City of Phoenix

Minutes

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

186410

City Council Formal Meeting

Wednesday, September 4, 2024 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, September 4, 2024 at 2:34 p.m. in the Council Chambers.

Present: 9 - Councilman Carlos Galindo-Elvira, Councilwoman Betty Guardado, Councilwoman Kesha Hodge Washington, Councilwoman Ann O'Brien, Councilwoman Laura Pastor, Councilman Kevin Robinson, Councilman Jim Waring, Vice Mayor Debra Stark and Mayor Kate Gallego

Councilman Robinson left the voting body prior to public testimony on Item 59.

Mayor Gallego acknowledged the presence of Elsie Duarte and Carmen Cota, Spanish interpreters. In Spanish, Ms. Duarte announced their availability to the audience.

The City Clerk confirmed copies of the titles of Ordinances G-7254, G-7270, G-7292 through G-7296; S-51211 through S-51232; and Resolutions 22241 through 22244 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.

City Attorney Julie Kriegh stated members of the public may speak for up to two minutes on agenda items and gave direction on appropriate decorum when providing comments.

MINUTES OF MEETINGS

A motion was made by Councilwoman Pastor, seconded by Vice Mayor Stark, that Items 1, 2 and 5 be approved. The motion carried by the following voice vote:

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

1 **(CONTINUED FROM AUGUST 26, 2024) - For Approval or Correction, the Minutes of the Formal Meeting on October 12, 2022**

Summary
This item transmits the minutes of the Formal Meeting of October 12, 2022, for review, correction and/or approval by the City Council.

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

This item was approved.

2 **(CONTINUED FROM AUGUST 26, 2024) - For Approval or Correction, the Minutes of the Formal Meeting on October 26, 2022**

Summary
This item transmits the minutes of the Formal Meeting of October 26, 2022, for review, correction and/or approval by the City Council.

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

This item was approved.

5 **For Approval or Correction, the Minutes of the Formal Meeting on January 4, 2023**

Summary
This item transmits the minutes of the Formal Meeting of January 4, 2023, for review, correction and/or approval by the City Council.

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

This item was approved.

3 For Approval or Correction, the Minutes of the Formal Meeting on November 16, 2022

Summary

This item transmits the minutes of the Formal Meeting of November 16, 2022, for review, correction and/or approval by the City Council.

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

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

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

4 For Approval or Correction, the Minutes of the Formal Meeting on December 14, 2022

Summary

This item transmits the minutes of the Formal Meeting of December 14, 2022, for review, correction and/or approval by the City Council.

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

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

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

6 **For Approval or Correction, the Minutes of the Formal Meeting on January 25, 2023**

Summary

This item transmits the minutes of the Formal Meeting of January 25, 2023, for review, correction and/or approval by the City Council.

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

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

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

BOARDS AND COMMISSIONS

7 **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:

Phoenix Deferred Compensation/Post Employment Healthcare Plan Boards

Appoint Ben Kozik, replacing Jon Super as the City Manager's appointee, for a term to expire August 30, 2027.

Public Safety Personnel Retirement System Local Boards

Appoint Donna McHenry, replacing Bruce Meyerson as the Civil Service Board representative, for a term to expire August 30, 2027.

A motion was made by Vice Mayor Stark, seconded by Councilwoman O'Brien, that this item be approved. The motion carried by the

following voice vote:

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

Mayor Gallego administered the oath of office to Ben Kozik, Phoenix Deferred Compensation/Post Employment Healthcare Plan Boards. She invited Mr. Kozik to approach the dais so Council could extend their appreciation.

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.

A motion was made by Vice Mayor Stark, seconded by Councilwoman O'Brien, that Items 8-21 be recommended for approval, and noting that Item 21 is as revised. The motion carried by the following voice vote:

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

8 Liquor License - Special Event - Free Serbian Orthodox Church St. Nicholas

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

Summary

Applicant
Simo Hercegovac

Location
11640 N. 16th Place

Council District: 3

Function
Cultural Celebration

Date(s) - Time(s) / Expected Attendance
September 14, 2024 - 6 p.m. to 1 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - Special Event - Free Serbian Orthodox Church St. Nicholas

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

Summary

Applicant
Simo Hercegovac

Location
11640 N. 16th Place
Council District: 3

Function
Soccer Tournament

Date(s) - Time(s) / Expected Attendance
November 16, 2024 - 6 p.m. to 1 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

10 Liquor License - Moon Valley Grill

Request for a liquor license. Arizona State License Application 301815.

Summary

Applicant
John Bisignano, Agent

License Type
Series 12 - Restaurant

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

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

The 60-day limit for processing this application is September 16, 2024.

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 owned my own business for 21 years and have been in good standings with the Department of Insurance, IRS (state and federal). I was the food and beverage manager at Rawhide Steak House in Scottsdale, AZ. owned my own restaurants in Flagstaff AZ. I hold a management license and a management food handlers license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"As the Moon Valley neighborhood bar and grill, I will be working closely with all 3 Schools closest to my location and we will do fund raisers for the schools and churches also."

Staff Recommendation

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

Attachments

Attachment - Moon Valley Grill - Data
Attachment - Moon Valley Grill - Map

This item was recommended for approval.

11 Liquor License - Special Event - Cancer Support Community Arizona

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

Summary

Applicant

Kayla Vucinich

Location
360 E. Palm Lane
Council District: 4

Function
Dinner and Gala

Date(s) - Time(s) / Expected Attendance
October 26, 2024 - 6 p.m. to 10 p.m. / 400 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

12 Liquor License - The Bar Uptown

Request for a liquor license. Arizona State License Application 295834.

Summary

Applicant
Amy Nations, Agent

License Type
Series 6 - Bar

Location
5504 N. 7th Avenue
Zoning Classification: C-2
Council District: 4

This is a request for an ownership and location transfer of a liquor license for a bar. 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 October 2024.

The 60-day limit for processing this application is September 6, 2024.

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.

Nook Kitchen (Series 12)
4231 E. Indian School Road, Phoenix
Calls for police service: 3
Liquor license violations: None

Dilly Dally Cocktail Lounge (Series 6)
3639 E. Indian School Road, Phoenix
Calls for police service: 12
Liquor license violations: None

The Bar (Series 6)
3174 E. Indian School Road, Phoenix
Calls for police service: 12
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:
“Ownership of The Bar Uptown holds several liquor licenses in Arizona and have always been responsible bar owners. All employees will go through Arizona State Certified Title 4 Liquor Law training to ensure compliance with all 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 location has been vacant since 2018 and The Bar Uptown is look forward to opening in this neighborhood. The Bar Uptown will be a friendly neighborhood establishment that provides the utmost patron satisfaction with top-notch beverages and food offerings. This location will soon be a neighborhood favorite.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - The Bar Uptown - Data
Attachment - The Bar Uptown - Map

This item was recommended for approval.

13 Liquor License - Caffeine & Dreams Coffee House

Request for a liquor license. Arizona State License Application 296836.

Summary

Applicant
Crystal Lehman, Agent

License Type
Series 12 - Restaurant

Location

1302 E. McDowell Road
Zoning Classification: C-2
Council District: 4

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

The 60-day limit for processing this application is September 14, 2024.

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 not only helped start but run several sucessful businesses. For

many years I held gaming certifications in Las Vegas and understand the responsibilities of serving liquor in my business. I am looking forward to providing a restaurant environment where people can come and savor our delicious food and compliment it with a glass of wine or currated cocktail."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "The Coronado neighborhood is a rich diverse neighborhood that continues to push business owners for better options for food and beverage. We will create a regulated environment where the community and others can have a wonderful meal and enjoy a drink alongside. This can improve the overall experience for residents and visitors, support local businesses by attracting more patrons to the area, and contribute to the local economy. We will also provide a venue for community gatherings and events."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Caffeine & Dreams Coffee House - Data
Attachment - Caffeine & Dreams Coffee House - Map

This item was recommended for approval.

14 Liquor License - Sam's Convenience Store

Request for a liquor license. Arizona State License Application 301053.

Summary

Applicant
Jared Repinski, Agent

License Type
Series 10 - Beer and Wine Store

Location
3202 W. Van Buren Street
Zoning Classification: C-3

Council District: 4

This request is for a new liquor license for a convenience store that does not sell gas. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow a drive-thru window.

The 60-day limit for processing this application is September 10, 2024.

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.

Saguaro Express (Series 9)
1051 S. Craycroft Road, Tucson
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Grand Stop #2 (Series 9)
3710 W. McDowell Road, Phoenix
Calls for police service: 26
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been representing liquor establishments in Arizona for over 15 years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Tourism plays an important role in our local economy and liquor licensed establishments (the sale of alcohol) is a very important aspect of tourism. Therefore, if the City of Phoenix continues to lead the State of Arizona by approving quality and diverse businesses (restaurants, bars, microbreweries, distilleries, hotels, resorts, golf courses, special events, convenience/liquor/grocery stores & gas stations) similar to this proposed liquor licensed business, all businesses will prosper."

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

Attachments
Attachment - Sam's Convenience Store - Data
Attachment - Sam's Convenience Store - Map

This item was recommended for approval.

15 Liquor License - Metro Convenience & Liquor

Request for a liquor license. Arizona State License Application 298911.

Summary

Applicant
Jamal Abdulla, Agent

License Type
Series 9 - Liquor Store

Location
7515 W. Indian School Road
Zoning Classification: C-2
Council District: 5

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

The 60-day limit for processing this application is September 6, 2024.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I will comply with all liquor laws. I previously owned the business. I have completed training. The acqusition of a membership interest will not

detract from the business as it will allow the continuation of liquor sales."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

16 Liquor License - Jimmy's Quick Stop

Request for a liquor license. Arizona State License Application 300831.

Summary

Applicant
Jared Repinski, Agent

License Type
Series 10 - Beer and Wine Store

Location
2344 W. Glendale Avenue
Zoning Classification: C-2
Council District: 5

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

The 60-day limit for processing this application is September 9, 2024.

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.

A2Z Mini Mart (Series 10)
6505 N. 59th Avenue, Glendale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

R & G Mini Mart (Series 10)
12239 NW Grand Avenue, El Mirage
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

A-1 Food & Liquor Store (Series 9)
6514 W. Bethany Home Road, Glendale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Walker's Liquor
11009 N. 19th Avenue, Phoenix
Calls for police service: 5
Liquor license violations: None

Public Opinion

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

Applicant’s Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
“I have been representing liquor licensed establishments in Arizona for over 15 years.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“Tourism plays an important role in our local economy and liquor licensed establishments (the sale of alcohol) is a very important aspect of tourism. Therefore, if the City of Phoenix continues to lead the State of Arizona by approving quality and diverse businesses (restaurants, bars, microbreweries, distilleries, hotels, resorts, golf courses, special events, convenience/liquor/grocery stores & gas stations) similar to this proposed liquor licensed business, all businesses will prosper."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Jimmy's Quick Stop - Data
Attachment - Jimmy's Quick Stop - Map

This item was recommended for approval.

17 Liquor License - Special Event - Arizona Parks and Recreation Association

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

Summary

Applicant
Jeffrey Nelson

Location
10919 S. Central Avenue
Council District: 6

Function
Festival

Date(s) - Time(s) / Expected Attendance
November 16, 2024 - 12:30 p.m. to 7 p.m. / 1,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

18 Liquor License - Lincoln Market

Request for a liquor license. Arizona State License Application 300311.

Summary

Applicant
Fadi Jalabi, Agent

License Type
Series 10 - Beer and Wine Store

Location
3497 W. Lincoln Street
Zoning Classification: R-5
Council District: 7

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

The 60-day limit for processing this application is September 6, 2024.

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

established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

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

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

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

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

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

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

Attachments

Attachment - Lincoln Market - Data
Attachment - Lincoln Market - Map

This item was recommended for approval.

