a land trade with Fred Bishop to relocate the RV/boat storage facility farther south and away from the apartment development. She displayed the current ownership of the properties as well as the prior location of the RV/boat storage facility which was a north-south configuration along the I-17 freeway. She conveyed the site plan was now adjusted as the storage facility was pushed farther south, noting all 18 acres were being rezoned to the general commerce park option. She said the northern parcels did not have a site plan at this time, but Mr. Bishop would submit them when ready and go through the required planning hearing officer process. She explained once the site plan was filed it would be sent to the Deer Valley Village Planning Committee who had the option to hear it and provide feedback then it would go to the planning hearing officer. She added any

appeals from the planning hearing officer would then be heard and decided by the Council which was the case now, noting it would be a similar process for the other parcels in the future.

Ms. Dukes stated she believed this was an ideal site for an RV/boat storage facility along the I-17 freeway since it was a highly traveled route to national parks, lakes and recreational grounds in northern Arizona. She indicated the site was comprised of three parcels totaling approximately 13.14 gross acres, noting I-17 and the Skunk Creek wash served as physical buffers separating the site from single-family residential developments to the west and east. She pointed out vehicular access to the property was limited to the freeway frontage road that connected with Jomax Road to the south and Dixileta Drive to the north.

Ms. Dukes remarked an RV/boat storage facility generated very little traffic when compared to the other multifamily and general commerce park uses which made this a low impact use that was suitable at this location. She conveyed since this request was to rezone to the general commerce park option it did conform with the general plan land use map. She mentioned this request was also compatible with existing zoning in the area, noting on the east side of the I-17 to the south there were parcels already zoned general commerce park and PUD as well as multifamily residential units to the north. She added there were two existing parcels to the south still zoned S-1, so with this general plan designation of general commerce park and multifamily she thought the parcels would be rezoned in the future for consistency.

Ms. Dukes displayed the amended site plan dated Sept. 9, 2019, which consisted of:

22 enclosed garages located along I-17 and 263 parking canopies both with a clear height of 14 feet;
a sales office building at mid-point of this site with materials and colors compatible to the apartments and single-family residential subdivisions in the area; and
secure gated access.

She said the project was designed to minimize potential impacts to

surrounding properties, noting there was only one driveway access from the frontage road. She specified placement of the office building was where traffic would come in and out of the facility at mid-point. She stated the waste dump stations were moved farther west to the middle of the development at the request of Sage Apartments. She recalled the previous site plan had 970 linear feet abutting six apartment buildings, whereas now the site only bound one apartment building and the pool by 415 linear feet. She added the building and pool were located along a shared property line with an 11-foot retaining wall. She expressed the land trade had attempted to work with the surrounding development and apartments to come up with a better rezoning application.

Ms. Dukes stated this project would comply with the noise and lighting requirements set forth in the zoning ordinance. She cited outdoor lighting had to be shielded so that it was not visible from the street or residential property with light intensity not to exceed one footcandle. She noted Stipulation 12 as recommended by staff was consistent with that ordinance provision. She displayed a photometric site plan that showed the lightshed along the apartments would be completely contained within the proposed property. She added noise would not exceed 55 decibels in order to comply with the City's noise ordinance.

Ms. Dukes mentioned the project would be developed in two phases with significant landscape buffers provided along the perimeter of the project, noting many buffers exceeded the City's standards. She outlined the following buffers:

30 feet along I-17;
20 feet along the north and south boundaries of the site; and
on-site retention.

She noted the 20 foot setbacks to the north and south exceeded the City's standard which was only a 5-foot landscape requirement. She said Stipulation 1 in the staff report required general conformance with setbacks for the two Bishop parcels which were required to have a 30 foot landscape strip along I-17 similar to their development and a 20 foot landscape strip along the northeast and south boundaries. She reiterated that was in excess of the 5-foot landscape requirement in the zoning

ordinance and emphasized Mr. Bishop would be stipulated to meet these setbacks.

