City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, February 20, 2019 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, February 20, 2019 at 2:40 p.m. in the Council Chambers.

Present: 8 - Councilman Sal DiCiccio, Councilwoman Vania Guevara, Councilwoman Felicita M. Mendoza, Councilman Michael Nowakowski, Councilwoman Laura Pastor, Councilwoman Debra Stark, Vice Mayor Jim Waring and Mayor Thelda Williams

Councilman Nowakowski left the voting body during Item 98. Councilman DiCiccio, Councilwoman Pastor, and Vice Mayor Waring all left the Chambers and the voting body before the last citizen comment was heard.

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

CITIZEN COMMENTS

Desiree Maes introduced herself as a Christian and member of Apologia church. She addressed the issue of abortion and talked about what occurs when babies survive a botched abortion. She stated that murder is murder and asked Council to uphold Arizona Statute 13-3603. She reminded Council that more than 60 million babies have been murdered since Roe v. Wade and pledged to stand behind them if they stand up for what is right.

Elvis Kesto introduced himself as a registered nurse and a follower of Jesus. He discussed different forms of first and second trimester abortions and then referenced Arizona Statute 13-3603. He read verses from the Bible and told Council he was praying for them to do the right thing.

Zachary Morgan introduced himself as a pastor at Apologia church. He stated

he did not enjoy going month after month to speak to Council but that it was his duty. He explained he would continue to address Council until the bloodshed of innocent preborn neighbors stopped and provided abortion statistics from the state of Arizona. Mr. Morgan made a parallel comparison between babies being aborted and mass school shootings. He told Council they are not doing enough and called for them to do their duty and enforce the law.

Jeff Durbin introduced that he was the lead teaching pastor at Apologia church and the head of End Abortion Now. He reminded Council of their duty to uphold justice. He stated that Arizona Statute 13-3603 made abortions illegal in the state of Arizona. He called for the Council to end abortion.

Mayor Williams called Luke Pierson to speak and announced it would be the last comment card Council would take but that they reserved time at the end of the meeting to hear the remaining individuals who submitted comment cards.

Luke Pierson thanked Council for the opportunity to speak and introduced himself as a discipleship pastor at Apologia church. He reflected on the last meeting he attended and stated that was a big meeting for the City of Phoenix with many reporters that attended. He recalled news reports about the man who spoke just after him who had shot a fellow councilwoman in 1997 and served time for attempted murder. Mr. Pierson questioned the reporters and media that were present about why they were not reporting on the men and women in Arizona who openly murder children every single day. He stated that according to Arizona Statute 13-3603, abortion was premeditated murder and called for the Council to uphold the law and for reporters and media to report the news.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6525, G-6534, and G-6558 through G-6560, S-45376 through S-45412, and Resolutions 21696, and 21719 through 21721 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.

MINUTES OF MEETINGS

1 For Approval or Correction, the Minutes of the Formal Meeting on Nov. 14, 2018

Summary
This item transmits the minutes of the Formal Meeting of Nov. 14, 2018, for review, correction and/or approval by the City Council.

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

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

Yes: 8 - Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams

No: 0

BOARDS AND COMMISSIONS

2 ***REVISED ITEM (SEE ATTACHED MEMO)* Mayor and Council Appointments to Boards and Commissions**

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

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

Ahwatukee Foothills Village Planning Committee
Appoint Elena Pritchette, for a term to expire Nov. 19, 2020.

Census Complete Count Committee, Communities of Faith Subcommittee
Appoint Nicole Phillips.

Census Complete Count Committee, Media and Technology Subcommittee
Appoint Dean Apostalides.

Deer Valley Village Planning Committee
Appoint Matthew Kenney, for a term to expire Nov. 19, 2020.

Historic Preservation Commission and Heritage Commission
Appoint John Wilenchik, for a partial term to expire July 6, 2020.

Laveen Village Planning Committee
Reappoint Carlos Ortega, for a fourth term to expire Nov. 19, 2020.
Reappoint Stephanie Hurd, for a second term to expire Nov. 19, 2020.
Reappoint Tonya Glass, for a third term to expire Nov. 19, 2020.
Reappoint Wendy Ensminger, for a second term to expire Nov. 19, 2020.
Reappoint Robert Branscomb, for a third term to expire Nov. 19, 2020.

Phoenix Deferred Compensation Board / Post Employment Health Plan Board
Reappoint Lori Bays, for a term to expire Sept. 30, 2022.

Planning Commission
Appoint Emilio Gaynor, for a term to begin April 16, 2019 and expire April 16, 2023.

South Central Transit-Oriented Development Steering Committee
Appoint Christopher Colyer, for a term to expire July 1, 2021.

Tourism and Hospitality Advisory Board
Reappoint Debbie Johnson, for a seventh term to expire Sept. 20, 2020.
Reappoint Jeff Moloznik, for a third term to expire Sept. 30. 2019.
Reappoint Jerry Harper, for a second term to expire Sept. 30, 2019.
Reappoint John Chan, for a fourth term to expire Sept. 30, 2019.
Reappoint Robert Hayward, for a fourth term to expire Sept. 30. 2019.
Reappoint Steve Moore, for a fifth term to expire Sept. 30, 2019.

Note: The following comment cards were submitted in opposition to this Item:
Talonya Adams
Caitlyn Mitchel

Discussion

Note: Councilwoman Stark made a motion to approve the Mayor and City Council Boards and Commissions nominations as revised, except for Carlos Ortega for the Laveen Village Planning Committee, and to continue the names Emilio Gaynor and John Wilenchik.

Councilman Nowakowski asked the reason for continuing Mr. Gaynor and Mr. Wilenchik. Councilwoman Stark replied that she needed to review their applications because there were some questions. Councilman Nowakowski asked what the questions were and Councilwoman Stark responded that they had to do with residency and a lawsuit.

Councilman Nowakowski questioned if it was a new norm to ask every board member and volunteers on commissions if they were residents or if there were involved in any lawsuits. Mayor Williams replied that residency is asked.

Note: Councilwoman Pastor seconded the motion.

Councilman Nowakowski called Emilio Gaynor to approach the Council and speak.

Note: Councilman DiCiccio made a substitute motion to accept the Boards and Commissions as posted, except for Carlos Ortega. Councilman Nowakowski seconded the motion.

Councilman Nowakowski asked Mr. Gaynor about his citizenship and residency. Mr. Gaynor provided his address and stated that he was a U.S. Citizen and did live in the City of Phoenix. Councilman Nowakowski then asked Mr. Gaynor if he was involved in a lawsuit at that current moment. Mr. Gaynor responded that that he was unaware of any lawsuits involving him. He further discussed lawsuits that had been filed against the Board of Adjustments while he served on the board. Councilman Nowakowski asked him about serving on the Board of Adjustments. Mr. Gaynor stated that he had served almost three complete terms. Councilman Nowakowski asked about Mr. Gaynor's residency during the 11 years he served on the Board of Adjustments. Mr. Gaynor replied that he had lived in Phoenix during that time and noted there may have been questions about his residency due to family matters. Councilman Nowakowski

thanked Mr. Gaynor for answering his questions and talked about his personal knowledge of Mr. Gaynor and reflected on his service with the City through various programs and organizations. Councilman Nowakowski further stated that he recommended Mr. Gaynor for appointment to the Planning and Zoning Board because of his diversity and representation of Hispanic organizations and explained that he would serve the City well.

Councilwoman Pastor asked if there were lawsuits filed against the Board of Adjustments that included members on the board. Alen Stephenson answered yes, and explained the process of lawsuits against the board and described the situation where board members are named as individuals serving in their capacity as Board of Adjustment members in lawsuits. Councilwoman Pastor asked if there were current ongoing cases. Mr. Stephenson stated there was a case against the board that Mr. Gaynor was a part of prior to him stepping down that is still involved in litigation.

Councilman DiCiccio explained that the Board of Adjustment is under constant lawsuit threat and anytime there is a decision there is always the chance of a lawsuit, which Mr. Stephenson agreed with. Councilman DiCiccio requested that Talonya Adams approach the Council and talk about her tenure serving on the Board of Adjustments.

Talonya Adams introduced herself and discussed how she was appointed to the Board of Adjustments by former Mayor Stanton. She served on the board for a little over one full-term and was appointed the Chair of the Board of Adjustment by her peers. She explained what the Board does and described the cases they hear. She described the time spent volunteering on the Board in an unpaid position and stated that it was true public service. She then spoke about when Emilio Gaynor, Yvonne Hunter, one other board member, and herself were given notice via email that they were being removed from the Board one day prior to a highly-controversial meeting. She described that board members are not deposed and do not go to hearings when lawsuits are filed against the Board of Adjustments and that the City Attorney manages that.

Mayor Williams thanked Ms. Adams for her service and for being at the

Council meeting.

Councilman DiCiccio asked Ms. Adams if she was at the meeting to support Mr. Gaynor, which she replied yes. He then thanked Ms. Adams for her service and apologized for what had previously occurred. Talonya Adams added there was a real issue related to precedence of interrupting the process without factual data.

Mayor Williams thanked Ms. Adams for sharing her experience.

Councilwoman Mendoza asked Ms. Adams to speak about Mr. Gaynor's character. Talonya Adams responded that she thought Mr. Gaynor was an integral person and stated she did not know him prior to serving on the board together. She added that he was timely, helpful, had been a former Chair of the board, is knowledgeable about land use and zoning, and he cares deeply about the City. She concluded she does not think it is reasonable for a person to have to fight to volunteer on a board.

Mayor Williams announced there was one more comment card and called Caitlyn Mitchell up to speak.

Caitlyn Mitchell introduced herself and implored the Council to not remove her from the South Central Transit Oriented Development Steering Committee. She stated that on page 17 of the agenda it showed that she had been nominated to be removed and replaced by another individual and added that she was not given any prior notice or cause of her removal. She explained that she was appointed last year by former Mayor Stanton to serve a three-year term and had done nothing to merit her removal. She requested that Council not remove her from the committee and added that she should be entitled to serve the remainder of her term.

Mayor Williams asked what board she was talking about. Councilman Nowakowski responded that it was the South Central Transit Oriented Development Steering Committee and asked Mayor Williams if he could clear up the situation. He then asked Mr. Stephenson to clarify if Ms. Mitchell was sitting on the board representing Central City Village Planning Committee. Mr. Stephenson replied that was correct.

Councilman Nowakowski then asked if Ms. Mitchell was still on the Central City Village Planning Committee, which Mr. Stephenson responded that she was no longer on that board. Councilman Nowakowski asked if Ms. Mitchell was removed from the South Central Transit Oriented Development Steering Committee because she no longer represented the Central City Village Planning Committee. Mr. Stephenson responded that on the agenda was a request from the Mayor to appoint someone else representing the Central City Village Planning Committee on the South Central Transit Oriented Development Steering Committee. Mr. Stephenson added that when members of the South Central Transit Oriented Development Steering Committee were appointed, it was based upon representing different stakeholder groups. He stated that it was a stakeholder-based group that was put together and ultimately appointed by the Mayor and Council. He concluded that since Ms. Mitchell was removed from the Central City Village Planning Committee a month ago she was consequently removed from the South Central Transit Oriented Development Steering Committee.

Mayor Williams responded that she understood why Ms. Mitchell was now ineligible to serve on the South Central Transit Oriented Development Steering Committee and apologized for the situation not having been explained to her previously.

Caitlyn Mitchell stated there were additional seats open on the committee and that she could still serve, just not as a representative of the Central City Village Planning Committee. Mayor Williams responded that would require a new appointment and a new application.

Mayor Williams asked if there were any further comments. Councilman Nowakowski asked Alan Stephenson if there were any complaints or reprimands against Emilio Gaynor's actions or ethics during the 11 years he served on the Board of Adjustments. Mr. Stephenson stated that during the time he directly staffed the board there were no issues but there were other times where he did not directly staff the board so he could not speak on anything during that time. Councilman Nowakowski directed the same question towards legal counsel regarding any complaints or reprimands against Emilio Gaynor. City Attorney Cris Meyer responded that he was not aware of any.

Councilman Nowakowski stated that during Mr. Gaynor's time on the Board of Adjustments there were no complaints or reprimands and added that his citizenship and residency had been addressed. He concluded that he would be voting in favor of the substitute motion.

Councilwoman Pastor asked if the second person on the Boards and Commissions appointments nominations was suing the city. Alan Stephenson answered that the nominee's law firm was involved in a lawsuit against the city.

Mayor Williams added that she knew his father had been involved in some lawsuits but clarified that it was her understanding that it is not him involved in the lawsuits.

Councilwoman Pastor asked if they were clear on if it was the father or son involved in the lawsuit. She added that she believed at one point the Council was going to get deposed and asked for clarification on whether it was this person.

Mr. Meyer responded that the information he had was that Jack Wilenchik was the same person as John Wilenchik. He added that John Wilenchik was listed as an attorney of record in a legal challenge against the City. He concluded that if John Wilenchik is the attorney, then he is the same person on the Boards and Commissions appointments nominations.

Councilman DiCiccio commented that people have the right to protest their government and to challenge the City's decisions, and that it was a good thing long-term for the City. Councilwoman Pastor said that no one disagrees with what Councilman DiCiccio stated, but added that when three people are being deposed, and there are a number of items being questioned, it was about integrity, ethics, and doing the right thing to make sure the Council makes the right decision.

Note: Mayor Williams called for roll call.

Prior to Councilman Nowakowski's vote he stated for the record that he did not know an individual named Chuck or William. He explained that

there had been posts on Facebook and social media stating that this individual had been his attorney and he wanted to clarify that he did not know who that individual was.

Prior to Councilwoman Pastor's vote, she asked if there was an active A.G. investigation. City Attorney Cris Meyer stated he did not know and the City Attorney's office would not be contacted unless they were asked to assist in the investigation.

A motion was made by Councilman DiCiccio, seconded by Councilman Nowakowski, that this item be approved except for the reappointment of Carlos Ortega to the Laveen Village Planning Committee. The motion carried by the following vote:

Yes:	5 -	Councilman DiCiccio, Councilwoman Mendoza, Councilman Nowakowski, Vice Mayor Waring and Mayor Williams
No:	3 -	Councilwoman Guevara, Councilwoman Pastor and Councilwoman Stark

A motion was made by Vice Mayor Waring, seconded by Councilwoman Pastor, to approve the reappointment of Carlos Ortega to the Laveen Village Planning Committee, noting Councilman Nowakowski's potential conflict of interest. The motion carried by the following vote:

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

Note: Prior to the vote to approve the reappointment of Carlos Ortega to the Laveen Village Planning Committee, Councilman Nowakowski left the voting body and returned after the vote.

Mayor Williams administered the oath of office to the following Boards and Commission appointees:

Elena Pritchette - Ahwatukee Foothills Village Planning Committee;

Nicole Phillips - Census Complete Count Committee, Communities of Faith Subcommittee;
Dean Apostalides - Census Complete Count Committee, Media and Technology Subcommittee;
John Wilenchik - Historic Preservation Commission and Heritage Commission;
Christopher Colyer - South Central Transit-Oriented Development Steering Committee.

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

Vice Mayor Waring motioned to suspend the rules and take Item 78 out of order so it could be heard before Item 15 that accompanies it, Councilwoman Pastor seconded. The motion passed by the following voice vote:

Yes: 8 - Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams

No: 0

78 Entertainment District Exemption Application - 222 N. 5th Ave.

Request to authorize the City Manager, or his designee, to approve an exemption to the 300-foot distance restriction for consideration of a liquor license for the property located at 222 N. 5th Ave.