19 Liquor License - Midwest Wings XL

Request for a liquor license. Arizona State License Application 296204.

Summary

Applicant
Kiara Adams, Agent

License Type
Series 12 - Restaurant

Location
201 E. Washington Street, #109
Zoning Classification: DTC - Business Core
Council District: 7

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

The 60-day limit for processing this application is September 7, 2024.

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 completed the necessary training (basic and management) for the AZ dept of liquor. I am also a registered nurse in Arizona so I have great assessment skills and I am able to sound decisions. I will pay all fees on time and keep myself as well as my staff updated on all new 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:
"We are a business that cares about our customers and community. We will have the knowledge and training necessary to help keep everyone safe. Obtaining a series 12 license will help us not only generate more income for our business but it will help the downtown area by bringing more people to the area."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Midwest Wings XL - Data
Attachment - Midwest Wings XL - Map

This item was recommended for approval.

20 Liquor License - Special Event - Rosie's House: A Music Academy for Children, Inc.

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

Summary

Applicant
Kevin Gorman

Location
919 E. Jefferson Street
Council District: 8

Function
Pre-Gala Mixer

Date(s) - Time(s) / Expected Attendance
October 4, 2024 - 5 p.m. to 7 p.m. / 50 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

21 ***ITEM REVISED (SEE ATTACHED MEMO) Liquor License - Marigold Maison Indian Restaurant**

Request for a liquor license. Arizona State License Application 299681.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
4720 E. Cactus Road, Suite D118
Zoning Classification: PSC PCD
Council District: 3

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

The 60-day limit for processing this application is September 14, 2024.

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

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

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

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

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

Staff Recommendation
Staff recommends disapproval of this application based on a Finance Department recommendation for disapproval. 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.

This item was recommended for approval as revised.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

A motion was made by Vice Mayor Stark, seconded by Councilwoman O'Brien, that Items 22-61 be approved or adopted, except Items 32-33, 36, 46, 49, and 56-60; and noting that Item 58 has additional information and Item 61 is an add-on item. The motion carried by the following vote:

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

Items 22-27, Ordinance S-51211 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.

22 Maricopa Association of Governments

For $233,206 in payment authority for Fiscal Year 2024-25, Maricopa Association of Governments (MAG) membership dues and assessments for the Office of Government Relations, Public Works, Water Services and Human Services departments. MAG is a Council of Governments and Metropolitan Planning Organization that provides regional planning and policy decisions in areas of transportation, air quality, and human services for the Metropolitan Phoenix area and the neighboring urbanized areas in Pinal County, containing the Town of Florence and City of Maricopa.

This item was adopted.

23 League of Arizona Cities and Towns

For $159,100 in payment authority for annual membership dues and assessments for Fiscal Year 2024-25 for the Office of Government Relations. The League of Arizona Cities and Towns provides services and resources focusing on member representation and interests of cities and towns before the state legislature. The League also provides technical and legal assistance and coordinates shared services,

educational conferences and events. This membership ensures that the City's interests are represented and advocated for the Governor's Office, Arizona State Legislature, and other State of Arizona agencies.

This item was adopted.

24 PASSUR Aerospace, Inc.

For $70,000 in payment authority for a new contract, entered on or about October 1, 2024, for a term of five years for continuous annual maintenance services of five PASSUR Aerospace Symphony Vehicle Movement Area Transponders (VMAT) for the Aviation Department. The VMATs are required by the Federal Aviation Administration to track vehicle locations on the airfield to ensure the safety of aircraft operations.

This item was adopted.

25 The Hiller Companies, LLC

For $190,000 in payment authority for a new contract, entered on or about November 1, 2024, for a term of five years for the testing, inspection and repair of fire suppression and pre-action systems for the Phoenix Convention Center. The Phoenix Convention Center will utilize services under this contract for three information technology data room suppression systems located in the Convention Center. Phoenix Fire Code requires semi-annual testing and inspection of these systems.

This item was adopted.

26 Blackhawk Construction, LLC

For $589,860 in additional payment authority for Contract 157797 Change Order 4 (Project AH10150002) Maryvale Parkway Terrace Remodel for the Housing Department. The Change Order is for additional services that include additional electrical work, waterline leak repair, replacement of broken windows, piping insulation installation, and other services as needed for the remodel of 108 one-bedroom apartments and the community center. This project uses Housing and Urban Development funds. No General Funds are required.

This item was adopted.

27 Settlement of Claim(s) Long v. City of Phoenix

To make payment of up to $80,000 in settlement of claim(s) in *Long v. City of Phoenix*, CV2021-017363, 21-0142-001, AU, BI, for the Finance

Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Police Department that occurred on May 6, 2021.

This item was adopted.

28 Proposed 107th Avenue Right-of-Way De-Annexation (Ordinance S-51232)

Request City Council authorization to de-annex and decrease the corporate limits of the City of Phoenix, Maricopa County, State of Arizona, pursuant to the provisions of Arizona Revised Statutes, Title 9, Chapter 4, Article 7, Section 9-471.03, by de-annexing a certain tract of land within the present corporate limits of the City of Phoenix, contingent upon that same tract of land being received by Maricopa County and declaring as County right-of-way, and the approval by the Maricopa County Board of Supervisors.

Summary

Maricopa County Department of Transportation is requiring dedication of right-of-way and roadway improvements for development along 107th Avenue. The City of Phoenix Street Transportation Department has requested the City of Phoenix de-annex a certain portion of right-of-way currently located within the limits of the City of Phoenix in connection with the Maricopa County Department of Transportation's requirement.

Location

The proposed de-annexation area includes the southeast corner of the intersection at 107th Avenue and Broadway Road, then south along the east side right-of-way of 107th Avenue to Wier Avenue (**Attachment A**). Additionally, all parts of the intersection of 107th Avenue and Broadway Road are to be maintained by Maricopa County Department of Transportation. The de-annexation area is approximately 0.9127 acres (0.0014 sq. mi.), decreasing the area of the City of Phoenix by approximately 0.9127 acres.

Council District: 7

This item was adopted.

29 Acquisition of an Easement from E. Flower Street to N. 48th Street for Drainage Mitigation (Ordinance S-51221)

Request to authorize the City Manager, or his designee, to acquire an easement from E. Flower Street to N. 48th Street by donation, purchase within the City's appraised value, or by the power of eminent domain required for drainage mitigation. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Acquisition of an easement is required to replace an existing 12-inch storm drainpipe with a 36-inch storm drainpipe and to install three catch basins to alleviate drainage issues from E. Flower Street to N. 48th Street. The parcel affected by this project and included in this request is located at 4809 E. Flower Street and identified by Maricopa County Assessor's parcel number 128-14-051.

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program budget using American Rescue Plan Act funds.

Location

From E. Flower Street to N. 48th Street
Council District: 6

This item was adopted.

30 Acceptance of Amended and Restated Conservation Easement Phoenix Linen & Towel Supply Co. - 215 E. Grant Street (Ordinance S-51213)

This report requests the City Manager, or his designee, to enter into an agreement with Arizona Warehouse Holdings, LLC, Stingle Living Trust, Shmata Realty, LLC, Jaba Group, LLC, and Willie Sutton, LLC, the property owners of 215 E. Grant Street, to extend an existing conservation easement for an additional 30 years in order for the property owners to obtain 20 sustainability bonus credits under Chapter 12 of the Phoenix Zoning Ordinance.

Summary

Located at the southwest corner of 3rd Street and Grant Street, the Phoenix Linen & Towel Supply Co. building was constructed in 1929 and is significant for its association with early Phoenix commerce and as an example of an early 20th century brick warehouse. The property was listed in the Phoenix Historic Property Register in 2010 (boundary

depicted **Attachment A**).

The Downtown Code (DTC), found in Chapter 12 of the Phoenix Zoning Ordinance, is a form-based code that governs land zoned DTC. Section 1223: *Sustainability Bonus* allows projects that exhibit environmentally friendly design and performance elements to obtain additional entitlements. Twenty points are awarded for a 30-year conservation easement dedicated for historic preservation. In cases where an existing conservation easement exists, credit can only be given for a 30-year extension of the original conservation easement term.

The previous property owner received a Warehouse and Threatened Building grant for $50,284 to assist with the rehabilitation of brick-and-mortar walls, parapet caps and siding/sill repair in the clerestory gables. In exchange for the funding, the City received a 25-year conservation easement on the property which began in 2016 with the utilization of the grant funds.

The proposed amended and restated Deed of Conservation Easement would extend the term of the easement 30 years to conclude in 2071, in order to obtain the 20 sustainability bonus credits.

Staff recommends the Phoenix City Council accept the amended and restated Deed of Conservation Easement (**Attachment B**).

Financial Impact
There will be no financial impact to the City.

Concurrence
The Historic Preservation Commission recommended acceptance of this amended and restated easement on April 15, 2024, by a 7-0 vote.

Location
215 E. Grant Street
Council District: 8

This item was adopted.

31 Tohono O'odham Nation Tribal 2024 Gaming Grants (Ordinance

S-51215)

Request to authorize the City Manager, or his designee, to apply, accept, and if awarded, enter into related agreements for up to $769,130.57 in new funding from the Tohono O'odham Nation under the 2024 funding cycle. Further request authorization for the City Treasurer to accept, and the City Controller to disburse funds as directed by the Tohono O'odham Nation in connection with these grants.

Summary

If awarded, these monies would be applied, as directed by the Tohono O'odham Nation, towards the following:

City Applications

Human Services Department: $50,000 for the Professional Resume Writing and Resume Fundamental Training in the Business and Workforce Development Division. Funding would further its initiative, which includes three target areas: upskilling and resume writing certifications for Workforce Training Specialist and Frontline Staff, and the creation of advanced resumes for program participants.

Office of Heat Response and Mitigation: $50,000 for the Heat Response Program, which is an annual summer outreach and communication campaign aimed at preventing heat-related illnesses and deaths.

Office of Sustainability: $50,000 for the Electric Vehicle Outreach and Education Project, which will support the program by increasing public awareness and attitudes about electric vehicle benefits and attitudes.

Phoenix Fire Department: $38,092.80 to acquire four state-of-the-art respiratory fit testing machines, which would significantly enhance the health and safety of firefighters by ensuring self-contained breathing apparatus masks are properly sized and fit to provide adequate respiratory protection while working in hazardous environments.

Phoenix Public Library: $50,000 for the Saguaro Library, First Five Years Space, which will fund an interactive learning space for young children.

Phoenix Police Department: $26,250 for the purchase of 35 iPads in the Air Support Unit of the Phoenix Police Department to assist with flight planning, training, and flight operations.

Phoenix Police Department: $3,300 for the purchase of eight Stratus ADS-B receivers, which are vital to provide public safety throughout Phoenix. The Stratus ADS-B receiver collects information from fixed

based radar systems, like those at large airports, and relays the information back to the receiver.

Prosecutor's Office: $44,650.27 for multimedia playback and presentation equipment to review, analyze and present footage in court to support prosecutors and their cases effectively.

Non-Profit Applications

Banner Health Foundation: $50,000 for Banner Health's Neonatal Abstinence Syndrome Treatment Program, which will address the needs of pregnant and parenting women with Opioid Use Disorder and any co-occurring substance use disorder or mental health conditions, including babies with neonatal abstinence syndrome (NAS). Opioid addiction in pregnant women, and subsequently NAS in their infants, is a growing national public health crisis that is universally detrimental to both mother and infant.

Duet Partners in Health and Aging: $20,000 for the Family Caregiver Services Program, which address the critical community need to improve the mental health and well being of Arizonans serving as family caregivers to a loved one with Alzheimer’s disease or related dementia.

Creighton Community Foundation: $31,837.50 for the Heritage Wetlands Space, which will create a lasting community resource designed to foster community connection, enhance environmental education, and promote sustainable practices.