Ms. Dukes displayed a slide which showed the site line from the viewpoint of a second story balcony looking south toward the future Mr. Bishop property and their facility which was now farther south and focused on the 3-inch caliper trees within the 20 foot setback which provided a significant screening. She pointed out the parking canopies on the apartment property shown in the slide were actually additional parking spaces along the adjoining property line and not apartment buildings. She showed another viewpoint from the apartments looking west towards Mr. Bishop's parcels and a rendering of the office building and front landscaped areas. She stated this was a high-end development both from a design and landscape standpoint that surpassed the quality of most if not all storage facilities in this area and throughout the city. She mentioned the proposed elevations demonstrated the attractive design and materials chosen for the sales office building and entry gate which were consistent with the apartments and single-family neighborhoods in this area.

Ms. Dukes said CivTech was hired to conduct analysis on the number of vehicular trips generated by this proposed facility and they determined there would be approximately 44 trips per day during the week and 63 trips on the weekend. She noted 44 trips per day was only 22 vehicles which was a compatible use for this area and listed the other uses that could be developed on the site with this zoning:

manufacturing at about 700 trips per day;
research and development center at 1,800 trips per day;
office park at 1,700 trips per day; and
apartments also at 1,700 per day.

She emphasized according to the Arizona Department of Transportation 2018 average daily traffic counts there were 111,189 vehicles that traveled along I-17 between Dixileta and Jomax every day which created a lot of activity and noise along the apartment frontage. She said she did not think the 22 vehicles that traveled to and from this storage facility would impact the existing apartment residents or the surrounding area.

Ms. Dukes wished to address the unique traffic circulation in this area and indicated their site had access from the northbound freeway frontage road. She remarked the frontage road headed north towards Dixileta then turned east, noting there was no way to head north on I-17 at this location. She explained to head north on I-17 from their site cars would head north to Dixileta then west, head south along the frontage road, east along Jomax and then enter the freeway to travel northbound on I-17. She stressed this area was very circuitous and was another reason it was not appropriate for a high generating use because traffic circulation would not support that amount of traffic.

Ms. Dukes conveyed because of these unique circumstances and the impacts to homes on the west side of I-17, plus the low number of trips generated, they received several petition signatures in support of this rezoning case from the west side of I-17. She added they submitted 260 petitions and letters in support, noting the signatures were verified by comparing against recorded deeds and residential rental certificates that were public record. She indicated there were only two single-family residential owners that abutted this site, Jim McDonald and Margie Wick who both submitted letters of support for this project. She mentioned Mr. Bishop was initially not in favor because he was concerned the development would cut off his access to the two back parcels he owned. However, they conducted significant negotiations with him and came up with this land trade not only for the benefit of Mr. Bishop but the apartments and their client. She expressed this was a win-win-win situation for all three parties.

Ms. Dukes mentioned Deb Fouts of the Prescott Valley Company was also in support of this case, noting her letter was significant because she went through the history of development at this location. Ms. Dukes recalled one of things that came up in the public hearings was Sage Apartments wanted employment uses or more multifamily developed. She read into the record a note from Ms. Fouts recounting a prior zoning case for a proposed multifamily development where Sage Apartments objected due to issues with increased traffic and capacity burdens on water and sewer systems. Ms. Dukes emphasized the inconsistency of statements made by Sage Apartments. She stated on Oct. 1, 2019 they

went through the list of concerns from Sage Apartments and sent that letter to their representative which outlined her client's efforts, noting it was also part of the City's files for this case. She indicated they worked hard to resolve every concern raised in the public hearing process and during meetings with Sage Apartments.

Ms. Dukes stressed this case went through two public hearing processes and recited the first round of meetings:

first neighborhood meeting was on Dec. 20, 2018;
first Deer Valley Village Planning Committee meeting on Feb. 21, 2019 and she requested a continuance because Sage Apartments did not receive the mailer regarding the first neighborhood meeting;
continued to meet with Sage Apartments in March and April 2019;
second Deer Valley Village Planning Committee meeting on May 16, 2019, noting no recommendation was made because of a procedural error;
Planning Commission hearing on June 6, 2019 with a unanimous vote recommending approval;
City Council meeting on July 3, 2019 where the body requested this case go back through the public hearing process; and
another neighborhood meeting to resolve the procedural error that occurred at the May 16, 2019 Village meeting.