Summary

On June 17, 2015, City Council approved the creation of an Entertainment District in Downtown Phoenix, adopted into law through Resolution 21333. Pursuant to Arizona Revised Statutes (A.R.S.) 4-207, an Entertainment District allows a municipality's governing body to approve an exemption from the 300-foot distance restriction applicable to churches and schools and certain liquor licenses. Such exemptions are approved on a case-by-case basis if both the applicant and the neighboring church or school are located in a designated Entertainment District. Exemptions, if approved, are granted to the property only, and will remain in place even if a change in the business or ownership occurs.

The applicant, Tanner Locust proposes to locate a bar at 222 N. 5th Ave.

The location is currently restricted from pursuing certain series of liquor licenses due to its proximity to the Hillsong Church located at 402 W. Monroe St. A use permit to allow alcohol sales and services within 300 feet of a church in an Entertainment District was approved on Jan. 21, 2019. There was no opposition in attendance at the Zoning Adjustment hearing (**Attachment A**).

This exemption is not a recommendation of approval of a liquor license. A separate liquor license application will be heard by City Council. This property is located within the designated Entertainment District in Downtown Phoenix.

Location
222 N. 5th Ave.
Council District: 7

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

Yes:	8 -	Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams
No:	0	

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

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

Note: Comment cards were submitted for the record in favor of the following items, with no one wishing to speak:

Julia Stepanova - Appliant, Item 7
Mark Leeper - Applicant, Item 8
Tanner Locust - Agent, Item 15
Charles Billingsley, Item 18
Joe Jackson, Item 18
Joseph Ditommaso, Item 18

Paul Pace, Item 18

A motion was made by Vice Mayor Waring, seconded by Councilwoman Stark, that Items 3 through 18 be recommended for approval, except Items 12 and 18. The motion carried by the following voice vote:

Yes: 8 - Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams

No: 0

3 Liquor License - Special Event - Lump Busters

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

Summary

Applicant
Terri Gall

Location
2601 E. Rose Garden Lane
Council District: 2

Function
Dinner

Date(s) - Time(s) / Expected Attendance
April 27, 2019 - 6 p.m. to 10:30 p.m. / 225 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

4 Liquor License - Bell Convenience Market

Request for a liquor license. Arizona State License Application 09070081.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 9 - Liquor Store

Location
2945 E. Bell Road, Ste. 113
Zoning Classification: C-2
Council District: 2

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

The 60-day limit for processing this application is March 3, 2019.

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
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.

Westside Food & Liquor (Series 9)
4635 W. Indian School Road, Phoenix
Calls for police service: 3
Liquor license violations: In July 2018, a fine of $500 was paid for altering floor plan without notifying department and for unlicensed storage on premises.

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

Applicant's Statement

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

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

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

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

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

Summary

Applicant

Frank Kiraly

Location

1822 W. Vogel Ave.
Council District: 3

Function

Cultural Celebration

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

March 16, 2019 - 11 a.m. to 7 p.m. / 600 attendees

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

6 Liquor License - Special Event - Bourgade Roman Catholic High School Phoenix

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

Summary

Applicant
Brianna Magana

Location
4602 N. 31st Ave.
Council District: 4

Function
Dinner

Date(s) - Time(s) / Expected Attendance
March 2, 2019 - 5 p.m. to Midnight / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

7 Liquor License - Special Event - Orthodox Christian Charities

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

Summary

Applicant
Julia Stepanova

Location
1202 W. Encanto Blvd.
Council District: 4

Function
Festival

Date(s) - Time(s) / Expected Attendance
March 3, 2019 - 11 a.m. to 7 p.m. / 500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

8 Liquor License - Special Event - Phoenix Pride Incorporated

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

Summary

Applicant
Mark Leeper

Location
300 E. Indian School Road
Council District: 4

Function
Festival

Date(s) - Time(s) / Expected Attendance
April 6, 2019 - 11:30 a.m. to 9 p.m. / 15,000 attendees
April 7, 2019 - 11:30 a.m. to 9 p.m. / 10,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - Special Event - Veterans Transportation

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

Summary

Applicant
Eric Morales

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

Function
Concert

Date(s) - Time(s) / Expected Attendance
March 1, 2019 - 7 p.m. to 2 a.m. / 600 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

10 Liquor License - Special Event - Veterans Transportation

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

Summary

Applicant
Eric Morales

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

Function
Concert

Date(s) - Time(s) / Expected Attendance
March 8, 2019 - 7 p.m. to 2 a.m. / 450 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

11 Liquor License - Special Event - Veterans Transportation

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

Summary

Applicant
Eric Morales

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

Function
Concert

Date(s) - Time(s) / Expected Attendance
March 15, 2019 - 7 p.m. to 2 a.m. / 400 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

13 Liquor License - Special Event - Downtown Phoenix Partnership, Inc.

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

Summary

Applicant
Alison Sipes

Location
308 N. 2nd Ave.
Council District: 7

Function
Festival

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

March 9, 2019 - 4 p.m. to 2 a.m. / 6,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

14 Liquor License - Special Event - Phoenix Community Alliance, Inc.

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

Summary

Applicant
Alison Sipes

Location
734 W. Polk St.
Council District: 7

Function
Community Event

Date(s) - Time(s) / Expected Attendance
March 1, 2019 - 6 p.m. to 9 p.m. / 1,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - Via Della

Request for a liquor license. Arizona State License Application 39095.

Summary

Applicant
Tanner Locust, Agent

License Type
Series 7 - Beer and Wine Bar

Location
222 N. 5th Ave.
Zoning Classification: DTC-Van Buren
Council District: 7

This request is for a new liquor license for a beer and wine bar. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires an exemption to allow alcohol sales and service within 300 feet of a church in the Entertainment District. This business is currently being remodeled with plans to open in March 2019.

The 60-day limit for processing this application was Jan. 25, 2019. However, the applicant submitted a written request for more time.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
“Im a respected member of the community, I was born in Phoenix and do not take this responsibility lightly. Have operated my own company for 15 years here in town.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“I have the city's best interest at heart and cannot wait to be apart of its growth & help revitalize our music district on 5th Ave & Van Buren. Great food, great prices, great people. A place you can be proud of.”

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

Attachments
Liquor License Data - Via Della
Liquor License Map - Via Della

This item was recommended for approval.

16 Liquor License - Oliver's Sophisticated Bean/Jobot

Request for a liquor license. Arizona State License Application 1207A501.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
333 E. Roosevelt St., Ste. 110
Zoning Classification: DTC-Evans Churchill East
Council District: 8

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 Feb. 26, 2019.

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:
"We have been operating this business since 2016. We are adding on a new officer to assist on the operations of the business."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Oliver's Sophisticated Bean/Jobot
Liquor License Map - Oliver's Sophisticated Bean/Jobot

This item was recommended for approval.

17 Liquor License - Walter Station

Request for a liquor license. Arizona State License Application 07074006.

Summary

Applicant
James Erickson, Agent

License Type
Series 7 - Beer and Wine Bar

Location
4056 E. Washington St.
Zoning Classification: A-1 TOD-2
Council District: 8

This request is for an ownership and location transfer of a liquor license for a bar. This location is currently licensed for liquor sales with a Series 3 - Microbrewery, liquor license.

The 60-day limit for processing this application is March 1, 2019.

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

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

Walter Station (Series 3)
4056 E. Washington St., Phoenix
Calls for police service: 8
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am the registered owner and brewer of all products manufactured. I will operate this business according to all laws and standards."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I am in the business of creating and manufacturing one-of-a kind beers. These beers are designed to be manufactured using local ingredients and will be above and beyond current offerings in this region."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Walter Station
Liquor License Map - Walter Station

This item was recommended for approval.

12 Liquor License - Point

Request for a liquor license. Arizona State License Application 42289.

Summary

Applicant
Myat Thu, Agent

License Type
Series 10 - Beer and Wine Store

Location
4201 W. Bethany Home Road
Zoning Classification: C-1
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 does not have an interim permit.

The 60-day limit for processing this application was Feb. 12, 2019. However, the applicant submitted a written request for more time.

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

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

Public Opinion
One petition with 16 signatures and one letter protesting the issuance of this license have been received and are on file in the Office of the City

Clerk. The petition is from local residents and the letter is from the Sevilla Neighborhood Association. They feel that there are a sufficient number of businesses with liquor licenses in the area and that the issuance of another license would have a negative impact on the community. They also feel that the applicant does not have enough experience managing a business with a liquor license.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have experience in the operation of a neighborhood convenience market. From March 2012 to January 2016, I was an employee of a market. From January 2016 to February 2018, I was a partner in the ownership of a market. I have obtained training in the law. I have never had a violation."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This neighborhood convenience market is located in a residential area which is currently under-served by this type of market."

Staff Recommendation

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

Attachments

Liquor License Data - Point
Liquor License Map - Point

Discussion

Councilwoman Guevara discussed the different stores located at the intersection of 43rd Avenue and Bethany Home Road where the liquor license applicant's store was located. She addressed the concerns that

had been raised by neighbors and stated she would not be supporting the application.

Mayor Williams called up Myat Thu, who submitted a comment card, to speak about his application.

Myat Thu explained why he had applied for a liquor license at that location and stated he was also the owner of the 7-Eleven.

Mayor Williams announced there were three comment cards submitted in opposition of the item and asked Councilwoman Guevara if she wanted to hear from those who are opposed, which Councilwoman Guevara answered yes.

Mayor Williams called up Lawrrie Fitzhugh to address Council.

Lawrrie Fitzhugh stated that she was at the meeting representing the Sevilla Neighborhood Association and explained that the location was within the Sevilla Neighborhood. She then reflected on how the location had previously been a title loan store with low traffic pattern and explained that the neighborhood association was concerned with oversaturation. She provided details about an analysis the Sevilla Neighborhood Association conducted regarding liquor licenses within a two mile radius of the discussed location. She concluded by stating the neighborhood association did not think any new liquor licenses would be in the best interest of the community.

Mayor Williams announced there were two more comment cards submitted in opposition to Item 12 by Jose Valdez and Ricardo Rowen. She stated the motion was to deny the item and asked if they wanted to speak. After hearing no response, Mayor Williams asked for roll call.

Note: Prior to Councilman Nowakowski's vote, he explained that he would be supporting the motion to recommend the item for disapproval. He stated that he did not know the business but was supporting one of his colleagues on her decision for her district.

A motion was made by Councilwoman Guevara, seconded by Mayor Williams, that this item be recommended for disapproval. The motion

carried by the following vote:

Yes: 8 - Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams

No: 0

18 Off-Track Pari-Mutuel Wagering Permit - Arizona American Italian Club

Request for an Off-track Pari-mutuel Wagering Permit for a business that has a Series 14 liquor license.

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

Applicant
David Auther, Agent for Arizona Downs

Location
7509 N. 12th St.
Zoning Classification: R-5
Council District: 6

Public Opinion
One letter protesting the issuance of this license has been received and is on file in the Office of the City Clerk. The letter is from a local resident. They are opposed to this type of license being issued in the area. They feel that past events at the business location have caused problems with parking and trash and that the issuance of the license will further contribute to these issues.

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. Staff gave careful consideration to the protest letter received, however after reviewing the application in its entirety staff is recommending

approval of this application.

Attachments
Off-track Pari-mutuel Wagering Permit Data - Arizona American Italian Club
Off-track Pari-mutuel Wagering Permit Map - Arizona American Italian Club

Discussion
Mayor Williams explained that she would not be supporting Item 18 because she was promised they would not be pursuing another permit until after the City's language was completed.

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

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

No: 1 - Mayor Williams

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

A motion was made by Vice Mayoring Waring, seconded by Councilwoman Pastor, that Items 19 through 100 be approved or adopted, except Items 32, 51, 52, 90, 91, 98, 99, and 100; and noting that Items 64, 96, and 97 are withdrawn. The motion carried by the following vote:

Yes: 8 - Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams

No: 0

19 Skillsoft Corporation

For $75,000.00 in additional payment authority to add the Water Services Department as an authorized user to the Police Department Contract 144917. Additional payment authority is for online information technology training, software licenses, technical support, software upgrades and

fixes, and desk support. Ongoing staff training is crucial due to the highly complex nature of water and wastewater treatment plants and remote infrastructure.

This item was adopted.

20 MG Trust Investments, LLC doing business as American Bindery & Mailing

For $73,500.00 in payment authority for a new contract, entered on or about Feb. 20, 2019, for a term of five years for the processing of special, first class, and bulk mail for the Police, Parks and Recreation, Retirement and City Clerk departments. Services include all labor, transportation, equipment, and supplies necessary for the processing of special and bulk mailing on an as-needed basis at various City locations.

This item was adopted.

21 Starfish Aquatics Institute, LLC

For $30,000.00 in additional payment authority for Contract 142018 for lifeguard and swim instructor certification for the Parks and Recreation Department, and to extend the contract term on a month-to-month basis, as needed, up to one year, to allow additional time for the completion of a new solicitation. The contract provides training for and certification of approximately 500 aquatics staff at 29 pools throughout the City.

This item was adopted.

22 Remotec, Inc. Subsidiary of Northrop Grumman

For $13,000.00 in payment authority to purchase repair services for the Remotec Robot for the Police Department. The Phoenix Police Department bomb technician uses the robots to investigate potential improvised explosive devices. This equipment allows the bomb technician to determine if live explosive devices are present and to formulate the best plan of action to render the device safe. This equipment meets the Phoenix Police Department's critical and vital needs to provide life safety services to the public and for use on critical incidents and complicated scenes.

This item was adopted.

23 Settlement of Claim Batka v. City of Phoenix

To make payment of $150,000.00 in settlement of claim in *Batka v. City*

of Phoenix, Maricopa County Surperior Court, Case CV2016-008509, 15-0424-001,GL, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

This item was adopted.

24 Settlement of Claim(s) Urukalo v. City of Phoenix

To make payment of $125,000.00 in settlement of claim(s) in *Urukalo v. City of Phoenix*, City of Phoenix File 17-0635, GL, BI for the Finance Department pursuant to Phoenix City Code Chapter 42.

This item was adopted.

25 Settlement of Claims(s) Alvarado v. City of Phoenix

To make payment of $600,000.00 in settlement of claim(s) in *Alvarado v. City of Phoenix*, Maricopa County Superior Court,Case CV2017-009057, City File 16-0904-001, GL, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

This item was adopted.

26 Settlement of Claim(s) Jurkovic v. City of Phoenix

To make payment of $28,900.00 in settlement of claim(s) in *Jurkovic v. City of Phoenix,* 18-0121-001, for the Finance Department pursuant to Phoenix City Code Chapter 42.

This item was adopted.

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

To make payment of $35,284.00 in settlement of claim(s) in *Larsen v. City of Phoenix*, GL, PD, 18-0121-003, for the Finance Department pursuant to Phoenix City Code Chapter 42.

This item was adopted.

28 Various Vendors for Commercial/Housing Flooring Products and Services

For $150,000.00 in additional payment authority for flooring products and services. Additional payment authority is being requested to extend the current contracts on a month-to-month basis through May 31, 2019, allowing contractors to continue to provide materials and labor to remove, replace, install, and repair various types of flooring materials in City facilities, conventional, senior homes and apartments for Citywide

Departments. Additional time and payment authority will allow for the procurement process of a new solicitation to be finalized.