Chrysalis Veterans: $100,000 for the Supporting Economic Development by Strengthening Veteran Job Readiness program, which works to meet the needs of veterans who are entering job training programs.

Cancer Support Community Arizona: $25,000 to support improved nutrition and food security among vulnerable Arizona residents impacted by cancer.

Elaine: $10,000 to provide 500 transportation services to 112 homeless and under-served individuals for critical resources.

Gabriel's Angels: $10,000 for the Pet Therapy program, an educational program to help children learn the skills to form healthy relationships.

Hope Community Services: $30,000 for the Specialized Trauma Therapy program, which serves children and youth who have experienced extraordinary complex trauma.

Liberty Wildlife: $100,000 to support the mission to nurture the nature of

Arizona through wildlife rehabilitation, natural history education, conservation of wildlife and native culture in the Southwest, and by creating sustainable solutions to human-wildlife interactions.

MiKID: $50,000 for the purchase of a vehicle to allow it to provide behavioral health services to children and their families that lack transportation.

Stand AZ: $10,000 for its annual outreach to engage approximately 200 families through its Growing Readers parent literacy program.

Veterans Medical Leadership Council: $20,000 for the Returning Warrior program, which helps Arizona Veterans with various social and economic issues.

The gaming compact entered into by the State of Arizona and various tribes calls for 12 percent of gaming revenue to be contributed to cities, towns, and counties for government services that benefit the general public including public safety, mitigation of impacts, and promotion of commerce and economic development. The Tohono O'odham Nation will notify the city, by grant-in-aid agreement, of the Tribal Council's decision, if it desires to convey to the City or local nonprofits a portion of its annual 12 percent local revenue-sharing contribution.

Financial Impact

There is no budgetary impact to the City and no general purpose funds are required. Entities that receive gaming grants are responsible for the management of those fund.

This item was adopted.

34 Request to Amend The Opportunity Tree's Subrecipient Agreement for 2022-23 Community Development Block Grant Public Facility Grant Award (Ordinance S-51223)

Request to authorize the City Manager, or his designee, to amend Contract 159657 to extend the contract term to December 31, 2024, for The Opportunity Tree's 2022-23 Community Development Block Grant (CDBG) Public Facility Grant Award. Further request to authorize the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary

CDBG public facility funding assists non-profit organizations expand

services to support the needs of low- to moderate-income Phoenix residents. Eligible activities include acquisition, construction, rehabilitation, or Americans with Disabilities Act (ADA) improvements to non-profit owned public facilities. City Council approved Fiscal Year 2022-23 CDBG public facility grant funding for local non-profits, including The Opportunity Tree.

The Opportunity Tree provides services to Phoenix residents with intellectual and developmental disabilities and was awarded funding to implement ADA enhancements at their 3146 E. Windsor Avenue location in Phoenix. Prior to the start of construction, asbestos testing discovered extensive asbestos containing materials at the project site. Additional time is necessary because the unforeseen asbestos abatement process delayed the start of construction.

Contract Term

The contract term was December 1, 2023, through June 30, 2024, with an option to extend through September 30, 2024. If this item is approved, the term of the contract will run through December 31, 2024.

Financial Impact

There is no impact to the General Fund. Contracts are funded by the U.S. Department of Housing and Urban Development CDBG funds. Payments may be made up to agreement limits, which may extend past the agreement termination.

Concurrence/Previous Council Action

Fiscal Year 2022-23 CDBG Public Service and Public Facility Grant Award Recommendations was approved by Phoenix City Council on May 11, 2022 (Ordinance S-48599).

An ordinance authorizing the City Manager to Amend Ordinance S-48599 to increase funding and to modify the term of The Opportunity Tree contract was approved by Phoenix City Council on November 1, 2023 (Ordinance S-50297).

Location

3146 E. Windsor Avenue
Council District: 8

This item was adopted.

35 Environmental Project Specialists - RFP 63-2304 - Amendment (Ordinance S-51226)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 157248 with RW Staffing Solutions to allow the Arts and Culture Department to utilize the contract to procure services for the S'edav Va'aki museum. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-49121 for the contract term.

Summary

This contract provides Environmental Project Specialists in the area of natural and cultural resource environmental consulting for the Street Transportation and Parks and Recreation departments. Services include assistance in facilitating the management of environmental and archaeological aspects of pre-design, design, construction, operations and maintenance projects with the intent of achieving full compliance with applicable environmental and archaeological regulations.

On July 1, 2024, management of the S'edav Va'aki museum transferred from the Parks and Recreation Department to the Arts and Culture Department. The purpose of this amendment is to allow the Arts and Culture Department to utilize this contract as an authorized department.

Contract Term

The contract term remains unchanged, ending on December 31, 2027.

Financial Impact

The aggregate value of the contract will not exceed $800,000, and no additional funds are needed.

Concurrence/Previous Council Action

The City Council previously approved:

Environmental Project Specialists Contract 157428 (S-49121) on November 2, 2022.

This item was adopted.

37 Stage Risers, Stages and Dance Floor Contract - IFB PCC-24-0334 - Request for Award (Ordinance S-51217)

Request to authorize the City Manager, or his designee, to enter into contracts with Sico America, Inc. and Wenger Corporation to provide stage risers, stages and dance floors for the Phoenix Convention Center Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $1,016,712.

Summary

These contracts will provide stage riser, stages and dance floor equipment for the Phoenix Convention Center Department (PCCD). PCCD hosts a diverse range of events across multiple venues and theaters that utilize this equipment. The equipment must adhere to stringent safety protocols, provide flexible setup and long-lasting durability. The purchase of this equipment is necessary as the existing equipment is more than 13 years old and due to extensive use, is approaching the end of its useful life.

Procurement Information

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

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

Selected Bidders
Sico America, Inc.
Wenger Corporation

Contract Term

The contracts will begin on or about November 1, 2024, for a five-year term with no options to extend.

Financial Impact

The aggregate contracts value will not exceed $1,016,712.

Funding is available in Phoenix Convention Center Department's operating budget.

Location
Phoenix Convention Center, Symphony Hall and Orpheum Theatre
Council Districts: 7 and 8

This item was adopted.

38 Arizona Coliseum and Exposition Center Request for Police Services for 2024 Arizona State Fair (Ordinance S-51230)

Request to authorize the City Manager, or his designee, to enter into an agreement with the Arizona Coliseum and Exposition Center for the Phoenix Police (PPD) and the Neighborhood Services departments (NSD) to provide traffic enforcement and vending enforcement. The Arizona Coliseum and Exposition Center will pay $35,000 for these services. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary
Since 1987, PPD and NSD have partnered with the Arizona Coliseum and Exposition Center to provide increased traffic enforcement, perimeter security and proactive patrol in the area surrounding the fairgrounds.

Services for this year's event shall consist of one motor sergeant, six motor officers and one Mac Van driver. PPD officers shall provide proactive parking enforcement of City of Phoenix thoroughfares in the area around the fairgrounds and tow vehicles when appropriate. NSD shall provide proactive parking enforcement in the areas around the fairgrounds for residential and commercial properties and proactive vending enforcement.

The intent of this agreement is to recover costs associated with these services during the State Fair. The reimbursement amount has remained unchanged for many years, and it is now the intent of all parties to negotiate these amounts each year to account for increases in staff costs. For 2024, the staffing costs for this event are estimated to be up to $32,000 for NSD and $250,000 for PPD.

Contract Term
Services will occur from September 20, 2024 through October 27, 2024.

Financial Impact
The amount to be recovered is $21,000 by PPD and $14,000 by NSD. The remaining expenditures will be covered by the departments' budgets.

Location
The area surrounding the Arizona State Fairgrounds located at 1826 W. McDowell Road.
Council District: 4

This item was adopted.

39 Holiday Decorations Contract Amendment (Ordinance S-51216)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 156425 (Holiday Decorations on Central Ave contract) with Saguaro Summit, LLC dba Christmas Light Decorators to provide additional funds in the amount of $300,000 to allow the annual installation and removal of holiday decorations at Phoenix Sky Harbor International Airport. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract is up to $590,000.

Summary
The Aviation Department is responsible for the holiday decorations displayed in the airport terminals from November through early January. This amendment is to allow the vendor to provide materials, installation, maintenance, and removal of the holiday decorations annually at the airport.

Contract Term
The terms of Contract 156425 remain unchanged, which includes three one-year options to extend.

Financial Impact
Upon approval of $300,000 in additional funds, the revised contract value will be up to $590,000. Funds are available in the Public Works and

Aviation departments' budgets.

Concurrence/Previous Council Action
Contract 156425 was previously approved by City Council on May 25, 2022, (Ordinance S-48624).

Location
Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road
Council District: 8

This item was adopted.

40 Metasys Software and Technical Support for Building Automation System - RFA 24-0281 - Request for Award (Ordinance S-51214)

Request to authorize the City Manager, or his designee, to enter into a contract with Johnson Controls International, Inc. (JCI) to provide support software services of the existing Building Automation System (BAS) for the Aviation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of this contract will be up to $350,000.

Summary
This contract will provide BAS proprietary software from JCI and will serve as the primary BAS software at Phoenix Sky Harbor International Airport. The JCI software is essential for the daily energy-efficient operation of the Heating, Ventilation, and Air Conditioning system. This contract will ensure that software upgrades, updates, and patches of the JCI BAS are installed and maintained in a timely manner and meet the highest IT security standards to lessen the vulnerability of cyber-attacks, as well as help with the City's Greenhouse Gas reduction goals.

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

Procurement Information
In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on Special Circumstances Without Competition.

Contract Term

The contract will begin on or about January 1, 2025, for a five-year term with no options to extend.

Financial Impact

The total value for the contract will be up to $350,000, for the total five-year contract term.

Funding is available in the Aviation Department Operating budget.

Location

Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road
Council District: 8

This item was adopted.

41 Smarte Carte Facility Lease Agreement at Phoenix Sky Harbor International Airport (Ordinance S-51222)

Request to authorize the City Manager, or his designee, to enter into a facility lease agreement with Smarte Carte, Inc. (Smarte Carte) for 254 square feet (sq. ft.) of terminal space at Terminal 4, Phoenix Sky Harbor International Airport (PHX). Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

Smarte Carte provides luggage cart rental services at PHX under Contract 155430, which began on November 1, 2021. A recent facility audit revealed that Smarte Carte initially occupied 127 sq. ft. of space at the start of their luggage rental service operations and subsequently occupied another 127 sq. ft. on or about January 2023, and these spaces were not included in Contract 155430. Smarte Carte desires to lease these two spaces totaling 254 sq. ft. in support of its luggage cart rental services at PHX.

Contract Term

The term of the lease will be for five years and effective retroactively on November 1, 2021, and expire on October 31, 2026, which is coterminous with the expiration date of the Luggage Cart Rental Services Contract 155430.

Financial Impact

Total anticipated revenue over the five-year aggregate term will be approximately $237,590. The terminal rental rate will be adjusted annually in accordance with the Rates and Charges provisions of Article IX of Chapter 4 of the Phoenix City Code.

Location
Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road
Council District: 8

This item was adopted.

42 Phoenix Sky Harbor International Airport Terminal 4 Central Utility Plant Modernization - 2-Step Construction Manager at Risk Construction Services Amendment - AV21000111 FAA (Ordinance S-51228)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 160208 with Holder Construction Group, LLC, for exceptions to Phoenix City Code Section 42-18 to limit the City's damages under the Agreement.

Summary
The purpose of this project is to replace the current Terminal 4 Central Utility Plant and all associated equipment, evaluation and possible inclusion of the controls systems that provides cooling for Terminal 4. When this project is completed the new Terminal 4 Central Utility Plant will provide increased building campus cooling capacity and energy efficiency while simultaneously reducing operation and maintenance costs.