Ms. Dukes summarized the second round of meetings as follows:

returned to the Deer Valley Village Planning Committee on July 18, 2019 and she asked for a continuance to work on the land trade;
another neighborhood meeting on Sept. 6, 2019;
final Deer Valley Village Planning Committee meeting on Sept. 19, 2019 where she presented information on the land trade;
final Planning Commission hearing on Oct. 3, 2019 with another unanimous vote recommending approval; and
now this Council meeting.

She emphasized this was a unique area that was isolated from single-family subdivisions to the east and west due to the substantial barriers created by the Skunk Creek wash and I-17. She conveyed traffic

circulation was limited due to the freeway configuration which did not allow traffic to travel from the frontage road onto the northbound travel lanes of the I-17. She pointed out those two features made this site inappropriate for high intensity, high traffic uses such as an employment center or multifamily development. She reiterated this storage facility would only generate 22 cars per day which made it a compatible use, noting there was high demand for RV/boat storage in this area. She stated this was an appropriate use that conformed to the General Plan as shown on the land use map. Therefore, she requested Council's approval of this rezoning application.

Stuart Kimball spoke in opposition as a Deer Valley Village Planning Committee member. He expressed he was shocked about the misrepresentation of both fact and law was an issue. He recalled Ms. Dukes mentioned there were procedural errors or the reason the process changed was because they worked out a deal with the buyer. However, he claimed the applicant and staff violated the City ordinance and state law which was identified to them, but the applicant prevented Council from denying it. He alleged had the Council received this information prior to the July 3, 2019 City Council meeting it would have required them to deny the request and triggered City policy that the applicant could not come back for another year. He said they wanted to listen to people's votes and Council desired that so it went back to the Village Planning Committee. He noted that decision made it worse because the applicant expanded the project and made zoning changes without site plans which according to policies should not be done.

Mr. Kimball remarked traffic was identified as one of the issues, but he did not think that was a problem as the applicant accurately described this was a circuitous route. He asserted that argument did not stop the City from recommending single-family homes on the other side of the freeway which had the same issue. He expressed the applicant stating housing should not be allowed and the reason why their project was best made no sense to him given what the City did outside of this case.

Mr. Kimball pointed out the voice of the Village Planning Committee and the citizens that attended their meetings were not being heard. He stated as a public officer he was obligated to comply with state law which was

not being done. He indicated he raised this issue with City staff and the City Attorney, noting he had the City Attorney on record on two occasions admit they were violating state law. He recalled on July 2, 2019, Mr. Stephenson wanted to provide legal analysis to the Council when in fact the City Attorney refused to provide it to the Village chair who had been asking for it. Mr. Kimball specified the Planning Commission followed certain procedural requirements and failure to comply with them could prevent Council consideration of a rezoning application. He emphasized that Council was prohibited from considering this case because state law procedures had not been done.

Councilman DiCiccio wanted clarification that Mr. Kimball's argument was every zoning case done in the City of Phoenix was illegal.

Mr. Kimball replied yes according to state law. He added staff provided recommendation but the City Attorney was not providing the legal opinions that state law required to protect it.

Councilman DiCiccio asked if every case the Village Planning Committee voted on was also illegal.

Mr. Kimball responded that was the reason members abstained because of this information. He claimed Councilmembers reached out to other public officials on behalf of the applicant to sway their vote as well as City staff changing and deleting conversations and questions from reports. He added meetings had been canceled so members could not get together and hear. He noted the reason the application changed was because they violated their own stipulations on the first plan approval by trying to sell the northern portion of the property which was done on July 3, 2019, the same date of the last meeting. He expressed staff was choosing what to provide to Councilmembers and said he believed this was a disservice to the Council and people who thought the Village Planning Committee and community involvement was a legitimate process.

Councilman DiCiccio questioned if there had been a Deer Valley Village Planning Committee meeting since this case was voted on and the results of that vote.