Diversified Flooring Services-Phoenix, LLC, Contract 138007
Continental Flooring Company, Contract 138008

This item was adopted.

29 Prudential Overall Supply

For $12,000.00 in additional payment authority for full service laundry and rental service. Payment authority is requested to extend Contract 137761, on a month-to-month basis through May 31, 2019, allowing the contractor to continue providing laundry and rental service for materials which include mops, mats, smocks, and towels for citywide use. Additional time and payment authority will allow the finalization of a new procurement process.

This item was adopted.

30 Ashton Tiffany, LLC

For $16,500.00 in additional payment authority for Contract 143961, for Workers' Compensation actuarial consulting services for the Human Resources Department. The additional requested amount will fund the current contract extension from Sept. 1, 2018 through Aug. 31, 2019. Services include review and audit of the City's annual workers' compensation retro adjustment from the CopperPoint Mutual Insurance Company; annual submittal of the City's self-insured workers' compensation tax forms to the State of Arizona; and professional consulting and technical advice including review and recommendations related to third-party administration of the City's workers' compensation self-insurer program. Funds are available in the Worker's Compensation Trust.

This item was adopted.

31 OpenGov, Inc.

For $170,000.00 in payment authority for Contract 144640 for the third year of support of the City's open data portal for the Information Technology Services Department. Payment authority is being requested to extend the current contract term from March 1, 2019 through Feb. 28, 2020. This request for funding includes technical assistance services,

hosting services, and services for performance dashboards. This support is necessary to continue to provide the City's open data portal for residents and businesses, which increases transparency and provides easy access to City information and services.

This item was adopted.

33 SESAC, Inc. doing business as SESAC, LLC

For $47,800.00 in payment authority to purchase an annual music license for the Parks and Recreation Department. The license allows copyrighted music to be played at various City park locations in compliance with the non-dramatic public performances of copyrighted works. The license is for the 2019 through 2023 calendar years and encompasses all who want to perform copyrighted music publicly.

This item was adopted.

34 Arizona State University

For $65,000.00 in payment authority for the annual operating and maintenance fees for the Downtown Phoenix Civic Space A.E. England Building to Arizona Board of Regents on behalf of Arizona State University, as per Contract 119092 for the Parks and Recreation Department.

This item was adopted.

35 Arizona Humanities Council, Inc., doing business as Arizona Humanities

For $57,500.00 in payment authority for reimbursement of utility payments to the Arizona Humanities Council per Memorandum of Lease 123292-MOL-0, at the Ellis Shackleford House for calendar year 2019 through 2023 for the Parks and Recreation Department.

This item was adopted.

36 Arizona Science Center

For $170,000.00 in payment authority for Contract 127032 for the annual reimbursement of utilities for the Parks and Recreation Department, per the contract agreement with the Arizona Science Center.

This item was adopted.

37 Kaman Industrial Technologies Corporation

For $30,000.00 in additional payment authority for contract 146474 for bearings, seals and industrial belts used at the Phoenix Convention Center Department (PCCD) on an as-needed basis. PCCD will be added as a new user to the Water Services Department's contract through Nov. 30, 2022. The bearings, seals and industrial belts will be used throughout the department for HVAC components.

This item was adopted.

38 Dana Kepner Company, Inc. doing business as Western Industrial Supply, LLC

For $25,000.00 in additional payment authority for Contract 141071 for various pipes and fittings. The additional payment authority is to add Street Transportation Department to the Water Services Contract to purchase water elbows, fittings, pipe, shafts, flanges, nipples, bushings, reducers, clamps, stops and other pipe replacement supplies to repair storm drains and other special projects to mitigate flooding occurences related to street drainage.

This item was adopted.

39 Texting and Driving Legislation

Per direction of the Public Safety and Veterans Subcommittee, the Office of Government Relations seeks Mayor and Council approval to take action on behalf of the City of Phoenix in regard to texting and driving legislation.

Summary

The Office of Government Relations seeks approval to support legislation that provides a statewide solution related to texting and driving. The proposal should make an infraction a primary offense, clearly define the prohibited activities and be subject to enforcement by law enforcement personnel.

This item was approved.

40 ***REVISED ITEM (SEE ATTACHED CORRECTION MEMO)* Traffic Control Products and Solutions Requirements Contract (Ordinance S-45378)**

Request to authorize the City Manager, or his designee, to allow additional expenditures up to $3,140,000 under Contract 146687 with Traffic and Parking Control Co., Inc. (TAPCO) for the purchase of traffic

control products and solutions for the Street Transportation, Aviation and Phoenix Convention Center departments. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This cooperative purchasing agreement was originally adopted for use by the Street Transportation Department to supply a variety of traffic products used to maintain safe public roadways. The department subsequently identified additional opportunities to utilize this agreement to take advantage of national pricing for the purchase of sign-making equipment supplies and standard stock delineators. In addition, both the Phoenix Convention Center and Aviation departments requested to be added as users of the contract in order to meet their needs for related traffic control products, including automated parking garage equipment and sign-making equipment.

Financial Impact

Upon approval of $3,140,000 in additional funds, the revised aggregate value of the contract will not exceed $6,140,000. Funds are available in the Street Transportation, Phoenix Convention Center and Aviation departments' Operating and Capital Improvement Program budgets.

Concurrence/Previous Council Action

This Contract was originally approved by City Council on Jan. 10, 2018.

This item was adopted.

41 Wireless Mesh Radios - Requirements Contract - IFB 19-043 (Ordinance S-45384)

Request to authorize the City Manager, or his designee, to enter into a contract with L4 Technologies, LLC to purchase materials and services to support the continuing operation of the Intelligent Transportation System (ITS) Fiber/Wireless Network. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $6,750,000 (including applicable taxes), with an estimated annual expenditure of $1,350,000.

Summary

The Street Transportation Department Traffic Services Division maintains a hybrid fiber/wireless network for communications between the Traffic Management Center and field devices located at more than 1,100

signalized intersections to monitor traffic signal timing throughout the city of Phoenix. This contract will include the purchase of radio equipment, management tools, training as well as hardware and software support, on-call remote, and on-site technical assistance to facilitate the continuing expansion of the ITS Fiber/Wireless Network to all signalized intersections.

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

Procurement Information
IFB 19-043 Wireless Mesh Radios was conducted in accordance with Administrative Regulation 3.10. One offer was received by the Procurement Division on Dec. 14, 2018. The offer was evaluated based on price, responsiveness to all specifications, terms and conditions and responsibility to provide the required goods and services. The offer submitted by L4 Technologies, LLC is deemed fair and reasonable based on the market and previous contract pricing.

The Deputy Finance Director recommends L4 Technologies, LLC for award.

Contract Term
The five-year contract term shall begin on or about Feb. 20, 2019.

Financial Impact
The aggregate contract value will not exceed $6,750,000 (including applicable taxes), with an estimated annual expenditure of $1,350,000. Funds are available in the Street Transportation Department's budget.

This item was adopted.

42 Acceptance and Dedication of a Deed and Easements for Sidewalk, Public Utility and Roadway Purposes (Ordinance S-45389)

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

Summary

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

Easement (a)
Applicant: Nexmetro Paseo, LLC, its successor and assigns
Purpose: Sidewalk
Location: 3425 W. Deer Valley Road
File: FN 180134
Council District: 1

Easement (b)
Applicant: 777 Properties, LLC, its successor and assigns
Purpose: Sidewalk
Location: Northeast Corner of 8th Street and Camelback Road
File: FN 180126
Council District: 6

Deed (c)
Applicant: DJ Roth, L.L.C., its successor and assigns
Purpose: Roadway
Location: 1805 W. Southern Ave.
File: FN 180123
Council District: 7

Easement (d)
Applicant: DJ Roth, L.L.C., its successor and assigns
Purpose: Sidewalk
Location: 1805 W. Southern Ave.
File: FN 180123
Council District: 7

Easement (e)
Applicant: Tsalm Services LLC, its successor and assigns
Purpose: Public Utility
Location: 2803 N. 29th St.
File: FN 180135

Council District: 8

Easement (f)
Applicant: Richard Katz, its successor and assigns
Purpose: Public Utility
Location: 8844 S. 22nd St.
File: FN 180137
Council District: 8

This item was adopted.

43 Acceptance of Easements for Emergency and Service Vehicle Access, Water and Drainage Purposes (Ordinance S-45391)

Request for the City Council to accept easements for emergency and service vehicle access, water and drainage purposes; further ordering the ordinance recorded.

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

Easement (a)
Applicant: Nexmetro Paseo, LLC, its successor and assigns
Purpose: Emergency and Service Vehicle Access
Location: 3425 W. Deer Valley Road
File: FN 180134
Council District: 1

Easement (b)
Applicant: Nexmetro Paseo, LLC, its successor and assigns
Purpose: Water
Location: 3425 W. Deer Valley Road
File: FN 180134
Council District: 1

Easement (c)
Applicant: DJ Roth, L.L.C., its successor and assigns
Purpose: Drainage
Location: 1805 W. Southern Ave.

File: FN 180123
Council District: 7

This item was adopted.

44 Public Sector Budgeting Software - Requirements Contract (Ordinance S-45399)

Request to authorize the City Manager, or his designee, to enter into a contract with Sherpa Government Solutions, LLC to provide a new public sector software system for the Budget and Research Department. The aggregate contract value will not exceed $3,435,436 (including applicable taxes), which includes one-time implementation costs of $2,000,000 and $1,435,436 for 10 years of hosting fees and software maintenance. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Budget and Research Department currently develops and manages its budget using 20 plus year old Budget Reporting and Analysis System Software (BRASS), a variety of departmental and centralized Access databases, and extensive use of spreadsheets. BRASS interfaces with two City systems: SAP ECC financial system and PeopleSoft personnel management system. Limitations of BRASS, as it's configured, have led to the use of supplemental databases and spreadsheets, both within the Budget and Research Department and in operational departments, which creates opportunities for errors, the need for double entry of data, and prohibits the automation of key reports and published schedules. BRASS is no longer being updated and is not compatible with new computers running the Windows 10 operating system.

The goals for replacing the current budget software include: 1) replace the City's BRASS system and other centrally-maintained budget databases with a sustainable, browser-based, commercial off-the-shelf, cloud-hosted system capable of supporting all of the City's budgeting requirements, with a planned service life of 10 to 20 years; 2) significantly improve the efficiency of budget development, management, and reporting processes; 3) reduce risk of errors through automation; 4) implement an easy to use and robust reporting solution; and 5) produce effective and thorough knowledge transfer materials for system maintenance, system administration, and user training.

Sherpa Government Solutions, LLC will provide and implement its Budget Formulation and Management (BFM) solution, which will be cloud-hosted on the Amazon Web Services hosting platform. BFM will seamlessly interface with the city's financial and personnel management systems, and use the SAP Business Objects reporting tool for all budgetary reporting, leveraging existing Business Objects licenses owned by the City. BFM also provides streamlined data entry and other features that will improve the efficiency of the budget process. The contract will include implementation services, BFM software licenses, 10 years of software maintenance and cloud-hosting fees, software upgrades, user training and technical support.

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

Procurement Information
RFP 18-288 was conducted in accordance with Administrative Regulation 3.10. Six offers were received by the Procurement Division on Sept. 14, 2018. One offer was deemed non-responsive.

An evaluation committee comprised of seven voting members and four information technology subject matter experts evaluated the offers. The voting members represented Budget and Research, Finance, Information Technology, and several other departments. The offers were evaluated based on the following criteria: Business Requirements (300 points), Demonstration and Interviews (250 points), Qualifications, Experience and References (250 points), Pricing (100 points), and Method of Approach (100 points). The evaluation committee determined that one firm was within the competitive range and that firm was invited to participate in demonstrations and interviews. After demonstrations and interviews concluded, the evaluation committee reached consensus to move forward with the Best and Final Offer (BAFO) process. After the BAFO process, the evaluation committee recommended awarding a contract to Sherpa Government Solutions, LLC. The offerors and their final scores are as follows:

Sherpa Government Solutions, LLC: 936 points

Performa Software USA, Inc.: 510 points
OpenGov, Inc.: 439 points
Clarity Partners, LLC: 406 points
FreeBalance, Inc.: 357 points

The Deputy Finance Director recommends that the offer from Sherpa Government Solutions, LLC be accepted as the highest scored, responsive and responsible offeror.

It is also recommended that the City Council approve an exception to the limitation of liability provision in City Code 42-18 (A) and (B) to reflect the liability will be no more than three times the aggregate value.

Contract Term
The 12-year contract term shall begin on or about April 1, 2019, and end on May 30, 2031.

Financial Impact
The aggregate contract value will not exceed $3,435,436 (including applicable taxes), which includes one-time implementation costs of $2,000,000 and $1,435,436 for 10 years of hosting fees and software maintenance. Funds are available in the Finance and Budget and Research Department's Operating and CIP budgets.

This item was adopted.

45 Request for City Council to Meet in Executive Session on the Following Dates through June 2019

Request authorization for the City Council to meet in Executive Session pursuant to Arizona Revised Statutes, Section 38-431.03.A, on the following dates in the East Conference Room, 12th Floor of Phoenix City Hall, 200 W. Washington St., Phoenix, Arizona.

1 p.m., Feb. 26, 2019
Noon, March 5, 2019
Noon, March 19, 2019
Noon, April 9, 2019
1 p.m., April 23, 2019
Noon, May 7, 2019

1 p.m., May 22, 2019
1 p.m., June 11, 2019
1 p.m., June 25, 2019

Public Outreach
The Notice and Agenda for these Executive Sessions will be posted no later than 24 hours before each scheduled meeting.

This item was approved.

46 Loan Servicing for Affordable Housing Programs (Ordinance S-45385)

Request to authorize the City Manager, or his designee, to enter into a contract with AmeriNational Community Services LLC dba AmeriNat to provide loan servicing for the Housing Department. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary
This agreement will provide loan servicing for affordable housing assistance programs in the Housing Department's portfolio. In addition to loan servicing, other services includes collections, account monitoring, cash-flow analysis, delinquency management, forbearance plans, online accounting services, loan subordination processing, and other loan portfolio management services. The Housing Department loan portfolio includes a variety of complex loans for affordable multifamily rental projects, special needs housing, and homeownership assistance mortgages. These loans are generally financed with federal funds.

Procurement Information
RFP FY19-086-05 Loan Servicing (Real Estate) was conducted in accordance with Administrative Regulation 3.10. The solicitation was emailed to 411 vendors and posted on the City of Phoenix website. One offer was received by the Housing Department on Nov. 28, 2018. The offer was evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offer submitted by AmeriNational Community Services LLC dba AmeriNat is deemed to be fair and reasonable based on the market and previous contract pricing.

Contract Term

The contract term will be for five years, beginning on or about May 1, 2019, and end on April 30, 2024.

Financial Impact

The aggregate contract value will not exceed $160,000 (including applicable taxes). There is no impact to the General Fund. Funds will come from federal grant resources.

This item was adopted.

47 Retroactive Authorization to Accept Additional Funding and Amend Contract with Wildfire (Ordinance S-45397)

Request retroactive authorization to accept $22,000 in Arizona Public Service (APS) Federal Employee Crisis Bill Assistance funds from Wildfire, formerly the Arizona Community Action Association. Further request authorization to accept additional emergency assistance funding from Wildfire in the amount of $30,000 in APS Crisis Bill Assistance funds and amend contract number 147844 to reflect the increased funding amounts. The contract amount, including all additional funding, will not exceed $382,915.03 for the period between July 1, 2018, through June 30, 2019. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary

The additional $30,000 in APS Crisis Bill Assistance funds provided to the City of Phoenix through this contract will be used to assist low-income families and individuals in removing barriers to self-sufficiency related to employment, education, housing assistance, emergency utility assistance, and to provide ongoing supportive services through case management and community coordination. This additional funding will allow the City to assist 94 more residents for a total of approximately 1,865 residents served.