Contract Provisions - Limitation of Recovery of Damages
The parties agree to an exception to limit recovery by the City to 10 percent of Holder Construction Group, LLC's fees for any claim for consequential damage caused by Holder Construction Group, LLC. Consequential damages include damages that result from incidental or indirect consequences from breach of contract. Examples of consequential damages may include loss of income or business reputation.

The Parties agree that liquidated damages will be the only payment to the City for any delay on the Project.

Contract Term

The term of the agreement remains unchanged from the original term. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The initial agreements for Construction Manager at Risk Preconstruction and Construction Services were approved for an amount not to exceed $105 million, including all subcontractor and reimbursable costs. No additional funding is required.

Concurrence/Previous Council Action

The City Council approved:

- Construction Manager at Risk Preconstruction Services Agreement 160207 (Ordinance S-50690) on March 20, 2024; and
- Construction Manager at Risk Construction Services Agreement 160208 (Ordinance S-50690) on March 20, 2024.

Location

2485 E. Buckeye Road, Phoenix, AZ 85034
Council District: 8

This item was adopted.

43 Information Technology Staffing Services - AVN RFP 19-029 - Amendment (Ordinance S-51219)

Request to authorize the City Manager, or his designee, to execute amendments to Contracts 150929, 150930, 150931, 150932, 150933, 150934, and 150935 with OST, Inc., Intratek Computer, Inc., Acro Service Corporation, Solu Technology Partners, LLC, 22nd Century Technologies, Inc., Beacon Systems, Inc., and Lancesoft, Inc. to extend the contract term. No additional funds are needed, request to continue using Ordinances S-45995, S-49444, and S-49689.

Summary

The contracts currently provide contracted information technology (IT) staff to support technology systems at Phoenix Sky Harbor International

Airport (PHX) and augments the Aviation Department's more than 50 full-time Technology Division (Technology) employees. The additional contracted IT staff support the numerous critical systems at PHX, including the access control and alarm monitoring system, the operations security portal for badging, the video surveillance system, the parking revenue control system, and common use systems for the airlines (paging, checkpoint wait times, flight information displays, common use kiosks, and automated passport control kiosks).

Aviation has an active solicitation for IT staffing services, and given unexpected overwhelming interest and participation in the solicitation process, Aviation anticipates a recommendation for new contract awards in late 2024.

Aviation requests an extension of the current seven contracts for up to six months, or until new contracts are in place, whichever occurs first, to allow for the ongoing procurement process to conclude and the new contracts to be in place. It will also allow time for the existing contracted IT staff to go through the onboarding process, where applicable, minimizing disruption to ongoing operations and services.

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

Contract Term
Upon approval the contracts will be extended up to March 31, 2025.

Financial Impact
The total value of the contract will be up to $21,550,000, which includes the extension period, no additional funds are needed.

Concurrence/Previous Council Action
The City Council previously approved:
• Information Technology Staffing Services Contracts (Ordinance S-45995) on September 4, 2019.
• Additional expenditures in the amount of $1,300,000 for Information Technology Services Department (Ordinance S-49444) on March 1, 2023.

• Additional expenditures in the amount of $250,000 for Street Transportation Department (Ordinance S-49689) on May 3, 2023.

Location
Phoenix Sky Harbor International Airport: 2485 E. Buckeye Road
Council District: 8

This item was adopted.

44 Regulated Garbage Handling Services - IFB 24-0362 - Request for Award (Ordinance S-51218)

Request to authorize the City Manager, or his designee, to enter into a contract with Stericycle, Incorporated (Stericycle) to provide the removal, processing, and disposal of regulated garbage collected at Phoenix Sky Harbor International Airport (PHX). Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract is up to $280,000.

Summary
This contract will provide specialized services to ensure that regulated garbage entering the United States is handled according to strict regulations and policies set by the United States Department of Agriculture, Animal and Plant Health Inspection Service.

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

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

Selected Bidder
Stericycle, Incorporated

Contract Term
The contract will begin on or about October 1, 2024, for a five-year term with no options to extend.

Financial Impact

The contract value will be up to $280,000 for the total five-year contract term. Funding is available in the Aviation Department's Operating budget.

Location

Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road
Council District: 8

This item was adopted.

45 Memorandum of Understanding Between the Street Transportation Department and Downtown Phoenix Inc. for Transferring GRID Billboard Ownership (Ordinance S-51220)

Request to authorize the Street Transportation Department to enter into a Memorandum of Understanding (MOU) with Downtown Phoenix Inc. (DPI) to transfer GRID Billboard ownership in Phoenix.

Summary

In December 2020, the GRID Bike Share program ended in Phoenix due to low ridership and a shift in the industry to electric scooters over traditional bicycles. The GRID Bike Share program left two unused billboards in downtown Phoenix. The Street Transportation Department no longer utilizes the GRID billboards for any purpose. DPI and the Street Transportation Department has determined that the GRID signs are of no monetary value because they are no longer in use. The purpose of the MOU is to transfer the ownership of the GRID billboards from the Street Transportation Department to DPI. The agreement would transfer all responsibility and liability to DPI to maintain and program the GRID billboards in the downtown area. DPI will assume all responsibility for programming to advertise special events in the downtown area and general information to the public.

Contract Term

The agreement will be effective on the date it is executed by all the governing organizations.

Financial Impact

There is no financial impact for this agreement.

Location

Central Avenue and Willetta Street, 5th and Van Buren streets
Council Districts: 7 and 8

This item was adopted.

47 Request to Enter into a Development Agreement with a Developer to Provide Funds in Exchange of Up Sizing a Water Main (Ordinance S-51212)

Request authorization for the City Manager, or his designee, to enter into a Development Agreement with PHX MC PROPERTIES, LLC, a Delaware limited liability company, to allow the Developer to provide funds in exchange for the design and construction of a water main in downtown Phoenix. Further request to authorize the City Treasurer to accept and the City Controller to distribute the necessary funds related to this item.

Summary

The Developer is planning to construct a new hotel at the southeast corner of Central Avenue and Adams Street in downtown Phoenix, Arizona (referred to herein as the "Development"). Per City Code 37-33 and the City of Phoenix Design Standard Manual for Water and Wastewater Systems Section IV.B.2, the Development was stipulated to up size approximately 230 feet of six-inch water main to 12-inch along Adams Street.

The Development Agreement (DA) allows the Developer to provide a $250,000 one-time cash contribution to the City. The City will accept the $250,000 and add the funds into the City’s Water Main Replacement Program. The City will add the 230 feet of six-inch water main along Adams Street into the City’s Water Main Replacement Program and up size it to 12-inch within 10 years.

Contract Term

The contract term will not exceed a 10-year period, starting from the effective date of the DA.

Financial Impact

The $250,000 contribution by the Development is deemed reasonable based on current market condition and the City's past work experiences in downtown Phoenix. The City will add the $250,000 funds into the

existing Water Main Replacement Program to perform the water main up sizing. Funding for this project will be available in the Water Services Department Capital Improvement Program budget once the funds are received.

Location
Council District: 7

This item was adopted.

48 Custodial Services Water Services Department Contract - IFB 2425-WPP-649 - Request for Award (Ordinance S-51225)

Request to authorize the City Manager, or his designee, to enter into contracts with CCS Facility Services - Arizona, Inc., Palacios Marine & Industrial Coatings, Inc., and Triangle Services, Inc., to provide custodial services for the Water Services Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $7,570,000.

Summary
The contracts will provide custodial services, on a regular basis, for the Water Services Department at 81 facilities located across 21 locations throughout the City. Due to the wide geographic spacing of the facilities, it was determined to be in the best interest of the City to award contracts to seven groups of locations arranged geographically.

Services include, but are not limited to, general cleaning of the exterior and interior of facilities, such as floors, restrooms, and office space. Additional services include more advanced cleaning of floors and upholstery.

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

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

Selected Bidders

CCS Facility Services - Arizona, Inc.
Group 2 $12,329.18 Monthly
Group 4 $7,025.34 Monthly
Group 6 $6,639.59 Monthly

Palacios Marine & Industrial Coatings, Inc.
Group 1 $7,243.46 Monthly
Group 7 $4,748.22 Monthly

Triangle Services, Inc.
Group 3 $22,798 Monthly
Group 5 $10,082 Monthly

Contract Term

The contracts will begin on or about September 1, 2024, for a five-year term with no options to extend.

Financial Impact

The aggregate contracts value will not exceed $7,570,000.

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

This item was adopted.

50 Abandonment of Easement - ABND 240025 - 20620 N. 19th Avenue (Resolution 22243)

Abandonment: 240025
Project: 21-4492
Applicant: Pete McClintock
Request: To abandon two 10-feet by 65-feet public sidewalk easements as described on the TCA Plaza commercial plat (recorded number 2010-0767398 on September 3, 2010, Book 1064 / Page 42).
Date of Decision: June 17, 2024

Location

Generally located at 20620 N. 19th Avenue
Council District: 1

Financial Impact

Pursuant to Phoenix City Code Article 5, Section 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.

None. No fee was required as a part of this easement abandonment, although filing fees were paid.

This item was adopted.

51 Abandonment of Easement - ABND 240017 - 15826 N. Scottsdale Road (Resolution 22244)

Abandonment: 240017
Project: 19-3248
Applicant: Jesse Weber, HilgartWilson
Request: To abandon a 7.5-foot by 26-foot water easement, that totals to 195 square feet.
Date of Decision: May 13, 2024

Location

Generally located at 15826 N. Scottsdale Road
Council District: 2

Financial Impact

Pursuant to Phoenix City Code Article 5, Section 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.

None. No fee was required as a part of this easement abandonment, although filing fees were paid.

This item was adopted.

52 **Amend City Code - Official Supplementary Zoning Map 1266 (Ordinance G-7293)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1266. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with a portion of Z-43-99 and the entitlements are fully vested.

Summary

To rezone a parcel on the northwest corner of North Valley Parkway and North Foothills Drive.
Application No.: Z-43-99
Zoning: C-2 M-R PCD NBCOD
Owner: Sonoran Foothills I BTR Owner, LLC
Acreage: 35.14

Location

Northwest corner of North Valley Parkway and North Foothills Drive
Address: 2555 W. Bronco Butte Trail; and 2550, 2560, 2640 and 31854 W. North Foothills Drive
Council District: 2

This item was adopted.

53 **Amend City Code - Ordinance Adoption - Rezoning Application Z-51-24-1 - Approximately 710 Feet East of the Northeast Corner of 19th Avenue and Park View Lane (Ordinance G-7292)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-51-24-1 and rezone the site from S-1 DVAO (Ranch or Farm Residence, Deer Valley Airport Overlay District) to CP/GCP DVAO (Commerce Park District/General Commerce Park Option, Deer Valley Airport Overlay District) to allow commerce park/light industrial.

Summary

Current Zoning: S-1 DVAO
Proposed Zoning: CP/GCP DVAO
Acreage: 6.49
Proposal: Commerce Park/Light Industrial

Owner: Brown Family Trust
Applicant/Representative: Clark Diepholz, Hawkeye Development, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on June 18, 2024, and recommended approval, per the staff recommendation, by a vote of 10-0.
PC Action: The Planning Commission heard this case on August 1, 2024, and recommended approval, per the Deer Valley Village Planning Committee recommendation, by a vote of 8-0.

Location
Approximately 710 feet east of the northeast corner of 19th Avenue and Park View Lane
Council District: 1
Parcel Address: 1738 W. Park View Lane

This item was adopted.

54 Modification of Stipulation Request for Ratification of Planning Commission Action - PHO-1-24--Z-101-98-2 - Approximately 280 Feet South of the Southwest Corner of 25th Street and Bell Road

Request to authorize the City Manager, or his designee, to approve the Planning Commission's recommendation without further hearing by the City Council on matters heard by the Planning Commission on August 1, 2024. This ratification requires formal action only.

Summary
Application: PHO-1-24--Z-101-98-2
Existing Zoning: C-3
Acreage: 2.31

Owner: Scott Feuer, Orsett Cave Creek Bell, LLC
Applicant/Representative: Randy Gilliam

Proposal: Request to modify Stipulation 7 regarding emergency vehicle access on 25th Street.