Mr. Stephenson replied they did vote, noting the last meeting the Village Planning Committee held the City Attorney who represented his department went to the Village Planning Committee to provide an E-session discussion about some of the concerns raised by Mr. Kimball. Mr. Stephenson noted Mr. Kimball was present for part of the meeting but did leave. Mr. Stephenson advised the Village Planning Committee had a regular agenda item on the agenda that was discussed after the E-session dialogue.

Councilman DiCiccio asked if the Deer Valley Village Planning Committee had voted on zoning cases since that time.

Mr. Stephenson affirmed the Village Planning Committee had voted on zoning cases since that time. He conveyed the other case he just mentioned that followed E-session was approved and was working its way through the Planning Commission and would be in front of Council in December.

Councilman DiCiccio expressed he disagreed with Mr. Kimball on this point because he met with staff on the same thing. Councilman DiCiccio wanted clarification that Mr. Kimball was stating every zoning case done in the City of Phoenix was illegal.

Mr. Stephenson replied Mr. Kimball started out making allegations relative to this case but had expanded that, as stated in his testimony, that it was all zoning cases. Mr. Stephenson said staff reviewed it and discussed the issue with the Law Department, noting they believed the City was in compliance with the state law and zoning ordinance.

Mr. Kimball interjected he had requested and was being refused a written legal opinion of justification.

Mayor Gallego announced this was not the appropriate venue to make dramatic changes to the City's process, which she thought was legal, especially since the relevant stakeholders were not present. She said she felt confident in the current process and appreciated staff's hard work on this case, but her preference was to proceed with testimony from residents that were present.

Councilman DiCiccio concurred the City had done everything legally.

Mark Highlen spoke in opposition and wanted to talk about a few topics regarding this rezoning case. First was the City's master plan land uses and goals, noting the stated goal was a balance between housing and jobs, and this did not meet either of those things as it would generate a few jobs and no housing. He added the Village's brochure stated it had a principle to balance housing and employment which he did not see happening in this case. He explained a commerce park would provide numerous well paying jobs and provided calculations of 275 jobs on their site and close to 600 jobs if the whole area was developed as a commerce park. He continued for high density housing it would be about 160 houses and close to 500 if everything was developed in that area.

Mr. Highlen acknowledged they submitted a letter that questioned the traffic regarding the previous multifamily use because no effort was made to mitigate the additional traffic. He recognized it would benefit this area to have additional housing or a commerce park but they wanted mitigation for traffic. He indicated they were required to leave room for a cul-de-sac for road extensions in their site design to help develop the area and limit the number of curb cuts on the service drive. He stated if the two roads that would eventually service the area were eliminated there would be a lot of parcels with individual curb cuts. He noted they were left with a cul-de-sac, omitted some parking, built curved walls and added a couple of gates; however, they were being told it was not necessary.

Mr. Highlen remarked they brought in water and sewer through multiple properties and across the wash to serve this area as it would be fully developed. He expressed if this was not going to be developed as a commerce park or homes then the sewer and water system would not serve to its fullest capacity and a piece of a future road that would be hard for them to reclaim. He said this project would also restrict some of the future development for the rest of the area. He explained there were four parcels to the south, but if the front two parcels were developed and not the back two it would only leave a 20-foot easement to access the back parcels. He stressed it took 60 feet for a road and wondered if the homeowner would dedicate an additional 40 feet to have a road to the

back parcels. He pointed out the remaining parcels in the rear would remain single-family without access for the rest of its existence without a road.

Mr. Highlen stated they made a substantial investment in this area, noting Phase II of their development was on hold until the results of this case. He conveyed this proposed use was not consistent with the master plan or the community's desire. He said the traffic study was based on speculation since the applicant did not have traffic data for this use. He expressed they objected to the noise this would generate in the early morning hours when residents were asleep because people would be starting their vehicles or boats to make sure they ran before taking them out. He added traffic would not be spread out over the day but would be a few hours in the morning and evening, and most likely on Friday night, Saturday morning or Sunday night. He expressed putting this noise generator in the middle of residential was not a good idea.