The $22,000 in APS Federal Employee Crisis Bill Assistance funds will be used to assist approximately 69 residents who are federal employees affected by the government closure.

Funding for fiscal year 2019 will be provided from various funding

sources **(Attachment A)**.

Contract Term
This amendment does not change the contract term. The contact term will remain from July 1, 2018, through June 30, 2019.

Financial Impact
There are no matching fund requirements.

This item was adopted.

48 Client Transportation Award Request (Ordinance S-45409)

Request to authorize the City Manager, or his designee, to enter into contract with Medicare Trans, LLC to provide taxicab services to the clients of the Human Services Department's Victims Services Division (VSD) and the Law Department's Victim Services Unit (VSU) within the Prosector's Office. Further request authorization for the City Controller to disburse all funds related to this item for the life of the contract. The aggregate value of the contract will not exceed $11,702.40.

Summary
The Human Services Department VSD utilizes taxicab services to provide transportation to advocacy services for victims of violent crime. Oftentimes recipients of these services do not reside within close proximity to providers and transportation becomes a barrier to receiving supportive services.

The Law Department VSU utilizes taxicab services to provide victims of violent crime transportation to court proceedings or to various social services agencies. This transportation is critical as a victim may be providing testimony in a case, exercising their rights to participate in the criminal justice process or traveling to an agency that can provide additional supportive services to assist the victim with the legal process.

Procurement Information
Request for Quotes, RFQ-18-VSD-23, was conducted in accordance with City of Phoenix Administrative Regulation 3.10. The Human Services Department received 11 offers on Dec. 21, 2018. Six offers were determined to be responsive and responsible to the solicitation requirements.

The Procurement Officer evaluated all quotes based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required service. Medicare Trans, LLC met all solicitation criteria and is recommended for contract award:

Medicare Trans, LLC: $3,900.80 per year.
American Liberty Transportation: $4,439.00 per year.
American Pony Express: $5,658.30 per year.
Just for You Transportation: $5,812.00 per year.
Total Ride: $5,862.00 per year.
ComTrans: $5,909.40 per year.

Contract Term
The contract will have a three-year term commencing on or about April 1, 2019, through March 31, 2022, with no options to extend.

Financial Impact
Expenditures are not to exceed $11,702.40 over the life of the contract. Funding is available in Human Services Department's Victim of Crime Act grant operating budget and the Law Department's budget.

This item was adopted.

49 Request Authorization for Phoenix Public Library to Accept Historic Vintage Postcard Collection

Request to authorize the City Manager, or his designee, to accept a donation of the Susan Arreola Postcard Collection, valued at $20,197 from Susan Arreola, to be housed within the Arizona Room at Burton Barr Central Library.

Summary
Susan Arreola worked for a decade as an urban planner for the City of Phoenix and was an avid collector of Phoenix historic postcards. The images on the postcards depict early Phoenix life from the years surrounding Arizona statehood into the 1960s. They include: commercial and residential buildings; schools, hospitals, and churches; airport; downtown streets; canals and water features; parks and natural landmarks; farming, agriculture, and stockyards; as well as promotional images and greetings. Portions of the collection were used in several

planning documents and publications, including Midcentury Marvels: Commercial Architecture of Phoenix, 1945-1975 (City of Phoenix: Historic Preservation Office, 2010). The collection, one of the largest collections of Phoenix in existence, is valued at $20,197 and consists of approximately 2,500 historic vintage postcards.

The historic vintage postcard collection will be incorporated into the Arizona Room, a special research collection at Burton Barr Central Library. The Arizona Room showcases the history and culture of greater Phoenix, Arizona, and the Southwest. These postcards will be invaluable for researchers, historians, architects, preservationists, the general public and access to the collection will be restricted to use within the Arizona Room.

Concurrence/Previous Council Action
This item was recommended for approval at the Parks, Arts, Libraries and Education Subcommittee on Jan. 23, 2019, by a vote of 3-0.

Location
Burton Barr Central Library, 1221 N. Central Ave.
Council District: 7

This item was approved.

50 Library Department Custodial Services - Requirements Contract - IFB 19-076 (Ordinance S-45406)

Request to authorize the City Manager, or his designee, to enter into contracts with Commercial Custodial Services, LLC and ISS Facility Services, Inc., to provide custodial services for the Library Department. Further request authorization for the City Controller to disburse all funds related to this item. The five-year aggregate value of the contracts will not exceed $5,804,940.

Summary
These contracts will provide custodial services, including labor, cleaning supplies, materials, equipment, tools, vehicles, and supervision necessary, to clean various Library Department branch locations, including the Burton Barr Central Library.

Procurement Information

Invitation for Bid (IFB) 19-076 was conducted in accordance with Administrative Regulation 3.10. There were eight offers received by the Finance Department's Procurement Division on Jan. 4, 2019. Two offers were deemed non-responsive for failing to provide required bonds, and one offer was deemed non-responsible for unsatisfactory references. Group 3 will not be awarded, as it was included in the solicitation in error.

The following are recommended as the lowest-priced offers:

Commercial Custodial Services, LLC: $43,234 (Total monthly price for Groups 1, 2, 4, and 5).
ISS Facility Services, Inc.: $53,515 (Total monthly price for Group 6 - Burton Barr).

The Deputy Finance Director recommends that the offers from Commercial Custodial Services, LLC and ISS Facility Services, Inc., be accepted as the lowest-priced, responsive and responsible offers.

Contract Term
The five-year contract term will begin on or about May 1, 2019.

Financial Impact
The five-year aggregate value will not exceed $5,804,940, with an estimated annual expenditure of $1,160,988. This amount includes regular, monthly custodial services, and ancillary services to clean upholstery, carpet cleaning services, and custodial services for Burton Barr's special events. Funds are available in the Library Department's budget.

This item was adopted.

53 2019 Arizona State Parks and Trails Recreational Trails Program Grant for Rio Salado Habitat Restoration Area (Ordinance S-45396)

Request to authorize the City Manager, or his designee, to apply for and, if awarded, accept funds and enter into agreements for the 2019 Arizona State Parks and Trails Recreational Trails Program in an amount up to $75,000. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, any grant monies awarded.

Summary

Staff is seeking City Council authorization to submit an application for the 2019 Arizona State Parks and Trails Recreational Trails Program, Non-Motorized Trail Projects grant.

The Arizona State Parks and Trails Motorized and Non-Motorized Program, funded through the Federal Recreational Trails Program, can provide funding of up to $75,000 and requires a 5.7 percent match. Staff's intent is to utilize the grant funds to enhance, restore and maintain the Rio Salado Habitat Restoration Area. Applications for the 2019 Arizona State Parks and Trails Recreational Trails Program, Non-Motorized Trail Projects grant applications are due March 1, 2019. Staff is exploring potential partnerships for this grant application which could include the Sierra Club, Audubon, Liberty Wildlife, and Bank of America. This grant can provide short and long-term tangible benefits by improving the Rio Salado Habitat Restoration Area's viability.

If successful, staff's intent is to use the grant funds at the Rio Salado Habitat Restoration Area to mitigate invasive species of flora and fauna and replace broken and/or missing wayfinding signage throughout the Rio Salado Restoration Habitat Area.

Financial Impact

The amount of the grant application is $75,000, with a 5.7 percent match equaling $4,275, to be satisfied by applying administrative and field staff hours, along with volunteer hours.

Location

Rio Salado Habitat Restoration Area, 641 W. Lower Buckeye Road
Council District: 8

This item was adopted.

54 Authorization to Modify and Extend Deadline for 2017-2018 Downtown Development Request for Proposals

Request to authorize the City Manager, or his designee, to modify the "Return to the City" and "Evaluation Criteria" sections of the 2017-2018 Downtown Development Request for Proposals (Downtown RFP), a broad RFP for urban and mixed-use development on private property

within the Downtown Redevelopment Area (Downtown RDA). Further request authorization to extend the deadline to Dec. 31, 2019, and to enter into negotiations with recommended proposers.

Summary

In response to City Council direction to expedite City processes and provide improved customer service, the Community and Economic Development Department (CEDD) requested City Council authorization to issue a broad request for proposals seeking development projects on private property for urban and mixed-use projects within the Downtown RDA. The first Downtown RFP process was approved by City Council in November 2011 and has since been updated three times.

Over the past seven years, the Downtown RFP process has facilitated significant economic development activity on private properties. Development projects completed include: 360 rental residential units, 8,000 square feet of commercial/office space, and 470 structured parking stalls with a total of over $66 million in capital investment. Development projects which are under construction or in the pipeline will create: 2,053 rental residential units, including 75 workforce units, 69,000 square feet of commercial/office space, and 2,518 structured parking stalls estimated to facilitate more than $561 million in capital investment.

In November 2018, CEDD provided an update on the background and economic development activity resulting from the Downtown RFP to the City's Planning and Economic Development Subcommittee. During that presentation and discussion, several questions were asked, and staff was requested to return with recommendations regarding workforce housing and the weight assigned to each evaluation criterion. A summary of staff recommendations are detailed below:

First, the Subcommittee asked that the Downtown RFP's Return to the City section be modified to include a higher priority for the specific benefit of providing workforce housing. Staff recommends the following sentence be added to the "Return to City" section to further clarify the City's intent: Proposals that include a rental residential use should include a minimum of 10 percent of the units, in a proportional mix of unit types, for workforce housing.

The second item discussed was the weight assigned to the four evaluation criteria in the "Evaluation Criteria" section. In response, the following adjustments are recommended:

Current Evaluation Criteria and points:
Concept to Activate the Site (0-300 points).
Proposer's Qualifications, Experience and Financial Capacity (0-250 points).
Proposer's Business Plan (0-250 points).
Level of Return and Benefit to the City (0-200 points).

Proposed Evaluation Criteria and Points:
Concept to Activate the Site (0-300 points).
Level of Return and Benefit to the City (0-275 points).
Proposer's Qualifications, Experience and Financial Capacity (0-225 points).
Proposer's Business Plan (0-200 points).

The third discussion item requested opportunities to reduce the time required to process Downtown RFPs. CEDD and the Law Department are researching and analyzing an alternative process that will reduce the time required to process these while maintaining compliance with City and state requirements as well as including community engagement and transparency. Staff will return to the Planning and Economic Development Subcommittee and City Council with a proposed alternative process.

The final discussion item was adding a workforce housing requirement to request for proposals for City-owned properties. The Downtown RFP process does not include City-owned properties; however, this item will be addressed in future requests for proposals when City-owned properties are considered by City Council for disposition.

The Downtown RFP's original proposal deadline of June 29, 2018, was extended to June 28, 2019, and is requested to be further extended to Dec. 31, 2019.

Financial Impact

This is no impact to the General Fund by this action.

Concurrence/Previous Council Action
This item was recommended for approval by the Planning and Economic Development Subcommittee at the Jan. 8, 2019, meeting.

Location
The Downtown Redevelopment Area, established in 1979, is generally bounded by McDowell Road on the north, Lincoln Road on the south, 7th Avenue on the west and 7th Street on the east.
Council Districts: 4, 7 and 8

This item was approved.

55 Authorization to Issue Revenue Contract Solicitation for Exclusive Event Utility Services

Request the City Council to authorize the City Manager, or his designee, to issue a Revenue Contract Solicitation (RCS) for Exclusive Event Utility Services for the Phoenix Convention Center Department (PCCD).

Summary
PCCD's event utility services are a critical component of the department's overall operations. An important goal of the PCCD is to maintain its distinctive brand by offering premium level services. In 2014, PCCD entered into a contract with Commonwealth Electric Company of the Midwest to provide exclusive event utility services. The current contract expires on September 30, 2019.

PCCD event utility services are being requested to continue to support the three convention center facilities located downtown. The successful offeror will provide event utility services including, with few exceptions, electrical services, water services, compressed air, and natural gas. The successful offeror must posess a State of Arizona Electrical Contractor's License, Category L-11(600 volts and under) and an A-17 High Voltage License during the life of the Contract. All electrical work performed must comply with current accepted National Electrical Code(s), NFPA 70E, and all other applicable supplemental City of Phoenix codes. All field electrical personnel utilized to provide electrical services, which will include accessing any 120/208 and 277/480 volt circuits, floor receptacles, company switches, bussway plugs, electrical trim, etc., shall

have successfully completed an approved NFPA 70E safety training and hold an active certification to work with, on or near live energy. All field personnel must be supervised and in the presence of an Arizona state Licensed and Certified Journeyman electrician who has completed a federally approved minimum four-year apprenticeship program. The successful offeror will provide PCCD with commissions from revenue-generating activity conducted at PCCD for the rights of exclusivity for providing event utility services.

Procurement Information
With approval, PCCD will conduct an RCS to select an exclusive event utility services provider. The RCS will include standard terms and conditions, other necessary requirements, and would maximize revenues to the City. Responsive and responsible proposals will be evaluated by a diverse panel. Respondents will be evaluated according to, but not limited to, the following evaluation criteria.

Qualifications of Proposer - Experience and performance history of proposing firm.
Financial Return to the City - Commission structure offered.
Operations Plan - Quality and service standards, setup and operation of business.
Business Plan - event planning processes.

Public Outreach
With approval, PCCD will conduct an RCS to select a vendor for this contract. This process will include all standard and required outreach efforts as well as advertising in industry publications in order to ensure we are reaching the target market.

Concurrence/Previous Council Action
The Planning and Economic Development Subcommittee recommended approval of this item by a 4-0 vote at its Feb. 5, 2019 meeting.

This item was approved.

56 Hufcor, Inc. - Requirements Contract - IFB 19-007 (Ordinance S-45383)

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

contract with Hufcor, Inc. to provide operable wall maintenance and repair for the Phoenix Convention Center Department (PCCD). The five-year aggregate value of the contract will not exceed $400,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

PCCD will use services under this contract to provide inspection, maintenance and repair services for operable walls in the South, West, and North buildings on an as-needed basis. Operable walls are used inside meeting rooms and exhibit halls to divide the space into multiple sections, which provides greater versatility of the space. Services include labor, transportation, supplies, materials, parts, tools, machinery, lifts, employee safety equipment, equipment lubricant, and supervision.

Procurement Information

IFB 19-007 was conducted in accordance with Administrative Regulation 3.10. There was one offer received by the PCCD Financial and Procurement Services section on December 3, 2018. The offer was evaluated on price, responsiveness to specifications, and responsibility to provide the required services. The price was determined to be fair and reasonable. The solicitation notification was publicly posted and available for download from the City's website.

The vendor's offer is as follows: Hufcor, Inc. - $56,725 as needed.

Contract Term

The five-year contract term will begin on or about March 1, 2019.

Financial Impact

The five-year aggregate value will not exceed $400,000, with an annual estimated expenditure of $80,000, including contractor lift equipment costs and additional hourly labor rate services. Funding is available in the Phoenix Convention Center Department Operating budget.

This item was adopted.