VPC Action: The Paradise Valley Village Planning Committee did not review this item.

PHO Action: The Planning Hearing Officer heard this item on May 15, 2024, and recommended denial.
PC Action: The Planning Commission heard this item on August 1, 2024, and recommended approval, per the applicant's request with a modification.

Location
Approximately 280 feet south of the southwest corner of 25th Street and Bell Road
Council District: 2
Parcel Address: 16802 N. 25th Street and 16807 N. Cave Creek Road

This item was approved.

55 Amend City Code - Ordinance Adoption - Rezoning Application PHO-3-24--Z-6-12-2 - Southwest Corner of North Valley Parkway and Sonoran Desert Drive (Ordinance G-7294)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on July 17, 2024.

Summary
Application: PHO-3-24--Z-6-12-2
Existing Zoning: C-2 M-R NBCOD
Acreage: 2.61

Owner: Gary Davidson, LDR-Sonoran Parkway, LLC
Applicant: Matt Updegraff, Kimley-Horn and Associates
Representative: Paul Gilbert, Gilbert Blilie PLLC

Proposal:
1. Request to modify Stipulation 2 regarding the review of the conceptual site plan and elevations.

VPC Recommendation: The North Gateway Village Planning Committee heard the request on July 11, 2024, and recommended approval, with a modification and an additional stipulation, by a vote of 8-0.
PHO Recommendation: The Planning Hearing Officer took the case under advisement. On August 9, 2024, the Planning Hearing Officer took

the case out from under advisement and recommended approval with a modification.

Location
Southwest corner of North Valley Parkway and Sonoran Desert Drive
Council District: 2
Parcel Address: N/A

This item was adopted.

61 ADD-ON - Campaign Information Policy

Request City Council approval of the revised Campaign Information Policy for all election campaigns.

Summary
See **Attachment A** Campaign Information Policy. This policy was last updated in March 2017. The policy provides guidelines for responding to information and research requests by incumbent and non-incumbent candidates during election campaigns and use of City resources starting with the November 5, 2024 Regular and Special Vacancy Elections.

This item was approved.

32 Salt River Pima-Maricopa Indian Community Gaming Grant (Ordinance S-51229)

Request to authorize the City Manager, or his designee, to apply for and accept up to $640,000 in new funding from the Salt River Pima-Maricopa Indian Community under the 2025 funding cycle. Further request authorization for the City Treasurer to accept and the City Controller to disburse funds as directed by the Salt River Pima-Maricopa Indian Community in connection with these grants.

Summary
The Salt River Pima-Maricopa Indian Community 12 Percent Gaming grant application process is by invitation only. The tribe will select and identify which municipalities and local non-profits to invite to apply for funding consideration. An invitation to apply is not a guarantee that the application will be selected for funding by the tribe. Salt River Pima-Maricopa Indian Community does not consider multi-year capital campaign projects.

If awarded, the funds would be applied, as directed by Salt River

Pima-Maricopa Indian Community, towards the following:

City Application

Office of Arts and Culture, S'edav Va'aki (formerly Pueblo Grande) Museum: $350,000 for the continuation and expansion of the second main gallery at the Museum. S’edav Va’aki Museum has been working to update the messages that are shared with the public to better reflect the connection this ancestral site has to current Native American communities. The Salt River Pima-Maricopa and Gila River Indian communities are the descendants of those who built the site and have been assisting the Museum not only with cultural relevancy, but also funding for these changes.

Non-Profit Applications

Arizona Humane Society: $90,000 for the Emergency Animal Medical Technician and Pet Resource Center programs. The Pet Resource Center works to keep pets out of the shelter by providing resources and aid to pet owners in need, while the Emergency Animal Medical Technician program saves abused, neglected, and abandoned pets throughout Maricopa County.

Native American Connections: $200,000 for permanent supportive housing operations for five housing sites with a total of 280 residential units and a management and direct care staff of 35. Permanent supportive housing sites serve chronically homeless, disabled, minimal income residents.

The gaming compact entered into by the State of Arizona and various tribes calls for 12 percent of gaming revenue to be contributed to cities, towns, and counties for government services that benefit the general public, including public safety, mitigation of impacts of gaming, and promotion of commerce and economic development. The Salt River Pima-Maricopa Indian Community will notify the City, by resolution of the Tribal Council, if it desires to convey to the City or nonprofit a portion of its annual 12 percent local revenue-sharing contribution.

Financial Impact

There is no budgetary impact to the City and no general-purpose funds are required. Entities that receive gaming grants are responsible for the

management of those funds.

Discussion

A motion was made and seconded to approve this item.

Mayor Gallego mentioned this was a grant from the Salt River Pima-Maricopa Indian Community, noting grants from the Tohono O'odham Nation were approved in the previous vote. She expressed the City had excellent partnerships with the tribal nations and these items helped the City with different investments. She pointed out the partnership with the S'edav Va'aki Museum which would re-open on November 17 with new exhibitions. She stated adoption of a formal land acknowledgement would be announced at the re-opening, noting the museum was recently accredited by the American Alliance of Museums.

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

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

33 Retroactive Authorization to Apply For, Accept and Disburse Grant Funding from Arizona State University (Ordinance S-51227)

Request to retroactively authorize the City Manager, or his designee, to apply for and accept a grant funding from Arizona State University (ASU) as part of the U.S. Department of Justice, Bureau of Justice Assistance (BJA) Mental Health Collaboration Program in an amount not to exceed $400,000. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item for the life of the grant.

Summary

The BJA has a funding opportunity available to support the set-up of a Homelessness Engagement and Legal Protection (HELP) legal clinic. ASU will be the primary grant applicant and the City of Phoenix, Office of Homeless Solutions (OHS) will be a subrecipient. OHS will partner with

the legal clinic to assist with developing strategies and solutions to improve access to housing for the interdisciplinary mobile legal clinic's clients, develop strategies to refer interdisciplinary mobile legal clinic clients to the City of Phoenix's Community Court, and develop strategies to help coordinate cooperation between public and private stakeholders.

This request is being made retroactively due to the brief application window and insufficient time to obtain authorization before the submission deadline.

Contract Term

The grant term will begin on or about October 1, 2024, and will end on or about September 30, 2028.

Financial Impact

Funding in an amount up to $400,000 may be provided by ASU through BJA. No matching funds are required from the City of Phoenix.

Discussion

A motion was made and seconded to approve this item.

Councilwoman O'Brien thanked staff for partnering with Arizona State University and applying for these funds that supported the new community court design to help homeless individuals with legal issues. She said community court had been a success since it opened in January 2024, noting these funds would help find homes for participants whose court plans require housing.

Vice Mayor Stark commended Councilwoman O'Brien for spearheading community court which was a success.

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

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

36 Issuance of Lease Revenue Bonds (Mayo/Brooks Rehabilitation Facility Project), Series 2024 (Resolution 22242)

Request City Council approval for the issuance of Lease Revenue Bonds (Mayo/Brooks Rehabilitation Facility Project), Series 2024, to be issued in one or more tax-exempt and/or taxable series, in an aggregate principal amount not to exceed $125,000,000.

Summary

Request City Council adoption of a Resolution (**Attachment A**) granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Arizona (the “Phoenix IDA”) has previously resolved to issue up to $125,000,000 of Lease Revenue Bonds (the “Revenue Bonds”), Series 2024 for use by PAFAF I Phoenix LLC (the “Borrower”), a Delaware limited liability company, to:

(a) Finance, refinance and/or reimburse a portion of the cost of the development, acquisition, construction and equipping of a 60-bed healthcare facility (the "Facility");

(b) Fund reserves for capitalized interest, working capital and debt service, as required; and

(c) pay costs of issuance and other related transaction costs in connection with the issuance of the Bonds.

Concurrence/Previous Council Action

The Phoenix IDA Board has previously resolved to issue the Revenue Bonds at its meeting held on August 15, 2024.

Location

The Facility is to be located on the Discovery Oasis Campus on the west side of 64th Street, approximately one quarter mile south of the Mayo Boulevard and 64th Street intersection in Phoenix, AZ.
Council District: 2

Discussion

A motion was made and seconded to approve this item.

Mayor Gallego expressed this was a great example of the Phoenix

Industrial Development Authority advancing economic development and providing more health care options. She conveyed the Mayo Clinic's growth was done in partnership with the City, noting this action totaled $245 million in financial partnership which positively impacted the community. She said the City was committed to addressing the shortage of doctors and rehabilitation options.

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

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

46 Intergovernmental Agreement with Arizona Department of Transportation for Certification Acceptance Agreement (Ordinance S-51224)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for certification acceptance, which allows the City to continue self- administering transportation projects funded with Federal Highway Administration (FHWA) funds. There is no impact to the General Fund.

Summary

Since 1996, the City of Phoenix has been certified by ADOT to self-administer transportation projects funded with federal transportation funds. ADOT is the lead agency in the state that the FHWA contracts with to spend federal transportation funds. In coordination with FHWA, ADOT sets forth responsibilities and requirements for local governments to deliver federally-funded transportation projects, and regularly recertifies local governments to self-administer federally-assisted transportation projects. Phoenix was last recertified in October 2019 and entered into an IGA for certification acceptance for a five-year term. This new agreement will replace the 2019 Certification Acceptance agreement.

Over the last 12 months, staff has worked with ADOT to provide all of the documentation for a thorough review of our City processes and procedures relative to the delivery of federal projects. The City was successful in completing the recent recertification process and now requires execution of a new IGA to maintain certification status and self-administer federally-funded transportation projects for construction.

Through competitive application processes for federal transportation funds through the Federal Aid Highway program (administered by the Maricopa Association of Governments and ADOT), the City has been successful in securing regional federal and state funds upwards of $30 million in federal funds for projects authorized or constructed between fiscal years 2022 and 2024. The self-administration process allows the City to complete the federally-required procedures for project development in a more efficient, cost-effective and timely manner.

Contract Term

The agreement term shall be for five years. The term shall begin upon execution of the agreement with an end date of September 30, 2029.

Discussion

A motion was made and seconded to approve this item.

Eric Nielsen made comments unrelated to this item.

Mayor Gallego interjected Mr. Nielsen's testimony would be permitted during Citizen Comments at the end of the meeting. She added Phoenix benefited tremendously from federal investment.

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

Yes:	9 -	Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego
No:	0	

49 Water Services Department and Phoenix College Pilot Degree

Program (Ordinance S-51231)

Request to authorize the City Manager, or his designee, to enter into an intergovernmental agreement (IGA) with Maricopa County Community College District, Phoenix College, for a total not to exceed $150,000. Further request authorization for the City Controller to disburse all funds related to this item.

Further request to authorize an exception to the requirements of Phoenix City Code section 42-18 to allow inclusion of a mutual indemnification provision in the agreement. The risk of this exception is low due to the nature of the educational services provided.

Summary

The Water Services Department (WSD) has partnered with Phoenix College to create a pilot program for WSD employees that will provide an opportunity for supervisory staff to obtain higher education that will allow them to promote into higher manager level positions.

The pilot degree program will assist WSD employees obtain their Associate's and Bachelor degrees by providing:

An onsite location at a WSD facility for employees to meet once a week with Phoenix College.
Employees will be together as a cohort as they work through the curriculum to obtain their Associate’s degree.
Phoenix College will facilitate each employees next steps as they move to a virtual environment for their Bachelor’s degree.
WSD will pay the course tuition for each employee directly to Phoenix College and be reimbursed through the Employee Development Fund Program, in accordance with Administrative Regulation 2.51.

The Training Division of the Water Services Department will serve as the liaison to Phoenix College in support of this program.

Contract Term

The agreement will become effective on or about October 1, 2024, for a two-year term, with an option to extend for an additional three years.