Mr. Highlen conveyed they contacted the applicant a couple times to talk about their concerns but they never saw the final plan before submittal so they could not make comments for improvement. In fact, he said the new plan showed all the applicant's driveways now pointed toward their site so the noise would go into their property. He pointed out they swapped over 60 percent of the land; however, the picture showed they took out the corner that was Mr. Bishop's parcel and moved it to their south property line. He emphasized a larger number of acres with more noise was in the same proximity to their site, so there was no improvement. He acknowledged the applicant put a lot of work into this but did so without consultation as it did not resolve the problems which was another one of their concerns.

Sarah Battle spoke in opposition. She stated the owner and operator of Sage Apartments, a Michigan-based company that had invested heavily in Arizona for many years, had been developing here since 1973. She remarked Sage was a $50 million investment in the community with entitlements to build an additional 225 apartments directly north which represented approximately a $40 million construction cost and impact fees of about $5 million. She conveyed that project was on hold contingent upon the values of Sage and concerns about potential rent if

storage went up next door. She added the owner-operator currently employed 130 full-time employees in Arizona, noting 90 percent were in metro Phoenix. She indicated they were under construction with additional upscale communities in the market that would represent another 110 employees to be hired in 2020.

Ms. Battle referred to a slide that showed a building in Sage which was about 50 percent of the distance between the applicant's proposed land and their site that was further north. She stated she did not think the applicant had been within the gated community of Sage and displayed a tree on Sage's property that was approximately 23 feet tall. She recalled a rendering the applicant showed of the view from a second-story residence; however, she stated Sage had three-story buildings so over 100 residences would be a floor above that rendering. She conveyed there was a difference in elevation between Sage and the land directly south. She remarked assuming they planted 20-foot trees in their buffer it would provide a 7-foot difference from the tree shown, noting Sage's tree was 7 feet taller.

Ms. Battle displayed a slide with a view from a Sage building that looked directly into the applicant's land. She pointed out there were eight residential buildings located in closer proximity to the applicant's site than the one shown. She referred to another slide with Google images of current covered RV storage in Phoenix to show what the view would look like. She conveyed people chose to live in the environment the General Plan provided for because of the tranquil setting of the community and surrounding residential, noting many of their voting residents worked at the USAA offices less than two miles directly south of Sage. She expressed no one knew they could potentially be living next door to storage which was typically further south.

Ms. Battle referred to a slide with a Google map of Sage, plus the surrounding businesses, upscale condominiums, single-family home developments, charter and public schools and churches. She displayed another slide of a Google business map with an RV and boat storage facility that already existed five miles directly south, along with scrap metal, used car dealerships and Castle Boutique. She recalled the applicant talked about the need for storage in the area; however, she

called multiple storage facilities that existed, including those that were highlighted on the map. She advised one of the facilities was offering a 50 percent off special on their covered RV storage for the first couple months and they had plenty of availability. She continued another facility, Premier Storage, said they had availability as well as a third one which was a brand new storage facility that was offering specials to try and fill up. She indicated there was plenty of storage and availability in the area.

Ms. Battle acknowledged seeing the map in favor of the storage facility from the applicant's attorney who said they had 260 people. She showed their opposition map, noting they had 720 people that signed in opposition of this project. She pointed out 78 percent of those people in opposition were not Sage residents, but were homeowners that lived in the surrounding areas. She reiterated Sage was directly north of this site and there were two single-family residences directly south. Yet, nobody mentioned what was going in directly south of those residences which was more multifamily residential that was currently being constructed and would flank this storage facility to the other side. She expressed it was set to open soon and said she believed the opposition signatures would increase once people were living there.

The following individuals submitted speaker comment cards in opposition, but donated their time to Ms. Neely:

Dartezeon Williams
Kirsten Persampire
Tiffany Hendricks
Maria Savage
Cristina Cruz

Peggy Neely spoke in opposition. She stated Sage Apartments was an investor in this area and acquired their site in 2004 and built out in 2009, noting it was a $50 million investment. She recalled an article in the paper which said in order to keep up with the growth of 200 people coming into the Valley per month that 10,000 multifamily units would have to be built between now and 2030 each year. She pointed out this was something they were concerned about as this proposal was not an appropriate use. She indicated the General Plan specified this could be residential,

employment was good and commerce park did fall in there, so with a special permit the applicant could build their self-storage. However, she said this was not the appropriate place as it was not compatible.