57 Medium Voltage Maintenance and Thermal Imaging Requirements Contract (Ordinance S-45392)

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

contract with Sabino Electric, Inc. to provide medium voltage maintenance and thermal imaging for the Phoenix Convention Center Department (PCCD). The five-year aggregate value of the contract will not exceed $325,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

PCCD will use services under this contract to provide all labor and materials to service, maintain, troubleshoot, repair, perform factory recommended preventive and predictive maintenance, testing and inspection for all PCCD medium voltage systems on an as-needed basis. The Contract will be for maintaining medium voltage power for the Convention Center North and West Buildings and the Arizona Public Service (APS) yard at Symphony Hall.

Procurement Information

IFB 19-008 was conducted in accordance with Administrative Regulation 3.10. There was one offer received by the PCCD Financial and Procurement Services section on Jan. 4, 2019. The offer was evaluated on price, responsiveness to specifications, and responsibility to provide the required services. The price was determined to be fair and reasonable. The solicitation notification was publicly posted and available for download from the City's website.

The vendor's offer is as follows: Sabino Electric, Inc. - $132,330 as needed.

Contract Term

The five-year contract term will begin on or about Feb. 1, 2019.

Financial Impact

The five-year aggregate value will not exceed $325,000, with an annual estimated expenditure of $65,000 including additional contractor equipment rental, repair, design and modification services. Funds are available in the PCCD budget.

This item was adopted.

58 Firefighting Nozzles, Valves, and Clamps - National Purchasing Partners (Ordinance S-45398)

Request to authorize the City Manager, or his designee, to access the National Purchasing Partners (NPP) cooperative contract #00000168 with Municipal Emergency Services, Inc. dba Lawmen Supply Company for the purchase of firefighting nozzles, valves, and clamps. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $396,191.

Summary

The City of Phoenix Fire Department requires a variety of nozzles, valves, and clamps for various fire related emergencies, including interior and exterior operations. The high quality material nozzles, valves, and clamps, deliver control to the flow of water and offer maximum performance to extinguish Citywide fires by the Phoenix Fire Department. The supply of nozzles, valves, and clamps will ensure that the Fire Department has adequate stock for use in the Fire Fleet. This equipment is a critical part of the Fire Department's efforts to provide the life safety services to the public.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement processes, as set forth in the Phoenix City Code, chapter 43. The NPP contract covers the purchase of nozzles, valves, and clamps and was awarded May 28, 2017. The use of this cooperative contract will provide the City national discounts on these products.

Contract Term

The contract term will be effective through Jan. 31, 2024.

Financial Impact

The aggregate contract value will not exceed $396,191. Funds are available in the Fire Department's budget.

This item was adopted.

59 Electrical Services Requirements Contract (Ordinance S-45380)

Request to authorize the City Manager, or his designee, to enter into contracts with H&B Electric, Inc. and Performance Electric to provide

electrical services and preventative maintenance on an as-needed basis to the Aviation, Phoenix Convention Center, and Water Services departments in an amount not to exceed $2,822,000. The contracts will have five-year aggregate terms. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

These electrical services contracts provide labor, materials, supplies, equipment, and preventative maintenance to the Aviation Department (Group 1), and the Phoenix Convention Center and Water Services departments (Group 2) on an as-needed basis. The contracts will supplement staffing on a wide variety of projects such as IT conduit, electrical wire replacement, motor replacements, service entrance section (SES) replacements, energy controls, LED lighting, electrical safety-related issues, and emergency and urgent projects at Phoenix Sky Harbor International Airport and its surrounding airport properties, Phoenix Deer Valley Airport, Phoenix Goodyear Airport, Water Services Department facilities and treatment plants, and the Phoenix Convention Center and Venues.

Procurement Information

Invitation for Bid (IFB) AVN IFB 19-002 was conducted in accordance with Administrative Regulation 3.10. Six offers were received for Group 1 and five offers were received for Group 2 on Nov. 13, 2018, and all offers received were deemed responsive and responsible.

Group 1 - Aviation

H&B Electric, Inc. $180,600.
Performance Electric $205,425.
Commonwealth Electric Company $287,355.

Group 2 - Phoenix Convention Center and Water Services Department

Performance Electric $104,025.
Commonwealth Electric Company $134,010.
JFK Electrical Contracting $217,000.

Contract Term

The contracts shall begin on or about Feb. 20, 2019, for five-year aggregate terms with no options to extend.

Financial Impact

The contracts' value will not exceed $2,822,000 for the five-year aggregate terms. Funds are available in the Aviation Department, Phoenix Convention Center and Water Services departments' budgets.

Location

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.; Phoenix Deer Valley Airport, 702 W. Deer Valley Road; Phoenix Goodyear Airport, 1658 S. Litchfield Road, Goodyear, Ariz.; Phoenix Convention Center, 100 N. 3rd St., and various locations within the Water Services Department.
Council Districts: 1, 7, 8, Out of City

This item was adopted.

60 Maintenance and Repair of Heating, Ventilating, Air Conditioning and Refrigeration System Components - Contract Amendment (Ordinance S-45403)

Request to authorize the City Manager, or his designee, to add up to $400,000 in additional expenditures under Contract 138112 (Contract) with Johnson Controls, Inc. for the maintenance and repair of the Heating, Ventilating, Air Conditioning and Refrigeration (HVACR) mechanical systems and components at Phoenix Sky Harbor International Airport (PHX), Deer Valley Airport (DVT), Goodyear Airport (GYR), and surrounding airport properties for an amount not to exceed $8,020,000 for a five-year aggregate term. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Johnson Controls, Inc. provides maintenance and repair to multiple central plants throughout Aviation facilities. The central plants have a combined capacity of over 17,000 tons. The equipment and systems within the central plants require on-going monitoring and maintenance to ensure efficient operation as well as asset preservation. In addition, Johnson Controls, Inc. provides monitoring and treatment of water utilized in the industrial cooling systems by monitoring, maintaining, repairing, designing, and installing the water system controls and components, including water softeners and Mixed Oxidant Solution Systems (MIOX).

The additional spending authority is needed to cover the prior unexpected maintenance and repair to the existing HVACR equipment and the remaining fixed maintenance cost through the end of the Contract. The Contract will expire March 31, 2019, and a Request for Proposals (RFP) has been issued for a contract with spending authority that will include contingencies for unplanned maintenance and repair to the HVACR equipment. The additional spending authority will allow the existing contract to provide all necessary services and will allow the department to complete the procurement process.

Contract Term
The Contract will expire on March 31, 2019, and a new RFP is currently in process.

Financial Impact
The $400,000 in additional funds will increase the original amount of the Contract from $7,620,000 to not exceed $8,020,000 for the five-year aggregate term. Funds are available in the Aviation Department's operating budget.

Concurrence/Previous Council Action
Council action approved Ordinance S-40683 at the April 2, 2014, Formal Council Meeting.
On Oct. 3, 2018, Council approved a Request to Issue a Request for Proposal (RFP) for HVACR System, Components, Equipment/Controls, Maintenance, Repair and Installation Services. The RFP was issued on Nov. 16, 2018, and is currently in process.

Location
Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.
Phoenix Deer Valley Airport, 702 W. Deer Valley Road.
Phoenix Goodyear Airport, 1658 S. Litchfield Road, Goodyear, Ariz.
Council Districts: 1, 8 and Out of City

This item was adopted.

61 Contract Compliance Monitoring Services (Ordinance S-45405)

Request to authorize the City Manager, or his designee, to enter into two separate contracts with Customer Service Experts, Inc. to provide contract compliance services for airport concessionaires and to audit ground transportation contractors for American with Disability Act (ADA) compliance. Both contracts will provide services for Phoenix Sky Harbor International Airport (PHX) in a total amount not to exceed $344,000 for the five-year aggregate contract terms. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

On June 20, 2018, City Council authorized the Aviation Department to issue a Request for Proposals (RFP) for Contract Compliance Monitoring Services. These services will ensure the Aviation Department's concession operators are in compliance with lease terms and ground transportation contracted service providers are in compliance with ADA requirements. Two separate contract groups were solicited in the RFP:

Group I

Will provide contract compliance monitoring to assist PHX in conducting customer service and quality control audits reflective of lease terms.

Group II

Will provide monitoring services to assist PHX in ensuring contracted ground transportation service providers and airport bus operators meet the ADA requirements and contractual obligations respectively.

Procurement Information

Request for Proposal (RFP) 18-030 was conducted in accordance with Administrative Regulation 3.10. Group I received one proposal and Group II received two proposals. The proposals were evaluated by an evaluation panel and scored by consensus based on the following criteria, with a point range of 0-1000:

Qualification and Experience of Offeror (0 - 450 points).
Approach to Scope of Service (0 - 350 points).
Price Proposal (0 - 200 points).

The evaluation panel recommends Customer Service Experts, Inc. for contract award for Group I as the best value to the City based on the

following consensus score for the top scoring proposer:

Customer Service Experts, Inc.: 645 points.

The evaluation panel recommends Customer Service Experts, Inc. for contract award for Group II as the best value to the City based on the following consensus scores for the top two scoring proposers:

Customer Service Experts, Inc.: 635 points.
G&R Transit Solutions, Inc.: 258 points.

Contract Term
The initial three-year term of each contract will begin on or about March 1, 2019, with two one-year options to extend for a five-year aggregate contract term.

Financial Impact
The combined contract amounts will not exceed $344,000 for the five-year aggregate terms. Funds are available in the Aviation Department's operating budget.

Concurrence/Previous Council Action
This item was recommended for approval at the Aviation and Transportation Subcommittee meeting on Nov. 27, 2018, by a vote of 3-0.

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

This item was adopted.

62 Amend Mariposa Landscape Maintenance Services Contract to Increase Funding for Additional Landscape and Maintenance Services (Ordinance S-45404)

Request to authorize the City Manager, or his designee, to enter into a contract change order to Contract 145164 with Mariposa Landscape Arizona, Inc. to increase the contract amount by $461,690 through June 30, 2022 for the purpose of Americans with Disabilities Act related

landscape remediation, tree replacement and maintenance services. Further request authorization for the City Controller to disburse funds in an amount not to exceed $461,690 over the remaining life of the contract. The new aggregate contract amount will be $2,342,336 through June 30, 2022.

Summary

On May 31, 2017, the City Council approved a five-year contract award to Mariposa Landscape Arizona, Inc. for Transit Landscape Maintenance Services for the period of July 1, 2017, through June 30, 2022, for a contract amount of $1,880,646. The contract scope is for landscape management and maintenance of 20 transit facilities throughout the City, which consist of seven transit centers, eight park-and-rides, three large operating facilities, the light rail corridor and the Public Transit office building. Landscape maintenance of these facilities accommodates the needs of passengers, transit operations, and adjacent property owners.

The Public Transit Department has recently identified additional needs related to landscaping remediation for compliance with the Americans with Disabilities Act (ADA) and replacement of trees. This change order will allow necessary remediation for ADA compliance and replacement of trees as needed within the transit-maintained landscape service areas and the related ongoing landscape maintenance.

Contract Term

The contract term remains as a five-year award from July 1, 2017 to June 30, 2022.

Financial Impact

The total amount of this change order will not exceed $461,690, and the new aggregate contract amount will be $2,342,336, through June 30, 2022. Funds are available in the Public Transit Department FY 2019-20 proposed operating budget.

This item was adopted.

63 Scrap Metal Recycling Services Requirements Contract - RCS 19-SW-044 (Ordinance S-45377)

Request to authorize the City Manager or his designee, to enter into an agreement with Liberty Iron & Metal, Inc., for scrap metal recycling

services on an as-needed basis. The contract is for recycling of ferrous and non-ferrous metals citywide. Total revenue over the life of the contract, including any extension, is $250,000, with an estimated annual revenue of $50,000. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

This contract will be used to divert ferrous and non-ferrous metals from the landfill and repurpose metals to contribute to a more sustainable future. The revenue obtained from the sale of scrap metals will be used for Solid Waste operational expenses.

Procurement Information

Revenue Contracts Solicitation (RCS) 19-SW-044 was conducted in accordance with Administrative Regulation 3.10. One offer was received by the Public Works Procurement Division on Jan. 2, 2019. The bid was determined to be responsive and responsible. Contract revenue pricing is a percentage based on the American Metals Market.

Liberty Iron & Metal, Inc.
Group 1: Sheet Iron (ton) 58 percent; Unprepared Iron (ton) 58 percent; Aluminum Mid (pound) 33 percent; Aluminum High (pound) 44 percent; Man Hole Covers (pound) 58 percent; Brass Water Meters (pound) 100 percent.

Contract Term

The original contract is to begin April 1, 2019, through March 31, 2020. Provisions of the contract may include an option to extend the term up to four additional year(s), in one-year increments, which may be exercised by the City Manager or designee.

Financial Impact

Total revenue over the life of the contract, including any extension, is $250,000, with an estimated annual revenue of $50,000.

This item was adopted.

64 Production Well and Related Equipment - Requirements Contract - IFB 19-SW-009 (Ordinance S-45379)

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

new contract with Southwest Waterworks Contractors, Inc., Weber Water Resources and Layne - A Granite Company, for services and/or repair of City-owned production wells and purchase of accessory equipment on an as-needed basis. Further request authorization for the City Controller to disburse all funds related to this item. The total amount will not exceed $2,150,000 for the term of the contract.

Summary

This service contract is necessary to maintain operation of various well locations throughout the City. Services provided through this contract include labor, installation and replacement of parts, pumps and motors. City-owned production wells must comply with federal, state and local regulatory requirements for groundwater monitoring. These wells provide potable water and water used for fire suppression, dust control, composting and construction activities.

Procurement Information

In accordance with Administrative Regulation 3.10, the Public Works Department issued Invitation for Bid (IFB) 19-SW-009. Seven offers were received on Nov. 7, 2018. Three vendors are being recommended based on responsiveness and lowest bid based on hourly rates.

Southwest Waterworks Contractors, Inc.: $2,015
Weber Water Resources: $3,555
Layne - A Granite Company: $3,978

Contract Term

The term of this contract will commence on or about March 1, 2019, with an initial one-year contract term. Provisions of the contract include an option to extend the term up to four years in increments of one year, which may be exercised by the City Manager or designee.

Financial Impact

The estimated annual expenditure is $470,000 and will not exceed $2,150,000 over the life of the contract. Funds are available in the Parks and Recreation, Water Services and Public Works departments' budgets.

This item was withdrawn.

65 Purchase and Installation of CNG Compressors - Contract Recommendation (Ordinance S-45388)

Request to authorize the City Manager, or his designee, to enter into a contract with Zeit Energy, LLC to provide the City with new Compressed Natural Gas (CNG) compressors as well as install the new compressors. The total estimated aggregate amount for this contract is $682,000 for the initial two-year period. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Public Works Department has four CNG fuel sites that are used by the Solid Waste refuse fleet. Each of the four sites has two CNG compressors and includes redundancy to enhance the compressor run hours. This is done to keep both machine hours balanced with the availability of having a backup compressor in the event of a catastrophic failure. Because a large portion of the refuse fleet is powered by CNG engines, it is essential to have a contract in place to allow for the ability to quickly replace a compressor that has failed with minimum down time as it can take up to 60 days from order date to delivery.

Procurement Information

Invitation for Bid (IFB) 19-FSD-033 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department, Procurement Section, received two responsive and responsible bids from one vendor. Zeit Energy provided both bids, which allowed for alternative options within the bid submittal, with the following project cost per service center:

Glenrosa: $384,944
Okemah: $351,918
Salt River: $351,918
Union Hills: $351,918

Contract Term

The initial one-year contract term shall begin on or about March 1, 2019, with four option years to be exercised in increments of up to one year, with a total contract option term of five years.