Financial Impact

The total agreement cost will be up to $150,000 for the first two years of the contract term, of which the Water Services Department will be responsible for funding.

Discussion

A motion was made and seconded to approve this item.

NOTE: Councilwoman Pastor declared a conflict of interest and did not participate in this item.

Mayor Gallego thanked the Water Services Department for ensuring staff has more access to educational options to progress in their career.

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

Yes:	8 -	Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego
No:	0	
Conflict:	1 -	Councilwoman Pastor

56 Public Hearing and Ordinance Adoption - Rezoning Application PHO-1-24--Z-37-07-2 - Approximately 480 Feet South of the Southwest Corner of Scottsdale Road and Sweetwater Avenue (Ordinance G-7295)

Request to hold a public hearing and authorize the City Manager, or his designee, to consider the Planning Commission recommendation by the City Council on matters heard by the Planning Hearing Officer on April 17, 2024, and the Planning Commission on August 1, 2024.

Summary

Application: PHO-1-24--Z-37-07-2
Existing Zoning: R-O
Acreage: 1.17

Owners: Linda Cohn, Beldar Properties Arizona, LLC and Steven R. Bund

Applicant/Representative: David E. Richert

Proposal:
1. Request to modify Stipulation 1 regarding general conformance to the site plan date stamped February 9, 2009.
2. Request to delete Stipulation 4 regarding cross access and parking agreements.
3. Request to delete Stipulation 5 regarding Scottsdale Road improvements.
4. Request to modify Stipulation 7 regarding building height.
5. Request to modify Stipulation 8 regarding rear building setbacks.
6. Request to delete Stipulation 10 regarding street improvements.
7. Request to delete Stipulation 11 regarding archaeological assessment.
8. Request to modify Stipulation 12 regarding a requirement to obtain final site plan approval.
9. Request to delete Stipulation 13 regarding wall along the rear property line.
10. Technical corrections to Stipulations 2, 3, 6, 9 and 15.

VPC Action: The Paradise Valley Village Planning Committee did not review this item.
PHO Action: The Planning Hearing Officer heard this item on April 17, 2024, and took the item under advisement. On May 21, 2024, the Planning Hearing Officer took the item out from under advisement and recommended denial as filed and approval with modifications and an additional stipulation.
PC Action: The Planning Commission heard this item on August 1, 2024, and recommended denial as filed, and approval with modifications and an additional stipulation, per the Planning Hearing Officer recommendation, with two deletions.

The Planning Commission recommendation was appealed by the applicant/representative on August 6, 2024.

Location
Approximately 480 feet south of the southwest corner of Scottsdale Road and Sweetwater Avenue

Council District: 2
Parcel Address: 12800, 12802 and 12814 N. Scottsdale Road

Discussion

Mayor Gallego declared the public hearing open.

David Richert, representing two small business owners on Scottsdale Road, stated the Planning Commission addressed everything except two sidewalk requirements along frontage of Scottsdale Road. He recalled the Planning Commission debated the sidewalk issue that ended with a split vote, noting the sidewalks being requested were located along a subdivision built in 1971. He pointed out the City had worked on this street several times over 20 years and sidewalks were not put in for these properties. He remarked decomposed granite could be walked on and bicycles could ride on it, noting recent enforcement of this property became an issue as the area was maintained. He asked the two stipulations be removed and the remaining portion of Planning Commission's recommendation be approved.

Mayor Gallego declared the public hearing closed.

Councilman Waring stated the Planning Commission recommended the sidewalks and asked if these arguments were made at the meeting.

Planning and Development Director Joshua Bednarek affirmed that was correct, noting the case was heard by the Planning Commission where Mr. Richert outlined modifications. He advised the Planning Commission agreed with some of the modifications, but declined deletion of the required sidewalks and forwarded their recommendation maintaining the sidewalk requirement.

The hearing was held. A motion was made by Councilman Waring, seconded by Vice Mayor Stark, that this item be approved per the Planning Commission recommendation with adoption of the related ordinance. The motion carried by the following vote:

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

57 **(CONTINUED FROM MAY 1 AND MAY 29, 2024) - Public Hearing and Ordinance Adoption - Rezoning Application Z-117-23-7 - Approximately 450 Feet North of the Northeast Corner of 7th Avenue and Van Buren Street (Ordinance G-7254)**

Request to hold a public hearing on a proposal to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, and adopting Rezoning Application Z-117-23-7 to rezone the site from DTC-Van Buren (Downtown Code, Van Buren Character Area) to DTC-Van Buren HP (Downtown Code, Van Buren Character Area, Historic Preservation Overlay) to allow for a Historic Preservation Overlay for the Phoenix Laundry & Dry Cleaning Company.

Summary
Current Zoning: DTC-Van Buren
Proposed Zoning: DTC-Van Buren HP
Acreage: 1.31
Proposal: Historic Preservation Overlay for the Phoenix Laundry & Dry Cleaning Company

Owner: Milum Textile Services Co.
Applicant: City of Phoenix, Historic Preservation Commission
Representative: Kevin Weight, City of Phoenix, Historic Preservation Office

Staff Recommendation: Approval of the Historic Preservation Overlay.
HPC Action: The Historic Preservation Commission heard this item on February 12, 2024, and recommended approval, per the staff recommendation, by a vote of 7-0.
VPC Action: The Central City Village Planning Committee heard this item on March 11, 2024, and recommended approval, per the staff recommendation, by a vote of 7-6.

PC Action: The Planning Commission heard this item on April 4, 2024, and recommended denial, by a vote of 4-3-1.

The Planning Commission recommendation was appealed by a community member on April 11, 2024.

Location
Approximately 450 feet north of the northeast corner of 7th Avenue and Van Buren Street
Council District: 7
Parcel Address: 333 and 337 N. 7th Avenue

Discussion
A motion was made and seconded to deny this item per the Planning Commission recommendation.

Mayor Gallego declared the public hearing open. Noting no one wished to speak on this item, she declared the public hearing closed.

Following the vote, Mayor Gallego mentioned this was a difficult site and thanked staff for working hard on a win for this case.

The hearing was held. A motion was made by Councilman Galindo-Elvira, seconded by Vice Mayor Stark, that this item be denied per the Planning Commission recommendation. The motion carried by the following vote:

Yes:	8 -	Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego
No:	1 -	Councilwoman Pastor

58 (CONTINUED FROM JUNE 12 AND JULY 1, 2024) - Public Hearing and Ordinance Adoption - Rezoning Application Z-SP-6-23-8 - Southeast Corner of 41st Street and Baseline Road (Ordinance G-7270)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-6-23-8 and rezone the site from C-2

(Intermediate Commercial) to C-2 SP (Intermediate Commercial, Special Permit) to allow a self-service storage facility and underlying C-2 uses.

Summary

Current Zoning: C-2
Proposed Zoning: C-2 SP
Acreage: 3.84
Proposal: Self-service storage facility and underlying C-2 uses

Owner: Highline Investment, LLC
Applicant: SAFStor Real Estate Co, LLC
Representative: Mike Maerowitz, Snell & Wilmer, LLP

Staff Recommendation: Approval, subject to stipulations.
VPC Info: The South Mountain Village Planning Committee heard this item for information only on March 12, 2024.
VPC Action: The South Mountain Village Planning Committee heard this item on April 9, 2024, and recommended denial, by a vote of 10-0-1.
PC Action: The Planning Commission heard this item on May 2, 2024, and recommended approval, per the staff memo dated May 1, 2024, by a vote of 5-4.

The Planning Commission recommendation was appealed by a community member on May 9, 2024.

Location

Southeast corner of 41st Street and Baseline Road
Council District: 8
Parcel Address: 4115, 4119, 4125, 4155, and 4175 E. Baseline Road

Discussion

Mayor Gallego announced the applicant and appellant would each have five minutes for their presentation, noting other speakers would have two minutes each. She declared the public hearing open.

Nick Wood, with Snell & Wilmer, said he represented the applicant, SAFStor, and explained this was a 3.8-acre site around 41st Street and Baseline Road that had never been developed. He conveyed there was a wash to the east that flooded this site due to water run-off from South

Mountain, noting the applicant was requesting a special permit for the C-2 zoning. He mentioned 41st Street, a two-lane street, was the only way in and out for the existing neighborhood, so traffic was a concern especially during peak hours.

Mr. Wood pointed out the applicant conducted two phases of outreach, noting the first phase included 11 meetings with neighborhood representatives and the developer, while the second phase included 23 meetings. He thanked Councilwoman Hodge Washington, the South Mountain Village Planning Committee chair and a neighborhood leader for their efforts as the applicant came with solutions to neighborhood issues. He added the applicant knocked on 1,000 doors and made 467 connections with 395 letters of support as well as 33 verbal in support, 29 with a neutral position and 10 letters of opposition. He listed the following design changes as a result of their outreach:

building height adjusted to 24 feet for two-story and 17 feet for one-story;
dedication to widen a portion of 41st Street so two lanes, right and left turn exits, onto Baseline Road;
modifications to building orientation and layout;
redesigned the architecture;
revised the landscape palette;
extending the multi-use trail along the front and build a bridge over the wash;
added an entrance and exit in front of the building on Baseline Road;
added about 2,500 square feet of retail which was not a typical use for a self-storage facility; and
added a basement level which lowered the two-story to one-story.

Mr. Wood presented the site plan, noting the wash on the right side as well as the landscaping and retail on the west side of the building. He displayed different viewpoints of the architectural rendering that showed cubes on top of the building as suggested by Village Planning Committee members since it was an element at South Mountain Library. He pointed out the right and left lanes coming off 41st Street, along with landscaping in the front and back, and architecture of the self-storage building and the area where the bridge would be built. He concluded with a slide that showed points of support, neutral and opposition to this case.

Laurie Pheil stated she was a neighborhood representative speaking on behalf of impacted residents in opposition. She acknowledged the applicant offered residents a seat at the table during redesign, noting their input on the building design, retail space and landscaping improved the aesthetics of this project. She conveyed the applicant's revised design and upgraded materials would set the standard for future development in their community. She emphasized residents did not support this case as it was not proper land use for this site and cited guidelines from the Village Planning Committee Handbook. She remarked the Village Planning Committee voted to deny this case and the Planning Commission voted to approve it by one vote. She recalled Councilwoman Hodge Washington requested the Village Planning Committee review the new building designs and seven of the members still found it was not proper land use for this site.

Ms. Pheil expressed she had wanted Council to reach out to her prior to this meeting to better understand the residents needs. She indicated residents still had concerns and were promised retail for some time, noting 2,500-5,000 square feet of retail was a minimal amount though this was the largest site in the area. She stressed Council was voting for a special permit that was denied by the Village Planning Committee by a 10-0 vote, narrowly approved by the Planning Commission by a 5-4 vote and again failed at the Village Planning Committee information session by a 7-4 vote. She asked for Council's consideration in this matter as it would affect residents lives who lived in this area.

Brian Harvey stated he was the author of the most recent design for this project. He pointed out there were hundreds of letters in opposition to this project.

Greg Brownell recalled the neighborhood unanimously showed up for the first vote where the committee voted against this project. He mentioned residents continued negotiating with the developer after the meeting which resulted in a different building. He expressed he was now in support of this case based on changes to the building, though he preferred it be in an area with better zoning.

Councilwoman O'Brien asked if he was a member of the Village Planning Committee.

Mr. Brownell affirmed he was a member.

Trent Marchuk, Chair of the South Mountain Village Planning Committee, stated he encouraged residents to negotiate with the developer; however, the neighborhood showed up in opposition at the Committee's information session. He recalled when the developer came back in March the proposed revisions did not satisfy the points of consideration for rezoning, so the Committee unanimously denied the proposal. He said he spoke against this project at the Planning Commission meeting, but a new representative for the developer was brought in after that meeting based on residents requests for additional negotiations. He expressed there had been movement since June from the neighbors and applicant, noting the current proposal was vastly different as the design was now compatible with the area as well as satisfied the land use requirements.