Ms. Neely stated these apartment dwellers paid taxes and did count and lived at Sage because of choice. She asked the residents and employees in attendance to stand to show the Council that a good number of people were concerned about this issue. She conveyed they secured additional signatures of people that were opposed, noting over 160 signatures came from the Sage area, plus another group of 160 homes for a total of 721 people that were opposed. She pointed out several of the applicant's signatures came from Sonoran Foothills and Tramanto which was five miles to the north and suggested the applicant look for a site in that area since they were supportive of the RV storage. She added she was concerned about the trade because commerce park could go on it but residents could not decide what would go there which could be an ugly use. She expressed this was a failed application and urged Council to oppose it.

Councilman DiCiccio asked if Ms. Neely agreed with Mr. Kimball's comments that the City's zoning process was illegal.

Ms. Neely replied no.

Councilman DiCiccio expressed her response meant Mr. Kimball was on his own. He conveyed they would have been better off not doing personal attacks on City staff and the process.

Ms. Neely clarified Mr. Kimball was not part of her group.

Councilman DiCiccio stated the group had a shot of getting Council to think about this case, but the personal attack was a bad move. He remarked personal attacks happened too much at another level and were not necessary, noting he was good with the case.

Ms. Neely responded she knew Mr. Kimball as a member of the Deer Valley Village Planning Committee but she did not bring him nor was she copied on any email. She emphasized his comments had nothing to do

with them as they were opposed. She reiterated Mr. Kimball was not on her team but did ask to speak first.

Mayor Gallego asked if the applicant wanted to make concluding comments.

Ms. Dukes said she wanted to address the land use in this application, noting the General Plan had a policy and goal and the Village also had a policy and goal to have a balance of housing and jobs but was not the only part. She stated there was the land use map that designated this area for general commerce park zoning and RV/boat storage was a permitted use. She remarked not only did they conform to the land use map but they also met other goals and policies throughout the General Plan. She conveyed with this site being so unique between the wash and I-17 freeway and the limited traffic circulation, not every location in this Village was appropriate for employment use or multifamily development.

Ms. Dukes recognized Sage Apartments expended a lot of money at their location and installed water and sewer infrastructure in this area. She expressed they were not minimizing the amount of money Sage Apartments spent on their project, but were asking for Council approval of a compatible land use. She noted Sage did not present any evidence and instead made conclusory sentences that this project would generate noise and was not compatible. She asserted there was no truth to those statements based on the zoning ordinance sections she presented and stipulations staff was recommending for approval. She established her client had to meet noise and lighting ordinances, plus they did a traffic study that determined the number of trips this would generate was 22 cars per day. She recounted Sage Apartments stated this would be a noisy use in the early morning, but they were next to the I-17 freeway with no sound wall. She pointed out 111,000 trips per day were going back and forth past their site, so the amount of noise being generated from the freeway alone made the project a compatible use for this area.

Ms. Dukes stated she called into question the petitions in opposition as her client went through the City's records and found multiple instances where the same apartment resident and property owner signed so the total was not 700. Next, she wanted to go over the five statements on the

petition that were recently submitted as they were either false, misleading or erroneous. She mentioned the first statement said stop the senseless development and protect the gateway to the Phoenix preserve. She remarked the Sonoran preserve was almost two-and-a-half miles to the northeast of this site. She added this was not a gateway to a preserve and there was no preserve in this area as there was a wash and a freeway that separated this development from single-family homes in the area with the Sonoran preserve far to the northeast, so this statement was inaccurate.

Ms. Dukes continued the petition also stated there would be a major increase in traffic. She pointed out their traffic engineer concluded there would be an increase of 22 cars per day, therefore, that was not a major increase in traffic. She stated another statement said there would be noise from large motor homes and boats along the narrow frontage roads and I-17. She claimed there was no evidence there would be noise generated from large motor homes since people would come to this location, hook up their trailers, drive away and eventually bring them back, so it was a quick process. She added there were requirements in place that would not allow revving of engines so there were measures to combat the noise issues that were being raised by Sage Apartments.