Financial Impact

This contract will have an initial two year estimated expenditure of $682,000. Funds are available in the Public Works Department's Capital Improvement Program.

Location

Locations that may require CNG compressor replacements include:
Glenrosa Service Center: 4021 W. Glenrosa Ave., Phoenix, District 5
Okemah Service Center: 3828 E. Anne St., Phoenix, District 8
Salt River Service Center: 3045 S. 22nd Ave., Phoenix, District 7
Union Hills Service Center: 138 E. Union Hills Drive, Phoenix, District 2

This item was adopted.

66 One-time Purchase of Mobile Stage Systems (Ordinance S-45394)

Request to authorize the City Manager, or his designee, to enter into a contract with Century Industries, LLC for purchase of two mobile stage systems for the Parks and Recreation Department. This contract will have a one-time expenditure of $274,348. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Public Works Department is requesting to purchase two mobile stage systems on behalf of the Parks and Recreation Department. These mobile stage systems are professional stages that offer outdoor covered staging for use at sites citywide for several large-scale community events, such as Light up the Sky, Electric Light Parade, and Rock 'n' Roll Arizona Marathon. Currently, the Parks and Recreation Department has two mobile stage systems that are used but have reached the end of their life cycle. These new systems will allow for safe and easy set-up and will no longer require a Commercial Driver's License due to lower gross vehicle weight.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a sole source determination memo. The mobile stage systems from Century Industries are patented equipment that may only be purchased through this vendor.

Contract Term
This contract will begin on or about March 1, 2019, for the one-time purchase of two mobile stage systems.

Financial Impact
Expenditures will not exceed $274,348 over the life of the contract. Funds are available in the Parks and Recreation Department's budget.

This item was adopted.

67 Welding and Metal Fabrication Services - Contract Recommendation (Ordinance S-45395)

Request to authorize the City Manager, or his designee, to enter into contracts with Colby Welding & Radiator, Inc., Interstate Mechanical Corporation, Inc. (IMCOR), Jerry R. Elliott dba Certi-Welders, and Lincoln Constructors, Inc. to provide welding and metal fabrication services for the Public Works Department. This contract will have a total aggregate value of $900,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Public Works Department is responsible for maintaining over 600 heavy-duty vehicles and equipment to include tractors, front loaders, backhoes, and refuse trucks that provide critical services to City residents. The department uses welding and metal fabrication services for various operational needs to include trash collection and recycling bin repairs, and repairs to City buildings and property.

Procurement Information
Invitation for Bid (IFB) 19-FSD-031 was conducted in accordance with Administrative Regulation 3.10. Public Works received five bids with four being deemed responsive and responsible. One bid was deemed non-responsive. There were four groups to be awarded for different welding and metal fabrication services with all four vendors bidding on all groups.

Colby Welding & Radiator, Inc.: Group 1
Interstate Mechanical Corporation, Inc. (IMCOR): Groups 1-2
Jerry R. Elliott dba Certi-Welders: Groups 2-4
Lincoln Constructors, Inc.: Groups 3-4

The Bid Summary of offers is included as Attachment A for Groups 1-4.

Contract Term
The initial one-year contract term will begin on or about April 1, 2019, with four option years to extend in increments of up to one year, for a total contract option term of five years.

Financial Impact
This contract will have an estimated annual expenditure of $180,000, with a total aggregate amount not to exceed $900,000 over the life of the contract. Funds are available in the Public Works Department's budget.

This item was adopted.

68 Diagnostic Software for Maintenance and Repair of Fleet Vehicles - Contract Recommendation (Ordinance S-45400)

Request to authorize the City Manager, or his designee, to enter into a contract with Mitchell Repair Information Company dba Mitchell1 to supply diagnostic software for maintenance and repairs of fleet vehicles on an as-needed basis. This contract will have a total aggregate amount of $100,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Public Works Department is responsible for maintaining more than 6,500 light-, medium- and heavy-duty vehicles. This contract will be used to purchase multiple licenses for Mitchell1 Pro-Demand and TruckWorks diagnostic software that is used at multiple Fleet Services Division maintenance shops. The diagnostic software provides a safe and efficient method for repairing vehicles, diagnosing electronic vehicle components, and maintaining a serviceable fleet.

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

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing that there is only one source for this diagnostic software. Mitchell1 is the developer and

sole provider of this software.

Contract Term
The initial one-year contract term will begin on or about April 1, 2019, with four option years in increments of up to one year, for a total contract term of five years.

Financial Impact
This contract will have an estimated annual expenditure of $20,000, with an aggregate value not to exceed $100,000. Funds are available in the Public Works Department's budget.

This item was adopted.

69 One-Time Purchase of Trailer-Mounted, High-Pressure Jetter (Ordinance S-45402)

Request to authorize the City Manager, or his designee, to enter into a contract with Arizona Wastewater Industries for purchase of one trailer-mounted high pressure jetter for the Aviation Department. This contract will have a one-time expenditure of $25,279. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Public Works Department is seeking to purchase a new trailer-mounted high pressure jetter on behalf of the Aviation Department. The jetter will be used to clean out waste and grease in the sewer system lines throughout Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport and Phoenix Goodyear Airport. The Aviation Department currently has one trailer-mounted jetter to use for this service, which has resulted in delays of preventative maintenance of sewer lines when the equipment is out of service for maintenance and repairs. This equipment is critical to maintaining the sewer systems and decreasing the potential for future plumbing issues at City airports.

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Determination Memo for alternative competition to use cooperative agreement 122017-SCA, Sewer Cleaning and Hydro Excavating Equipment, awarded by Sourcewell that

began on Feb. 20, 2018.

Contract Term
This contract will begin on or about April 1, 2019, for the one-time purchase of a trailer mounted jetter.

Financial Impact
Expenditures will not exceed $25,279 over the life of the contract. Funds are available in the Aviation Department's budget.

Location
Phoenix Deer Valley Airport, 702 W. Deer Valley Road
Phoenix Sky Harbor International Airport, 3400 Sky Harbor Blvd.
Phoenix Goodyear Airport, 1658 S. Litchfield Road
Council Districts: 1, 8 and Out of City

This item was adopted.

70 Motorcycles and Off Highway Vehicles - State of Arizona Cooperative Contract - ADSPO 18-00007908 (Ordinance S-45401)

Request to authorize the City Manager, or his designee, to access the State of Arizona Cooperative Contract ADSPO 18-00007908 with Ridenow Powersports and LZ Delta LLC to provide the Public Works Department, Fleet Services Division with police motorcycles and off-road equipment, on an as-needed basis. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate value of this contract will not exceed $1,000,000.

Summary
The contract will allow Public Works the ability to purchase motorcycles on behalf of the Police Department as well as other small off-road vehicles that may be purchased by various City Departments. The motorcycles will allow the officers to safely perform their job duties and respond to emergency situations and other residents' needs. The small off-road equipment will also allow City employees to perform their job duties in a safe and efficient manner.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contracts were awarded through a competitive process consistent with the City's procurement processes, as set forth in the Phoenix City Code, Chapter 43. Use of cooperative agreements allows the City to benefit from national government pricing and volume discounts.

Contract Term

The five-year contract will begin on or about March 1, 2019.

Financial Impact

This contract will have an aggregate value not to exceed $1,000,000. Funds are available in the Police Department's budget.

This item was adopted.

71 Rejection of Construction Bids - 27th Avenue: Lower Buckeye Road to Buckeye Road Major Street Improvement - Design-Bid-Build

Request to authorize the City Manager, or his designee, to reject all bids for the 27th Avenue: Lower Buckeye Road to Buckeye Road Major Street Improvement project. Although all bidders were deemed responsive, all bids exceeded the Engineer’s Estimate by more than 24 percent. This project will be re-bid after staff evaluates scope modifications to solicit new bids within the project's budget.

Summary

The purpose of this project is to widen and improve 27th Avenue from Lower Buckeye Road to Buckeye Road. Work includes, but is not limited to: grading, asphalt concrete paving, portland cement concrete paving, concrete curb and gutter, concrete sidewalk, concrete sidewalk ramps, concrete driveways, concrete bus shelter/accessory pads, decomposed granite, catch basins, storm drain connector pipes, SRP irrigation pipes, private irrigation pipes, traffic signals, street lighting, manhole adjustments, water valve adjustments, mailbox relocations, traffic control devices, fencing (both new and relocations), relocation of fire hydrants/water meters, and coordination with utility owners for relocations.

Procurement Information

The Invitation for Bids procurement process is set forth in section 34-201 of the Arizona Revised Statutes. Five bids were received on Dec. 11, 2018, and were sent to the Equal Opportunity Department for review. All five bidders were deemed responsive.

The Engineer's Estimate and the five lowest responsive, responsible bidders are listed below:

Engineer's Estimate: $3,220,936.50
Combs Construction Company, Inc.: $3,994,435.25
DCS Contracting, Inc.: $4,425,000.00
J. Banicki Construction, Inc.: $4,581,207.75
Blucor Contracting: $4,832,523.25
Hunter Contracting Co.: $5,422,161.12

The lowest bid received exceeds the Engineer's Estimate by more than 24 percent and is not within the budget for this project. Following rejection of all bids, staff will evaluate scope modifications before rebidding to provide an opportunity to receive new bids within the project's budget.

Location
27th Avenue from Lower Buckeye Road to Buckeye Road
Council District: 7

This item was approved.

72 Intergovernmental Agreement with Arizona Department of Transportation for Maintenance of Signing and Striping at Two Railroad Locations (Ordinance S-45381)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for signing and striping maintenance at two Burlington Northern Santa Fe Railroad (BNSF) railroad crossings located at 29th Avenue south of Thomas Road, and 44th Avenue south of Pierson Street. There is no direct financial impact to the City.

Summary
This IGA is strictly for future signing and striping maintenance within the City's right-of-way at these two locations. The nexus for this IGA is a

resurfacing project being administered by ADOT in partnership with BNSF. The scope of the project includes a resurfacing effort within BNSF right of way that involves changing the surface treatment at the crossings from timber to concrete. The City is not a party to that project, but through this IGA agrees to maintain any signing and striping associated with these two project locations that is within City right-of-way.

Financial Impact

There is no direct financial impact to the City.

Location

The railroad crossings are located at 29th Avenue south of Thomas Road, and 44th Avenue south of Pierson Street.
Council Districts: 4 and 5

This item was adopted.

73 Small Diameter Sanitary Sewer Rehabilitation Project Fiscal Year 2018-19 - Design-Bid-Build Services - WS90500118 (Ordinance S-45387)

Request to authorize the City Manager, or his designee, to accept Insituform Technologies, LLC as the lowest-priced, responsive and responsible bidder and to enter into an agreement with Insituform Technologies, LLC for Design-Bid-Build Services for the Small Diameter Sanitary Sewer Rehabilitation project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $5,254,154.

Summary

The purpose of this project is to eliminate infrastructure defects and increase system reliability. The project includes sewer infrastructure replacement and/or rehabilitation resulting in additional years of useful life. Rehabilitated pipe segments also reduce cleaning and root removal frequency.

Insituform Technologies, LLC's services include, but are not limited to: rehabilitation of approximately 170,000 feet of primarily 8-inch to 15-inch diameter vitrified clay sewer pipe within the City wastewater collection system. Rehabilitation will include: installation of cured-in-place-pipe lining, performance of cleanout, remove or replacement, manhole repair,

lateral reinstatement, odor control, and other work required for sewer system rehabilitation.

Procurement Information
The selection was made using an Invitation for Bids procurement process as set forth in section 34-201 of the Arizona Revised Statutes. Two bids were received on Dec. 11, 2018 and were sent to the Equal Opportunity Department (EOD) for review to determine subcontractor eligibility and contractor responsiveness to Small Business Enterprise (SBE) program requirements.

The Engineer's Estimate and the two lowest responsive, responsible bidders are listed below:

Engineer's Estimate: $5,000,000
Insituform Technologies, LLC: $5,254,154
SAK Construction: $6,088,187

The bid award amount is within the total budget for this project.

Contract Term
The term of the agreement is 500 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for Insituform Technologies, LLC will not exceed $5,254,154, including all subcontractor and reimbursable costs.

Funding is available in the Water Services Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Public Outreach
Public outreach will occur prior to and throughout construction by maintaining a 24-hour phone line for resident concerns and mailing flyers with date ranges of construction. It also includes, when needed, shutoff notice door hangers, coordinating with property owners, and business walks.

Location
Indian School Road to Osborn Road and 20th Street to 24th Street;
Osborn Road to Thomas Road and 16th Street to 28th Street;
Thomas Road to Oak Street and 16th Street to 20th Street;
Oak Street to McDowell Road and 24th Street to 28th Street; and
McDowell Road to Roosevelt Street and 28th Street to 36th Street.
Council Districts: 4, 6, and 8

This item was adopted.

74 Elevator Inspection On-Call Project - Professional Services (Ordinance S-45411)

Request to authorize the City Manager, or his designee, to enter into an agreement with SKA Elevator Consulting to provide professional services that include evaluations, inspections, and recommendations for the Elevator Inspection On-Call project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $300,000.

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

Summary
The purpose of this project is to provide elevator evaluations,

inspections, and recommendations for repairs or upgrades for elevators in Phoenix City Hall and other City-owned public facilities.

SKA Elevator Consulting's services include, but are not limited to: evaluate and inspect the current state of elevators in City-owned facilities; provide recommendations to modernize the elevators to current standards; provide plans and specifications for elevator upgrades; and provide construction oversight.

Procurement Information
SKA Elevator Consulting was chosen for this project using a direct select process according to section 34-103 of the Arizona Revised Statutes (A.R.S.).

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

Financial Impact
The agreement value for SKA Elevator Consulting will not exceed $300,000, including all subconsultant and reimbursable costs.

Funding is available in the citywide department's Operating budgets. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

This item was adopted.

75 Intergovernmental Agreements with Pinal County Irrigation Districts; with Arizona Water Banking Authority; and Between Various Entities and Central Arizona Water Conservation District (Ordinance S-45412)

Request the City Manager, or his designee, to enter into one or more Intergovernmental Agreements with Pinal County irrigation districts to

store Colorado River water; an Intergovernmental Agreement with the Arizona Water Banking Authority to exchange long-term water storage credits; and between various entities and the Central Water Conservation District for water deliveries. There is no cost to the City for these agreements. Further request authorization for the City Treasurer to accept all funds related to these items.

Summary

On Jan. 31, 2019, Governor Ducey signed a concurrent resolution of the Legislature giving authorization to the Director of the Arizona Department of Water Resources to enter into the Lower Basin Drought Contingency Plan (DCP) negotiated among Arizona, California, and Nevada. An explanation of the DCP and its potential impacts to Phoenix is included (**Attachment A**). The State is the required party in Arizona for the DCP agreement, so Phoenix's approval of the interstate agreement is not necessary. However, staff recommends that Phoenix enter into three agreements that are part of DCP implementation in Arizona.

The concurrent resolution gives the Director of the Arizona Department of Water Resources the authority to forbear ordering a portion of Arizona's entitlement to Colorado River water, so by entering into the DCP, the State agrees to divert less water from the Colorado River. Because most of the Colorado River water delivered through the Central Arizona Project (CAP) canal is lower in priority than water used on the main-stem of the Colorado River, this will result in significant reductions to CAP water deliveries.