Catherine Napoli spoke in opposition as this project was an inappropriate land use and urged Council not to approve this item. She claimed the residents and community leaders were not treated properly during this process, noting there was a long-standing promise of neighborhood retail.

Darlene Jackson, a member of the South Mountain Village Planning Committee, acknowledged the neighborhood's involvement at the first meeting. She stated she supported the development and recalled at the beginning residents said they would work with the developer if building elevation was lowered and aesthetics and traffic mitigation were addressed. She mentioned the developer came back to the Committee with a different representative and better design for the area. She said it was fair that this item be approved since the developer addressed the residents concerns.

One electronic comment was submitted for the record in opposition of this item.

Mayor Gallego declared the public hearing closed.

Councilwoman Hodge Washington requested more information from the applicant on the process for retail in this proposal.

Mr. Wood conveyed his client, who was in the storage business, turned to Elliott Pollack on the retail component and was given good advice. Mr. Wood expressed this was not a good retail site, but negotiated a hybrid model with 2,500 square feet and possibly 2,500 more square feet on the second floor.

Councilwoman Hodge Washington said she understood there was a study done to determine the amount of retail space.

Mr. Wood affirmed a full report was completed by Mr. Pollack.

Councilwoman Hodge Washington asked if the neighborhood representative who was part of the conversation was provided that information.

Mr. Wood replied yes.

Councilwoman Hodge Washington inquired if the traffic concerns mentioned in earlier testimony had been resolved.

Mr. Wood responded yes, noting self-storage does not generate much traffic. He recalled residents were concerned with traffic on 41st Street since it was a small road with two lanes. He remarked Baseline Road was busy during peak hours, so it would take time to turn left from that street as it was the only way in and out of the neighborhood. He pointed out his client was dedicating left and right turn lanes so traffic did not backup on the street.

Councilwoman Hodge Washington mentioned a significant number of residents that were opposed were contacted and understood an agreement was made that no canvassing was to take place during a certain time period. She requested clarification on that point.

Mr. Wood stated he worked closely with the neighborhood group over the

past several months and confirmed he did not canvass the neighborhood.

Councilwoman Hodge Washington emphasized she wanted to make sure there was no outreach done outside of their agreement.

Mr. Wood responded he was not aware of any such outreach.

Councilwoman Hodge Washington expressed her appreciation for the City's open and transparent process to determine appropriate land use as it encouraged public participation at every level. She remarked this was a tough case, noting there was no willingness to discuss a compromise at the Village Planning Committee. She added the applicant requested a continuance to talk to residents but instead the case was denied at that meeting, then went to Planning Commission where the case was approved. She said because of the conflicting decisions she requested both sides meet to find a resolution, noting she held seven meetings with residents and the applicant.

Councilwoman Hodge Washington stated this was the only proposal that incorporated 2,500 square feet of retail and restaurant space on the ground floor as requested by the community. She conveyed there would also be a mezzanine that could only be used by the retail component and a pedestrian bridge over the drainage channel to provide continuous use of the trail, along with different sized riprap rock. She emphasized these stipulations were requested by the community and the applicant concurred. She indicated there were decisions to be made, noting this compromise would benefit both sides. She recalled there was a lot of opposition when this case first came to Council earlier this year, but that opposition had decreased due to the work done. She thanked the residents, particularly Mr. Harvey who worked diligently for his neighborhood and the community. She also recognized the applicant for working with the community on a resolution that was "outside the box."

A motion was made and seconded to approve this item.

Councilwoman Pastor asked if this case was approved if the applicant could come back and change aspects of the property. She provided an

example if the applicant came back and said they could not do retail on the property.

Planning and Development Director Joshua Bednarek replied there were several specific stipulations as to what could occur on the property. He advised the applicant would need to file a request with the Planning Hearing Officer to deviate from the stipulations outlined in the memo and proceed through the public hearing process. He added that process included the Village Planning Committee, Planning Commission and Council.

Councilwoman Pastor wanted confirmation it would go back through the public process.

Mr. Bednarek affirmed that was correct.

The hearing was held. A motion was made by Councilwoman Hodge Washington, seconded by Councilman Galindo-Elvira, that this item be approved per the September 4, 2024 memo from the Planning and Development Director with adoption of the related ordinance. The motion carried by the following vote:

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

59 **Public Hearing and Resolution Adoption - General Plan Amendment GPA-DV-1-24-1 - Southwest Corner of 36th Avenue and Pinnacle Peak Road (Resolution 22241)**

Request to hold a public hearing on a General Plan Amendment for the following item to consider the Planning Commission's recommendation and the related resolution if approved. Request to amend the General Plan Land Use Map designation on 80.31 acres from Parks/Open Space - Publicly Owned to Residential 3.5 to 5 dwelling units per acre and Commercial. This is a companion case to Z-28-24-1 and should be heard first, followed by Z-28-24-1.

Summary

Application: GPA-DV-1-24-1
Current Designation: Parks/Open Space - Publicly Owned
Requested Designation: Residential 3.5 to 5 dwelling units per acre (74.50 acres) and Commercial (5.81 acres)
Acreage: 80.31
Proposed Use: Minor General Plan Amendment to facilitate development of a new single-family residential community with a small, neighborhood-scale commercial element.

Owner: Arizona State Land Department
Applicant: Lennar Arizona, LLC
Representative: Stephen Anderson, Gammage & Burnham, PLC

Staff Recommendation: Approval.
VPC Action: The Deer Valley Village Planning Committee heard this item on May 21, 2024, and continued the item, by a vote of 9-0. The Deer Valley Village Planning Committee heard this item on July 16, 2024, and recommended approval, per the staff recommendation, by a vote of 8-1.
PC Action: The Planning Commission heard this item on June 6, 2024, and continued the item, by a vote of 8-0. The Planning Commission heard this item on August 1, 2024, and recommended approval, per the Deer Valley Village Planning Committee recommendation, by a vote of 8-0.

Location

Southwest corner of 36th Avenue and Pinnacle Peak Road
Council District: 1
Parcel Address: 3847 W. Pinnacle Peak Road

Discussion

Mayor Gallego announced there would be one public hearing and two motions as Items 59 and 60 were related cases. She explained the applicant and appellant would each have 10 minutes for testimony, noting the applicant could reserve 2 minutes of that time for rebuttal. She added other speakers would have two minutes each. She declared the public hearing open.

NOTE: Councilman Robinson left the voting body.

Stephen Anderson stated he represented the applicant, Lennar Homes, and pointed out both cases were recommended for approval by the Deer Valley Village Planning Committee by an 8-1 vote as well as unanimous vote by the Planning Commission. He added the Deer Valley Unified School District Board voted to support this proposal, noting Friends of Deer Valley also voted in support of it. He continued most of the local business owners and neighbors that voiced a view supported the proposal. He urged Council to accept all of the recommendations for approval and approve the cases subject to the 40 stipulations as recommended by the Planning Commission.

Mr. Anderson conveyed this project comprised a vacant 80-acre infill site, owned by the Arizona State Land Department, on the south side of Pinnacle Peak Road next to the Hurricane Harbor water park. He explained the site had been vacant the past five years and was previously a golf school that abandoned the property due to bankruptcy. He said in January 2024 the Arizona State Land Department auctioned it off primarily for residential development with a small commercial component. He emphasized Lennar Homes was the successful bidder at that sale, noting the State Educational Trust Fund was the beneficiary of the proceeds for that auction.

Mr. Anderson stated Lennar Homes proposes to develop a 75-acre residential community called Paseo Heights of 294 homes. He indicated the applicant filed two applications to advance the development of this property, a general plan amendment and a rezoning application. He mentioned this infill property was in the middle of an area with a mix of land uses and zoning categories, noting to the north and northwest across Pinnacle Peak Road were single-family homes zoned R1-6 and R-2. He conveyed the density of the R1-6 community to the north was 5.8 dwelling units per acre and the R-2 neighborhood was 5.1 dwelling units per acre, whereas Lennar Homes was proposing 3.9 dwelling units per acre which made this proposal a reasonable addition to the existing community.

Mr. Anderson said to the south and west was the Maricopa County Adobe Dam Regional Park which sat on the flood plain on the north side of

Adobe Dam. He emphasized the Lennar Homes site was not in the flood plain nor part of the county park, noting the flood plain was owned by the County Flood Control District and managed by the County Parks Department. He expressed the flood plain was approximately 1,460 acres with much of the park currently vacant, whereas the applicant's infill site was about 80 acres. He pointed out the park was zoned RE-43 and noted publicly-owned parks were allowed by right in that zoning district. He remarked the park currently brought in over 400,000 visitors a year, noting individual operators in the park operated under use agreements and paid a portion of their revenues to the County Parks Department which received over $1 million last year.

Mr. Anderson stated the applicant had ample support for this project, but there were many residents in the broader community who did not want more homes in their area. He conveyed the City adopted the Phoenix Housing Plan in 2020 due to concerns with the housing crisis. He remarked the plan was an effort to secure thousands of new infill homes across all price ranges in order to drive up supply across the City. He said Lennar was requesting to develop a residential infill project with the same zoning and lower density than the same homes across the street. He reiterated this project had approval from staff, the Village Planning Committee and Planning Commission, plus the school district. He asked that Council also approve this project per the 40 stipulations as recommended by the Planning Commission.

Scott Anderson said he represented 970 homeowners who lived in the Little Deer Valley area that were opposed to this project, noting there were only two homes within a quarter mile radius of this project. He displayed a diagram which showed the unique topography of Little Deer Valley that was blocked off by mountains, a dam and the landfill on the east side. He mentioned 40 years ago the area was mostly desert, so when he and other people moved in they were involved in the master plan for this community, noting lower density was in the center with increased density to the side.

Mr. Anderson conveyed the area did not have normal traffic flow as most of the streets were destination roads, noting Happy Valley Road was the only street that carried through traffic. He expressed residents did not

want commercial on every major street corner, so they worked with the City to place all commercial development in one place. He cited there were 12 acres east of 39th Avenue on Pinnacle Peak Road and 27 acres to the north on Happy Valley Road, along with Norterra which was several hundred acres one mile east on Happy Valley Road. He stated that was part of the master plan and developers were opposed to it, but Council directed them to work on a compromise with the neighborhood. He said they presented two compromises to this applicant with no feedback or alternatives in return.

Mr. Anderson displayed the General Plan Map and highlighted the Adobe recreation area that was owned by the county. He pointed out residents met with the County, Phoenix, Glendale, State Trust Land and Flood Control District to determine land use. He indicated Glendale took the west end and put in a parking lot with hiking trails that tied into Thunderbird Park. He continued the County took a large portion for a dam while State Land Trust took a small corner for recreational activities. He stressed the entire area was the Adobe recreation area and this project would be in it.

Mr. Anderson said when residents worked on a plan for the area their goal was to create a regional recreation area to serve the greater community. He added immediately south of this proposed project a consortium was looking to develop more recreational activity which would not be buffered from homes. He expressed the applicant did not mention the property immediately south of their project would be developed and that activity would bother those residents. He emphasized it was not wise planning to place single-family homes adjacent to intense uses, such as go-kart and BMX race tracks.

Mr. Anderson remarked the applicant's commercial component was not properly placed as there was already commercial a quarter mile from the proposed project which was currently 25 percent vacant. He stressed it was not good planning to place five acres of additional commercial in the area when current commercial was under-utilized, plus it was contrary to the master plan. He asked Council to direct the applicant to work with the neighborhood and come up with a compromise that did not disregard 40 years of planning.

Phil Moss spoke in opposition to this rezoning as one of the homeowners in the area. He conveyed there was already a noise issue with the go-kart and dirt bike tracks which residents a couple miles away could hear, especially on weekends. He stressed the new homes would be next door to these activities and wondered if the decibel level would be unhealthy for children. He recognized Lennar Homes conducted a study that determined there was no issue, but he wanted Council to delay this case so an independent acoustic study could be done.