Ms. Dukes remarked the petition also stated that because the storage yard would operate early in the morning and late into the night the bright lights would negatively impact the surrounding neighborhood. She indicated there was adequate landscaping being provided around the perimeter of this project. She said the photometric plan she displayed earlier showed there was no lightshed going to the adjoining properties. She added there was a significant amount of traffic with headlights traveling along the I-17 with no barrier between the freeway and apartments, so residents were already being impacted by a substantial amount of noise and lights. She commented the final statement said this type of use in this area would negatively impact property values. She had a broker look at the RV Hideaway development which was north of the 101 and east of Cave Creek Road that was developed by 2004. She indicated the broker evaluated land sales in years 1 through 4 right after that development was constructed and found that the price per square foot in those years increased, so there was no evidence to the effect of

this statement.

Ms. Dukes expressed whether they submitted 100 or 1,000 petitions, residents in this area signed a petition with inaccurate information. However, what she presented were facts, a compatible land use and a request for rezoning approval. She pointed out this application had several stipulations that were recommended by staff and were unanimously approved by the Planning Commission. She conveyed at the last Deer Valley Village Planning Committee meeting they received four votes in support, one opposed and three abstentions, noting they had four supporters from the Village members present which was more than the other votes. She concluded by again asking for Council's support of this case.

Mayor Gallego declared the public hearing closed.

The following comment cards were submitted for the record in opposition of this item:

Priscilla Garcia
Julie Campbell
KiAuna Leonard
Marie Ruggieri
Joseph Adeyanju
Deborah Adeyanju
Lynne Brown
Frank Brown
Diana Watters
Tom Dineen
Belinda Dover
Larry Miller
Janice Mulholland
Ernestine Martin

The following comment cards were submitted for the record in favor of this item:

Larry Lazarus

Ian Turner
Mark Temen
Margie Wick

A motion was made and seconded to deny.

Councilman Nowakowski recalled there was talk about this being the gateway to the preserve and asked if that was true.

Mr. Stephenson replied he did not know there would be any designation of a gateway into the preserve that the City had designated, but it was a property that was visible along I-17. He specified the preserve that was both east and west of this I-17 area started further back to the east around 19th Avenue over to 7th Avenue.

Councilman Nowakowski recalled hearing it was right next to a freeway and wanted to know if there was a sound wall and if the apartments were right next to a freeway.

Mr. Stephenson affirmed it was right next to a freeway, noting there was no sound wall on the east side of the freeway but there was a sound wall on the west side where there were single-family homes, so some portion of that development had a noise wall.

Councilman Nowakowski remembered when this case first came to Council there were six apartment buildings that were going to be affected. He indicated with the land swap it was now only one building and a swimming pool that would be right next to this storage facility and asked if that was true.

Mr. Stephenson replied once the site plan was amended it had the boat and RV storage along the south property line where Sage Apartments had just one building and a swimming pool.

Councilman Nowakowski expressed after hearing testimony from both sides, seeing how hard staff worked and with some compromise made, he would make a substitute motion. He made a substitute motion to go along with staff's recommendation of approval per Planning

Commission's approval on Oct. 3, 2019 and adoption of the related ordinance.

Councilwoman Guardado seconded the substitute motion.

Councilwoman Stark agreed with Councilman DiCiccio that the City had done this many times and it was not illegal. She conveyed the City had enhanced their process and added through state law cities, towns and counties were required to go to Planning Commission and to their governing board. She indicated Phoenix went above and beyond by creating Village Planning Committees because of the size, noting the City's process was similar to other jurisdictions in Arizona. She expressed she thought City staff did a great job.

Mayor Gallego concurred and said Phoenix had a solid process and added that serving on a Village Planning Committee was a great way to get the community involved and obtain feedback. She stated it was not easy being the planning department in the fastest growing city in the country and she appreciated the planning director and the excellent professionals that worked with him. She advised Council would vote based on what they thought was the appropriate land use decision.