<u>Operation of the CAP Priority System</u>

In addition to the existing priority system on the main-stem of the Colorado River, a separate priority system for Colorado River water exists for users of the CAP. Various cities, Indian communities, mining companies, and private water companies in Maricopa, Pima, and Pinal County, including Phoenix, hold federal contracts in perpetuity for the three highest priority classes of water. In priority from highest to lowest, these are Wellton-Mohawk water, Municipal & Industrial and Indian water as co-equal priority, and Non-Indian Agricultural water. These federal contracts guarantee that delivery of water in the CAP occurs in accordance with the established priority system. All other water delivered through the CAP is in a category called Excess water. Excess water is

the water not used by long-term federal contract holders in any given year. Long-term contracts for Excess water are not available, but rather are entered into with the Central Arizona Water Conservation District (CAWCD) on a year-by-year basis. Because the volume and availability of Excess water is based on the orders of higher priority water users in Central Arizona, there is no guarantee that Excess water will be available in any given year. Moreover, this water is subject to the first reductions in deliveries under shortage conditions on the Colorado River. *In any given year, Excess water is only available after the water orders of those holding contracts for Wellton-Mohawk, Municipal & Industrial, Indian, and Non-Indian Agricultural water are fulfilled.*

For users in Central Arizona, the cost of Colorado River water consists of: (a) a capital charge to repay the federal government for the canal infrastructure; (b) operation, maintenance and replacement (OM&R) costs for the canal works; and (c) the energy costs associated with pumping the Colorado River water uphill from the Colorado River into Central Arizona. At the time of the 2004 Arizona Water Settlement Act, agricultural districts in Maricopa, Pima, and Pinal counties were struggling to maintain their long-term contracts to Non-Indian Agricultural water because they could not afford the full cost of Colorado River water. To solve this problem, the agricultural districts relinquished their higher priority Non-Indian Agricultural contracts to cities and tribes (including Phoenix) in exchange for a right-of-first-refusal to Excess water at a substantially subsidized cost. Agricultural districts do not have a right to Excess water, but rather only a right-of-first-refusal whenever Excess water is available. CAP agricultural districts do not pay capital charges or OM&R, but only pay the energy costs for Excess water when it is available. According to the agreement between the agricultural districts and the CAWCD, this right of first-refusal for Excess water expires in 2030. As a result of this agreement, to date, the agricultural districts have received subsidies through reduced-cost deliveries of Excess water and other concessions valued at nearly $400,000,000. The CAWCD has taxing authority on real property in Maricopa, Pima, and Pinal Counties and uses the taxes raised to pay for the subsidies provided to the agricultural districts.

Impact of DCP Water Reductions in Central Arizona

Under the terms of the DCP, less Colorado River water will be available in Central Arizona and the likely impact is that Excess water will not be available at all because it is lowest in priority and first to be cut. Because the agricultural districts in Central Arizona depend on Excess water, one impact of DCP is the likely elimination of any deliveries of Colorado River water to the agricultural districts. This was an unacceptable result to the Governor's office and the Board of Directors of CAWCD, so they determined that the loss of water to agricultural districts must be mitigated as a prerequisite to passage of the DCP in the Arizona Legislature. Because no water can flow to Excess water users such as agricultural districts unless the higher-priority water orders are filled, and under DCP there wouldn't be enough water to meet these water orders and have water left over for Excess water users, the CAWCD Board voted to withdraw a large volume of water that CAWCD had previously stored in Lake Mead known as Intentionally Created Surplus (ICS) water out of Lake Mead and into Central Arizona for delivery to agricultural districts in Pinal County. ICS water must also be delivered in accordance with the priority system when it is brought down out of Lake Mead. However, even with the ICS water, there would have been insufficient water to meet the deliveries of the higher priority users and provide the agricultural districts with an acceptable volume of water. To bridge this gap, the Gila River Indian Community offered to accept payment in lieu of its higher priority water deliveries to help make water available to fill higher priority orders. In addition, several cities (including Phoenix) agreed to deliver some of their CAP water for storage in Pinal County agricultural districts. Taken together, these actions will meet the demands of higher priority contracts and permit an agreed-upon amount of water to reach the lower priority agricultural districts during shortage conditions.

With the addition of ICS water to mitigate the agricultural districts, essentially, the CAWCD voted to take water out of Lake Mead for the benefit of agricultural districts in Pinal County to help ensure passage of the DCP, which is focused on keeping water in Lake Mead to stave off catastrophic shortages in Lake Mead. Other stakeholders, including the cities and the Gila River Indian Community, did not feel it appropriate to drain water out of Lake Mead to the benefit of agricultural districts in Pinal County, and therefore insisted on "offset" provisions that will ensure more water ends up in Lake Mead rather than less. To accomplish this, the Gila

River Indian Community and the Colorado River Indian Tribes will be compensated for leaving additional water in Lake Mead, some in the form of ICS and some in the form of system conservation. These provisions ensure that the in the spirit of the DCP, keeping more water in Lake Mead to mitigate the chance of catastrophic shortage is upheld in the Arizona implementation of the agreement, and sets a valuable precedent for the on-going success of system conservation programs. Funding for the various components of DCP implementation in Arizona will come from the State General Fund, CAWCD tax levy, and increased CAP water rates. Phoenix is not providing direct funding to any entity, but will pay increased CAP OM&R charges as a result of DCP implementation. Revenue generated from CAP OM&R charges can only be used for project purposes on expenditures that fit within the definition of OM&R expenses as stipulated between the CAWCD and the Bureau of Reclamation.

Three Phoenix DCP Implementation Agreements

1. *NIA Mitigation Agreement* - In order to effectuate the mitigation referenced above, it is proposed that Phoenix enter into an agreement among holders of Non-Indian Agricultural (NIA) water contracts and the CAWCD. This agreement will run concurrent with the interstate DCP through 2026. The terms of the agreement will ensure that the CAWCD does not deliver more water to agricultural districts in Pinal County than has been agreed, and that the CAWCD delivers some ICS water to the benefit of NIA water contract holders over the term of the DCP. In addition, the agreement will ensure that the CAWCD does not make certain types of water available as Excess water during the course of the DCP agreement, and will allow some NIA water users, such as the Gila River Indian Community, to accept in lieu payments to forbear its water order so there is sufficient water to mitigate other NIA water contract holders. The agreement is structured to uphold the existing priority system for water deliveries and to ensure that the cities' existing contracts for Colorado River water control in the event of any conflict.

2. *Storage Agreements with one or more Pinal County irrigation districts* - Understanding that passage of the DCP authorizing legislation in Arizona depended on mitigating impacts to agriculture in Pinal County,

cities, including the City of Phoenix, also pledged to participate in mitigation for Pinal County agricultural districts. Specifically, the City of Phoenix will enter into one or more intergovernmental agreements providing that if a Tier 1 or Tier 2(a) shortage occurs during 2020, 2021, or 2022, the City will deliver up to 15,000 acre-feet of Colorado River water per year to Pinal County irrigation districts. In return, the irrigation districts will reimburse Phoenix the energy component of its CAP water rate for the water delivered. The Colorado River water delivered to the district displaces the district's use of groundwater, and a long-term storage credit for Colorado River water is created in the Pinal Active Management Area (AMA) in Phoenix's name. The water Phoenix will use for this storage agreement is water Phoenix would have otherwise stored in an underground storage facility in the Phoenix metropolitan area.

3. *Exchange Agreement with Arizona Water Banking Authority* - While Phoenix will earn credits from the water it sends to the Pinal County irrigation districts in the Pinal Active Management Area, Phoenix would be unable to use the water associated with those credits within the City. In order to preserve the value of the credits, Phoenix will then exchange the long-term storage credits created in the Pinal County Active Management Area for a like amount of long-term storage credits in the Phoenix Active Management Area, where those credits can eventually be pumped out of Phoenix's wells. This exchange will take place with the Arizona Water Banking Authority, which holds millions of acre-feet of long-term storage credits in Maricopa, Pima, and Pinal counties. To effectuate the exchange, Phoenix must enter into an intergovernmental agreement with the Arizona Water Banking Authority for the exchange of long-term storage credits on a one-for-one basis.

The intergovernmental agreements with the Pinal County irrigation districts binds Phoenix to deliver water to the district only to the extent that Phoenix receives a long-term storage credit for the delivery. That is, if state law is amended such that Phoenix would no longer receive a long-term storage credit for deliveries to the district that can subsequently be exchanged with the Arizona Water Banking Authority for a credit in the Phoenix Active Management Area, Phoenix's obligation to deliver water ceases. The exchange agreement with the Arizona Water Banking Authority includes no conditions on the exchange. That is, Phoenix will

receive a long-term storage credit in the Phoenix Active Management Area for every long-term storage credit Phoenix creates through delivery of Colorado River water to the Pinal County irrigation districts. In terms of the legal availability of long-term storage credits, Phoenix is in the same position through this exchange than if Phoenix had stored the water in local aquifers. However, from a physical availability perspective, less Colorado River water will be stored in Phoenix-area aquifers.

The proposed DCP implementation in Arizona is a compromise reached after years of difficult discussions among many different entities that depend on Colorado River water in Central Arizona. If DCP is implemented, Arizona will enter into shortages on the Colorado River sooner, and in larger amounts than under the status quo. Over the course of the agreement, Phoenix can reasonably expect to receive less of its NIA water than it would under the status quo, although actual outcomes will depend greatly on weather and snowpack in the Rocky Mountains. Importantly for Phoenix, the existing priority system for Colorado River deliveries in Central Arizona is upheld, the terms of its federal contracts for Colorado River water are not altered, more water ends up in Lake Mead, and system conservation is deployed in a meaningful way. This last point is worth emphasizing because the long-term ability for Phoenix to receive is Colorado River allocation consistently and in reasonable amounts hinges on the success of system conservation.

Staff recommends approval of these three agreements. The agreements do not require the expenditure of additional City funds over the amount the City would normally spend to purchase and store Colorado River water.

Contract Term

The Intergovernmental Agreements (IGA) with the Pinal County irrigation districts will be effective upon execution and through Dec. 31, 2022. The IGA with the Arizona Water Banking Authority will be effective upon execution and through Dec. 31, 2026. The IGA between various entities and the Central Arizona Water Conservation District will be effective upon execution and through Dec. 31, 2026.

Financial Impact

There is no cost to the City for these agreements.

This item was adopted.

76 Mutual Aid Agreement Among Members of the Arizona Water and Wastewater Agency Response Network (Ordinance S-45390)

Request to authorize the City Manager, or his designee, to enter into a Mutual Aid Agreement (Agreement) among members of the Arizona Water and Wastewater Agency Response Network (AZWARN) to enable exchange of mutual aid among water and wastewater agencies and the state agency.

Summary

AZWARN is a voluntary network of Arizona utilities organized by a Mutual Aid Agreement (Agreement) supported by state and federal agencies that unites member agencies by a common cause, i.e., natural or human-caused disaster; provides agencies with rapid deployment of local resources in times of need to ensure the continuous operation of life-essential services to customers; assists with Federal Emergency Management Agency (FEMA) reimbursement; and is consistent with the National Incident Management System (NIMS) protocol established by the Federal National Response Plan for emergency responses.

Local emergencies or a governor-declared state of emergency may overwhelm the ability of a water and/or wastewater utility to provide services to its customers. These emergencies may require assistance in the form of personnel, equipment, services, and supplies from outside the area of the impact of the emergency. In accordance with this Agreement, one or more utilities may find it necessary to use all their own resources to cope with a local emergency or a state of emergency and may require the assistance of another utility. This Agreement: (1) provides the procedures to notify utilities of the need for assistance; (2) provides procedures for utilities to request assistance; and (3) provides a mechanism for resource compensation.

Execution of this Agreement does not create any duty to provide assistance.

Phoenix has been a member of AZWARN since 2007. The current agreement, Contract 123247, expires June 30, 2020. This new

Agreement will supersede the existing agreement.

Contract Term
The Agreement term will be from March 30, 2019, to June 30, 2030. Any utility may terminate or withdraw from this Agreement subject to Agreement terms and conditions.

Financial Impact
There is no financial impact to the City of Phoenix.

Concurrence/Previous Council Action
The City Council approved Contract 123247 on Oct. 31, 2007.

This item was adopted.

77 Nitrogen Generator Contract (Ordinance S-45382)

Request to authorize the City Manager, or his designee, to enter into a contract with Government Scientific Source, Inc. (GSS) to provide a nitrogen generator, parts, and maintenance for the Water Services Department. The total requested amount will not exceed $71,565.37. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The contract with Government Scientific Source, Inc. (GSS) will provide a nitrogen generator and preventive maintenance services including parts and labor. The generator will produce laboratory-grade nitrogen used in the Liquid Chromatograph Triple Quadrupole Mass Spectrometer for water sample analysis. Currently, nitrogen is supplied by large, heavy cryogenic tanks located in the Water Services Department's laboratory that off-gas and waste usable nitrogen. A cost-effective generator will supply nitrogen on-site and on-demand.

Procurement Information
Solicitation RFQ-1819-WES-118 was conducted in accordance with Administrative Regulation 3.10. One quote was received from GSS. The quote was evaluated and found to be within budget and meets equipment requirements. Reference checks were conducted with positive feedback from other government agencies that have purchased similar nitrogen generators. The bidder price is as follows:

Bidder	Price
Government Scientific Source:	
Nitrogen Generator (1-year warranty)	$16,899.00
Installation Fees	$1,300.00
Preventive Maintenance (9 years)	$53,366.37
Total	$71,565.37

Contract Term
The 10-year contract shall begin on or about March 1, 2019, with an end date of Feb. 28, 2029, with no options to extend.

Financial Impact
The total cost will not exceed $71,565.37. Funds are available in the Water Services Department's operating budget.

Location
23rd Avenue Wastewater Treatment Plant
Council District: 7

This item was adopted.

79 Modification of Stipulation Request for Ratification of Jan. 16, 2019, Planning Hearing Officer Action - Z-SP-15-86-1(3)

Request to approve Planning Hearing Officer's recommendation to modify stipulations on Z-SP-15-86-1(3) without further hearing by the City Council on matters heard by the Planning Hearing Officer on Jan. 16, 2019. This ratification requires formal action only.

Summary
Application: PHO-2-18--Z-SP-15-86-1(3)
Existing Zoning: PAD-2 SP
Acreage: 6.78
Applicant: Mountainside Fitness Acquisitions
Owner: GHJ Investments LLC
Representative: David Cisiewski - Land Development Construction

Proposal:
1. Modification of Stipulation 1 regarding general conformance to site

plan presented to the Planning Hearing Officer on April 5, 1989.
2. Deletion of Stipulation 3 regarding employee parking west of the west tennis courts.
3. Technical correction to Stipulations 5 and 6.

Location
Northwest corner of 54th Street and Shea Boulevard.
Council District: 3
Parcel Address: N/A

Concurrence
Village Planning Committee (VPC) Recommendation: The Paradise Valley Village Planning Committee heard this case on Jan. 7, 2019, and recommended approval by a 11-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and additional stipulations on Jan. 16, 2019. See **Attachment A** for full list of Planning Hearing Officer recommended stipulations.

This item was approved.

80 Modification of Stipulation Request for Ratification of Jan. 16, 2019, Planning Hearing Officer Action - Z-183-86-5(4)

Request to approve Planning Hearing Officer's recommendation to modify stipulations on Z-183-86-5(4) without further hearing by the City Council on matters heard by the Planning Hearing Officer on Jan. 16, 2019. This ratification requires formal action only.