Tom Argiro represented Friends of Deer Valley, a non-profit organization formed in 2022, in support of this project. He expressed this was a well-planned project that would be a welcome addition to the Deer Valley region. He conveyed they were included in the Lennar outreach for this project and endorsed their development plan. He added this project would be a positive step in addressing affordable housing and access in the area.

Stephen Anderson rebutted the noise issue regarding the existing race tracks as those businesses submitted a letter of non-objection for this development. He stated the applicant conducted a noise study which concluded noise would not be a threat to the homes. He emphasized the applicant crafted a negotiated disclosure document with businesses in the area, noting existing homes were closer to the race tracks than the Lennar homes. He pointed out there were only five noise complaints generated by the park on record over the past decade. He conveyed that businesses across the street on Pinnacle Peak Road supported this project, noting the applicant had been working closely with Hurricane Harbor throughout the process.

Councilwoman O'Brien said she wanted the applicant to talk about the general plan amendment.

Mr. Anderson stated the general plan mentioned by Mr. Scott Anderson was 40 years old, noting the County, City and community chose not to do anything with this State land parcel. Mr. Stephen Anderson conveyed the general plan should evolve given what happened on the north side of Pinnacle Peak Road. He pointed out the general plan had changed since

1985 because of Loops 101 and 303 followed by TSMC. He expressed that evolvement made this general plan amendment appropriate.

Councilwoman O'Brien inquired about the plans for the commercial portion.

Mr. Anderson advised the commercial portion was separated from the residential portion by a wash which made it impractical to link the 75 acres and 5 acres, noting the 5 acres stood alone. He stated Lennar had a plan for the 75 acres when the application was originally submitted, but the 5 acres of commercial was subject to a PHO requirement which has to go back through the full public hearing process when a site plan was ready. He remarked when Lennar began to market this property they received interest from commercial developers and Lennar selected their commercial developer partner, Mr. Scott Hintze. He added that Mr. Hintze attended all of the public meetings to address commercial development on the site as well as their interest to invest in this site.

Councilwoman O'Brien wished to speak to Mr. Hintze.

Mr. Hintze introduced himself, noting he worked with Diversified Partners Commercial Real Estate.

Councilwoman O'Brien asked about their vision for the commercial portion and their plans for working with the community.

Mr. Hintze replied the commercial property across the street that was mentioned earlier only had one vacancy which totaled about 2,400 square feet. He conveyed new commercial development in Phoenix was hard to do currently so developers had to be picky in choosing a location with the most potential for customers. He recalled at a neighborhood meeting he was asked if a nail salon was possible, but he also saw the neighbors opposition to the entire project. He acknowledged his part would have to go through the public process where he would meet with neighbors and hearing officers to get things approved.

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

Councilwoman O'Brien requested staff explain the purpose of the general plan.

Planning and Development Director Joshua Bednarek advised the general plan was the voter-approved policy document that provides a vision for growth, redevelopment and preservation of the City. He noted a prominent component of the general plan was land use guide that was realized in the land use map.

Councilwoman O'Brien pointed out in parts of District 1 there were areas zoned commercial and industrial that were now permitting residential development, so she wanted to know how that was allowed.

Mr. Bednarek responded while the general plan provided policy guidance for what the community envisioned to happen on this site, ultimately what can occur on the site was dictated by what the property was zoned. He conveyed there were properties that were zoned a specific way by the general plan but were actually zoned a different way on the site and where that comes together was in a rezoning case. He indicated if the rezone request was not consistent with the general plan then a general plan amendment would be required to align the zoning and general plan use map.

Councilwoman O'Brien questioned how often general plan amendments happened and for what uses were they done.

Mr. Bednarek replied the City averaged approximately 15-20 a year, noting they were primarily for updates to the general plan use map.

Councilwoman O'Brien asked how often the general plan is approved by the City.

Mr. Bednarek responded the City was required by state law to update the general plan every 10 years.

Councilwoman O'Brien inquired if the general plan required a particular area to be commercial or industrial it did not lock the land to just those

uses.

Mr. Bednarek affirmed that was correct.

Councilwoman O'Brien requested confirmation that would be done by a general plan amendment.

Mr. Bednarek replied that was correct.

Councilwoman O'Brien said she understood this land was designated by the general plan as recreational. She inquired about the zoning for standard recreational land, such as the Apache Trailhead system.

Mr. Bednarek responded public recreation land does not have a specific zoning use, noting most City parks had some type of single-family zoning on them. He advised private recreation land required a special permit, like a golf course.

Councilwoman O'Brien asked what the current zoning was for this property.

Mr. Bednarek replied it was RE-43 which was one of the City's residential districts and RE-43 Special Permit.

Councilwoman O'Brien questioned under the current zoning on this site if homes could be built by right.

Mr. Bednarek responded yes.

Councilwoman O'Brien recalled as mentioned earlier by the applicant this land was initially Arizona State Trust Land. She remarked State Land had a fiduciary responsibility to ensure the land was sold for the highest possible value to benefit the trustees. She pointed out that Lennar purchased this land at two times its value, noting it was currently zoned for housing which meant it was not zoned for recreational land. She recognized the 2015 General Plan designated this area as recreational use it was not required to be recreational land. She said sometimes the needs of the City changed over time and in this case the City was in a

housing crisis unlike nine years ago. She expressed this project was not taking away existing recreational land which meant the community was not losing anything but was gaining new neighbors and businesses. She stressed one thing she insisted on was the disclosure statement that new homeowners would be required to sign and acknowledge they were moving next to a recreational area.

The hearing was held. A motion was made by Councilwoman O'Brien, seconded by Vice Mayor Stark, that this item be approved per the Planning Commission recommendation with adoption of the related resolution. The motion carried by the following vote:

Yes: 8 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

Absent: 1 - Councilman Robinson

60 Public Hearing and Ordinance Adoption - Rezoning Application Z-28-24-1 - Southwest Corner of 36th Avenue and Pinnacle Peak Road (Ordinance G-7296)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-28-24-1 and rezone the site from RE-43 (One-Family Residence) and RE-43 SP (One-Family Residence, Special Permit) to R1-6 (Single-Family Residence District) and C-2 (Intermediate Commercial) to allow single-family residential and commercial. This is a companion case to GPA-DV-1-24-1 and must be heard following GPA-DV-1-24-1.

Summary
Current Zoning: RE-43 (24.91 acres) and RE-43 SP (55.40 acres)
Proposed Zoning: R1-6 (74.50 acres) and C-2 (5.81 acres)
Acreage: 80.31
Proposal: Single-family residential and commercial

Owner: Arizona State Land Department
Applicant: Lennar Arizona, LLC
Representative: Stephen Anderson, Gammage & Burnham, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this item on May 21, 2024, and continued the item, by a vote of 9-0. The Deer Valley Village Planning Committee heard this item on July 16, 2024, and recommended approval, per the staff recommendation, by a vote of 8-1.
PC Action: The Planning Commission heard this item on June 6, 2024, and continued the item, by a vote of 8-0. The Planning Commission heard this item on August 1, 2024, and recommended approval, per the Deer Valley Village Planning Committee recommendation, with a deleted and additional stipulation, by a vote of 8-0.

Location
Southwest corner of 36th Avenue and Pinnacle Peak Road
Council District: 1
Parcel Address: 3847 W. Pinnacle Peak Road

NOTE: Refer to Item 59 for discussion related to this item.

The hearing was held. A motion was made by Councilwoman O'Brien, seconded by Vice Mayor Stark, that this item be approved per the Planning Commission recommendation with adoption of the related ordinance. The motion carried by the following vote:

Yes:	8 -	Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Waring, Vice Mayor Stark and Mayor Gallego
No:	0	
Absent:	1 -	Councilman Robinson

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 CITIZEN COMMENTS

City Attorney Julie Kriegh stated during Citizen Comment, members of the public may address the City Council for up to three minutes on issues of interest or concern to them. She advised the Arizona Open Meeting Law permits the City Council to listen to the comment, but prohibits council members from discussing or acting on the matters presented.

Eric Nielsen spoke in support of the Phoenix Police Department, especially with the number of people in the City versus the police force.

Terrence Bultsma expressed he raised two children at the South Mountain Speedway that was demolished one year ago. He recalled speaking to the Parks and Recreation Department at that time if the City planned to demolish it and was told there were plans for revisions, but later found out about plans for demolishing it. He said he wanted to know what the City could do to help keep children either on that track or another place parents could go with their children.

Mayor Gallego requested staff follow-up with Mr. Bultsma.

John Courtney spoke about his experience as a homeless person and his interaction with law enforcement. He urged police officers to be more lenient with homeless people.

Tony Harris claimed unacceptable encounters occurred in The Zone involving police officers and homeless individuals. He encouraged oversight of police officers to deter incidents from happening against homeless people.

Sonny Hyde spoke about the South Mountain Speedway and how important the track was for children who did not play other sports. He asked for help from the City to either bring the track back or find another place for these kids to go.

Damian Hyde, Mr. Hyde's son, expressed his disappointment in the track being shut down.

A.J. Imperial, President of Valley of the Sun Quarter Midget Association, talked about the South Mountain Speedway which had been a race track for children since 1974. He stated the race track had been under lease since that time until November 2023 when the Parks and Recreation Department advised him the lease would not be renewed until a third party inspection was done. He understood repairs were needed but there were no resources to make those repairs so the track was shut down with no alternatives for kids. He requested the City's help to have a seat at the table and work on a resolution.

Christy Margherio spoke on behalf of concerned citizens who were working to

improve animal welfare in the City. She recalled last year the Council approved updates to the existing animal welfare ordinances; however, rescue organizations had not seen improvement in animal suffering. She mentioned the homeless pet population had increased, noting the County shelter was turning people away due to limited intake availability which meant more unhoused animals on the streets. She said she hoped to work with Council to update animal welfare laws to close loopholes and revise language to make existing laws more enforceable by adding measurable standards.

Christopher Myers said he lived in a shelter when he arrived in Phoenix in November 2022, but changed his life after several months when he obtained employment. He remarked after moving into his apartment he contracted various infections due to conditions in his living space, but he did not have an advocate to speak on his behalf. He conveyed he moved out, but he suggested the City have an advocacy program when people leave shelters.

Debra Reece expressed shelters were struggling due to lack of accountability and proper staff training which affected the most vulnerable people. She remarked shelter staff needed training, especially in dealing with individuals who experienced trauma. She asked that every person entering a shelter be provided a handbook that clearly outlined the rules and policies, as well as how to contact an independent third party for grievances and concerns. She also urged Council to implement a third party care team to assess new intakes as some individuals need specialized care, along with more advocacy.

Kate Sivollella, founder of Poverty's Pets, an organization established in 2006, said they saw first hand the causes of pet over-population and encountered animal cruelty. She noted in the under-served community there were free-roaming dogs and cats which was a community-wide issue due to lack of owner accountability and insufficient law enforcement. She recalled the ordinance passed by Council on June 28, 2023, that was intended to eliminate subjectivity and strengthen the requirements for adequate shelter. She stated shortly after that date she sent pictures to council members of animals living in deplorable conditions that were deemed legal. She urged Council for stronger enforcement against animal cruelty.

Frank Urban talked about the need for a consent decree regarding officer oversight, especially with respect to homeless people. He remarked Council

should allocate more money for affordable housing, not a high-rise hotel.

Elizabeth Venable spoke about her recent health concerns, noting some people who were being judged might have medical issues.

Mayor Gallego announced those individuals who did not speak would be heard first at the next formal meeting.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 4:34 p.m.

MAYOR

ATTEST:

CITY CLERK

SM

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 4th day of September, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of February, 2025.

CITY CLERK