The hearing was held. A motion was made by Councilman Nowakowski, seconded by Councilwoman Guardado, that this item be approved per the Oct. 3, 2019 Planning Commission recommendation with adoption on the related ordinance.

Yes: 4 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado and Councilman Nowakowski

No: 5 - Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego

Motion failed 5-4.

Mayor Gallego announced because the first motion failed, the original motion to deny was on the floor and noted a yes vote was now a vote to

deny.

The hearing was held. A motion was made by Vice Mayor Waring, seconded by Councilwoman Williams, that this rezoning application be denied. The motion carried by the following vote:

Yes:	5 -	Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring, Councilwoman Williams and Mayor Gallego
No:	4 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado and Councilman Nowakowski

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

CITIZEN COMMENTS

Councilwomen Guardado, Pastor and Williams left the voting body.

Elizabeth Venable mentioned two rulings from the 9th Circuit Court, Martin v. Boise and Lavan v. City of Los Angeles. She conveyed every Wednesday a big truck was escorted by police through CASS where homeless people were ordered to relinquish their items which were then tossed into the back of the truck. She indicated these items were supposed to be stored as evidence of camping, but with how the police were handling it people were having problems retrieving their items. She expressed this was an important matter that Council was not addressing since people had the right to have possessions in public.

Lorenzo Stoutmire said he wanted to address the Mayor about the 168 homeless people that died in transit to get food and water from a program her office implemented which controlled donations of these basic necessities.

Councilman DiCiccio and Councilmember Garcia temporarily left the voting body.

Mayor Gallego asked Mr. Stoutmire to pause for a moment as quorum was lost.

Councilman DiCiccio and Councilmember Garcia returned to the voting body.

Mayor Gallego informed Mr. Stoutmire he could resume his testimony.

Mr. Stoutmire emphasized he had been trying for two years to talk to the mayor's office to get justice regarding a personal incident that involved the Phoenix Police Department. However, he noticed today while in City Hall he was flagged by security which he thought was unfriendly since Mayor Gallego said her door was open. Additionally, he stated the ground homeless people lived on near Margaret T. Hance park was being disturbed by construction and people were getting bit by unsettled nests of scorpions, spiders, and bugs. He noted he also recently saw rats due to construction work in the area and was concerned homeless people were not receiving proper medical care.

Councilman Nowakowski temporarily left the voting body.

Councilwoman Stark requested the City Attorney explain the open meeting law.

City Attorney Cris Meyer replied the open meeting law prohibited elected officials from responding to an individual during public comment because it was not put on the agenda.

Jim Abraham stated he had a problem with a temporary fence, noting he made his first complaint with neighborhood enforcement over four years ago. He remarked he contacted Councilman Garcia's office and spoke with staff but he had not received a return call. He stressed he wanted the fence removed as it was an eyesore as well as caused flat tires due to the steel girders.

Councilman Nowakowski returned to the voting body.

Mayor Gallego advised the planning director was available to speak with Mr. Abraham.

Nohl Rosen said he represented Rally for Law Enforcement and wanted to talk about the unjust firing of Detective Swick and Officer Meyer. He mentioned Detective Swick was fired for exercising his right to free speech, noting the First Amendment did not stop because he put on a badge. Mr. Rosen thanked Vice Mayor Waring for acknowledging his call though they were unable to connect. Mr. Rosen asserted Police Chief Williams and the City Manager needed to be fired for what was happening to the Phoenix Police Department. He also said he thought Mayor Gallego and Councilmember Garcia should step down from their positions for listening to opposition on the left. He expressed he was tired of

this attack on law enforcement and emphasized it needed to stop.

Marcie Lynn stated she was pro law enforcement and disagreed with the Police Oversight Committee since officers were already vetted. Plus, she remarked she believed civilians did not know anything about law enforcement. She stressed more officers were needed in Phoenix, along with homeless shelters and affordable housing. She commented additional drug enforcement officers needed to be hired to combat drugs that were everywhere.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 5:44 p.m.

MAYOR

ATTEST:

CITY CLERK

SC

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 6th day of November, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 18th day of November, 2020.

CITY CLERK