Summary
Application: PHO-3-18--Z-183-86-5(4)
Existing Zoning: C-2 H-R
Acreage: 45.05
Applicant: William F. Allison - Withey Morris, PLC
Owner: HPPC, LLC and HPPC II, LLC
Representative: William F. Allison - Withey Morris, PLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance to site plan date stamped May 20, 2009, and conceptual renderings date

stamped May 11, 2009.
2. Review and approval of building elevations per Stipulation 2.
3. Modification of Stipulation 4 regarding internal streets.
4. Review and approval of landscaping and shading plan per Stipulation 5.
5. Review and approval of an open space plan and elevations for open space areas per Stipulation 6.
6. Modification of Stipulation 9 regarding departure and exit paths for hospital helicopter traffic.
7. Technical corrections to Stipulations 7 and 10.

Location
Area generally bounded by Central Avenue to 3rd Avenue and Osborn Road to Catalina Drive.
Council District: 4
Parcel Address: N/A

Concurrence
Village Planning Committee (VPC) Recommendation: The Encanto Village Planning Committee heard this case on Jan. 7, 2019, and recommended approval by a 10-0 vote with 2 members abstaining.
Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications on Jan. 16, 2019. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

This item was approved.

81 Modification of Stipulation Request for Ratification of Jan. 16, 2019, Planning Hearing Officer Action - Z-84-04-7

Request to approve Planning Hearing Officer's recommendation to modify stipulations on Z-84-04-7 without further hearing by the City Council on matters heard by the Planning Hearing Officer on Jan. 16, 2019. This ratification requires formal action only.

Summary
Application: PHO-1-18--Z-84-04-7

Existing Zoning: C-2
Acreage: 16.2
Applicant: Brennan Ray - Burch & Cracchiolo, P.A.
Owner: Arizona Title, LLC and Goodwill Industrial
Representative: Brennan Ray - Burch & Cracchiolo, P.A.

Proposal:
1. Modification of Stipulation 1 regarding general conformance to site plan date stamped June 17, 2005, and elevations date stamped June 17, 2005, and June 28, 2005.
2. Deletion of Stipulations 2, 2.A, 2.B, 2.C and 2.D regarding a landscape plan to be administratively approved by the Planning Hearing Officer with specific regard to landscaped office court yards, plaza areas, and enhanced entry drives.
3. Deletion of Stipulation 4 regarding a minimum 10-foot covered walkway provide on Shops A and alternative shading materials.
4. Deletion of Stipulation 5 regarding shaded walkways and alternative paving materials between offices and from the offices to Pad A and daycare.
5. Deletion of Stipulation 6 regarding the elimination of parking at rear of Shops A and the day care.
6. Deletion of Stipulation 8 regarding the dedication right-of-way totaling 55-feet for the east half of 75th Avenue.
7. Deletion of Stipulation 9 regarding dedication of right-of-way on 75th Avenue north of Lower Buckeye Road and construction of bus-bay (P1257) and transit pad (P1261).
8. Deletion of Stipulation 10 regarding dedication of a 55-foot right-of-way for the north half of Lower Buckeye Road.
9. Deletion of Stipulation 11 regarding a 21-foot by 21-foot right-of-way triangle dedication at the northeast corner of 75th Avenue and Lower Buckeye Road.
10. Deletion of Stipulation 12, 12.A. and 12.B regarding the submittal of a Traffic Impact Study and additional right-of-way and traffic signals.
11. Technical correction to Stipulation 13.

Location
Approximately 338 feet north of the northeast corner of 75th Avenue and Lower Buckeye Road.

Council District: 7
Parcel Address: N/A

Concurrence
Village Planning Committee (VPC) Recommendation: The Estrella VPC was scheduled to hear this case on Jan. 15, 2019, but did not hear it due to a lack of quorum.
Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification on Jan. 16, 2019. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Note: The following comment card was submitted for the record in favor of the Item 81:
Brennan Ray - Applicant

This item was approved.

82 Modification of Stipulation Request for Ratification of Jan. 16, 2019, Planning Hearing Officer Action - Z-155-01-7

Request to approve Planning Hearing Officer's recommendation to modify stipulations on Z-155-01-7 without further hearing by the City Council on matters heard by the Planning Hearing Officer on Jan. 16, 2019. This ratification requires formal action only.

Summary
Application: PHO-2-18--Z-155-01-7
Existing Zoning: PCD (Approved R-2 PCD)
Acreage: 28.97
Applicant: David Coble - Coe & Van Loo Consultants
Representative: David Coble - Coe & Van Loo Consultants
Owner: New Era Phoenix

Proposal:
1. Modification of Stipulation 1 regarding a total number of 2,069 dwelling units.
2. Technical corrections to Stipulations 3, 4, 6, 7, 9, 11, 13, 14, 16, 21 & 22.

Location

Northeast corner of 103rd Avenue and Broadway Road and approximately 660 feet west of the northwest corner of 91st Avenue and Broadway Road (2 parcels).
Council District: 7
Parcel Address: N/A

Concurrence

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee was scheduled to hear this case on Jan. 15, 2019, but did not hear it due to a lack of quorum.
Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and additional stipulations on Jan. 16, 2019. See **Attachment A** for a complete list of the Planning Hearing Officer recommended stipulations.

This item was approved.

83 Map of Dedication - La Sagrada Familia Lutheran Church - 170003 - Northeast Corner of 25th Street and Campo Bello Drive

Map of Dedication: 170003
Project: 16-3002
Name of Map of Dedication: La Sagrada Familia Lutheran Church
Owner(s): Campo Bello Properties, LLC
Engineer(s): Strategic Surveying, LLC
Request: A 1 Lot Commercial Map of Dedication
Reviewed by Staff: Jan. 23, 2019
Map of Dedication requires Formal Action Only

Summary

Staff requests that the above map of dedication be approved by the City Council and certified by the City Clerk. Recording of the map of dedication dedicates the streets and easements as shown to the public. Please note this map of dedication was previously approved by City Council on June 27, 2018, however that map of dedication has expired and the resubmitted documents require new approval.

Location

Generally located at the northeast corner of 25th Street and Campo Bello

Drive.
Council District: 2

This item was approved.

84 Final Plat - Christopher Todd Communities on McDowell - 180034 - Northwest Corner of 91st Avenue and McDowell Road

Plat: 180034
Project: 99-8024
Name of Plat: Christopher Todd Communities on McDowell
Owner(s): Christopher Todd McDowell, LLC
Engineer(s): AMEC Foster Wheeler Environment & Infrastructure, Inc.
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Jan. 24, 2019
Final Plat requires Formal Action Only

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

Location
Generally located at the northwest corner of 91st Avenue and McDowell Road.
Council District: 5

This item was approved.

85 Final Plat - KJL I-10 Premier Auto Service - 180065 - Northeast Corner of Superior Avenue and 40th Street

Plat: 180065
Project: 18-1042
Name of Plat: KJL I-10 Premier Auto Service
Owner(s): KJL/SBL Enterprise, LLC
Engineer(s): Hunter Engineering
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Jan. 24, 2019
Final Plat requires Formal Action Only

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

Location
Generally located at the northeast corner of Superior Avenue and 40th Street.
Council District: 8

This item was approved.

86 Final Plat - Villages at Austin Ranch - 170110 - Northeast Corner of Wier Avenue and 39th Avenue

Plat: 170110
Project: 17-2597
Name of Plat: Villages at Austin Ranch
Owner(s): Copper Sky Holdings, LLC
Engineer(s): Sunrise Engineering, Inc.
Request: A 39 Lot Residential Plat
Reviewed by Staff: Jan. 24, 2019
Final Plat requires Formal Action Only

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

Location
Generally located north of Wier Avenue, east of 39th Avenue.
Council District: 7

This item was approved.

87 Abandonment of Right-of-Way - V150006A - 15 W. Willow Ave. (Resolution 21721)

Abandonment: V150006A
Project: 00-2757
Applicant: Ezequiel Hernandez

Request: To abandon that portion of the West Willow Avenue cul-de-sac right-of-way adjacent to the northwest corner of the parcel addressed 15 W. Willow Ave., APN 159-02-511.
Date of Hearing: April 08, 2015

Location
15 W. Willow Ave.
Council District: 3

Financial Impact
A fee was also collected as part of this abandonment in the amount of $523.40.

This item was adopted.

88 Abandonment of Right-of-Way - V170037A - Southwest corner of 30th Street and Indian School Road (Resolution 21720)

Abandonment: V170037A
Project: 17-564
Applicant: Revival Biltmore, LLLP
Request: The 20-foot L-shaped alley right-of-way south of Indian School Road, running west from 30th Street and south to Fairmount Avenue.
Date of Hearing: Aug. 8, 2017

Location
Southwest corner of 30th Street and Indian School Road.
Council District: 6

Financial Impact
A fee was also collected as part of this abandonment in the amount of $116,897.

This item was adopted.

89 Abandonment of Right-of-Way - V140054A - Southeast corner of 30th Avenue and Yavapai Street (Resolution 21719)

Abandonment: V140054A
Project: 14-1405
Applicant: Arthur Luera
Request: To abandon the north 30 feet of Yavapai Street right-of-way, adjacent to the parcels addressed 2933, 2939, and 2943 W. Buckeye Road.

Date of Hearing: Dec. 10, 2014

Location

Southeast corner of 30th Avenue and Yavapai Street
Council District: 7

Financial Impact

A fee was also collected as part of this abandonment in the amount of $9,450.

This item was adopted.

92 Exterior Rehabilitation Grant Application for Burgess Hadsell House (Ordinance S-45393)

Request to authorize the City Manager, or his designee, to enter into necessary agreements and conveyances with Mark Lewis related to a Historic Preservation Exterior Rehabilitation grant of up to $9,693 for the Burgess Hadsell House, located at 1001 E. Fillmore St. (519 N. 10th St.) in the Garfield Historic District. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Burgess A. Hadsell House was constructed ca. 1893. It is the oldest house in the Garfield Neighborhood and is one of the oldest residences remaining in Phoenix. It was individually listed in the National Register of Historic Places in January 1995 and is included in the boundaries of the Garfield Historic District, which was listed on the Phoenix Historic Property Register in February 2005. The building is significant for its design, which is based on the simple forms of the Gothic Revival architectural style. The house was occupied by Burgess A. Hadsell from 1893 until about 1894; during that time he was the founder and promoter of the temperance colony of Glendale, Ariz.

In 2010 the City Council approved a Warehouse and Threatened Building grant for the Hadsell House in the amount of $84,444 for the following work items: installation of a new dimensional asphalt shingle roof; repair or replacement of missing and damaged fascia and wood trim; structural repairs; wood siding repair and replacement; masonry repair; removal of non-original paint from masonry; replacement of 20 damaged or missing doors and windows; removal of a non-original room addition on the east side of the house; and repairs to the original porch. The house was

rehabilitated in 2012 and 2013. In exchange for the grant funds the city received a 25-year Conservation Easement on the property that expires on Nov. 17, 2035.

The property was purchased by the current owner, Mark Lewis, in 2017. He subsequently discovered that the house was not connected to the City's main sewer system. Originally the wastewater line ran directly from the house to the main sewer, located in the alley south of Fillmore Street. Early in the property's history the lot was illegally split, creating a new lot south of the Hadsell House. A new house was built on top of the original wastewater line and the original line was then diverted toward the east but the connection to the city's main sewer in the alley was never completed and the line was capped. As a result, the house's wastewater leaches into the ground through a broken section of clay pipe and apparently has done so for some time.

Financial Impact

The amount requested for the Exterior Rehabilitation grant is $9,693, which will be matched by the property owner. In exchange for the funds, the City will receive an additional 15 years on the conservation easement, which is currently set to expire in 2035. If approved, the easement expiration date will be extended to 2050. Funding is available in the Planning and Historic Preservation CIP budget.

Concurrence/Previous Council Action

The Historic Preservation Commission recommended approval of this item on Jan. 14, 2019, by a vote of 7-0.
This item was recommended for approval by the Planning and Economic Development Subcommittee on Feb. 5, 2019, by a vote of 4-0.

Location

1001 E. Fillmore St. (519 N. 10th St.).
Council District: 8

This item was adopted.

93 Amend City Code - Official Supplementary Zoning Map 1183 (Ordinance G-6558)

Request to authorize the City Manager to amend Section 601 of the

Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1183. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-122-00-1 and the entitlements are fully vested.

Summary

To rezone a parcel located approximately 440 feet east of 18th Avenue alignment and Whispering Wind Drive on the south side of centerline.
Z-122-00-1
Zoning: CP/GCP
Owner: Paragon West Et. Al.
Acreage: Approximately 1.93

Location

Approximately 440 feet east of 18th Avenue alignment and Whispering Wind Drive on the south side of centerline.
Council District: 1

This item was adopted.

94 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-18--Z-SP-16-07-7 - Approximately 1,000 Feet North of the Northeast Corner of 75th Avenue and Lower Buckeye Road (Ordinance G-6559)

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Jan. 16, 2019.

Summary

Application: PHO-1-18--Z-SP-16-07-7
Existing Zoning: C-2 SP
Acreage: 2.69
Applicant: Brennan Ray - Burch & Cracchiolo, P.A.
Representative: Arizona Tile
Owner: Brennan Ray - Burch & Cracchiolo, P.A.

Proposal:
Modification of Stipulation 1 regarding general conformance to site plan and elevations date stamped Sept. 11, 2007.
Deletion of Stipulation 2 regarding perimeter walls materials and texture

differences.
Deletion of Stipulation 3 regarding the south elevation of the manager's office/apartment incorporating additional decorative elements.
Deletion of Stipulation 4 regarding ceasing all ground disturbing activities if archaeological materials are found during construction.

Location
Approximately 1,000 feet north of the northeast corner of 75th Avenue and Lower Buckeye Road.
Council District: 7
Parcel Address: N/A

Concurrence
VPC Action: The Estrella Village Planning Committee was scheduled to hear this case on Jan. 15, 2019, but did not hear it due to a lack of quorum.
PHO Action: The Planning Hearing Officer heard this case on Jan. 16, 2019, and recommended approval with modifications and an additional stipulation. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Note: The following individual submitted a comment card in favor of Item 94 for the record:
Brennan Ray - Applicant

This item was adopted.

95 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-18--Z-47-17-8 - Approximately 130 Feet North of the Northwest Corner of 19th Avenue and Latona Lane (Ordinance G-6560)

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Jan. 16, 2019.

Summary
Application: PHO-1-18--Z-47-17-8
Existing Zoning: R1-10 PRD
Acreage: 10.56

Applicant: Richard Jellies - The Lead Group
Owner: 19th Ave Partner, LLC & Wireless Devices
Representative: David Bohn, Westwood Professional Services

Proposal:
Modification of Stipulation 3 regarding the timing of the elevation review by the South Mountain Village Planning Committee.

Location
Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane.
Council District: 8
Parcel Address: N/A

Concurrence
VPC Action: The South Mountain Village Planning Committee chose not to hear this case.
PHO Action: The Planning Hearing Officer heard this case on Jan. 16, 2019, and recommended approval. See **Attachment A** for a full list of Planning Hearing Officer recommended stipulations.

This item was adopted.

96 (CONTINUED FROM DEC. 5, 2018 AND JAN. 23, 2019) - Public Hearing and Resolution Adoption - Amend City Code - General Plan Amendment GPA-SM-1-18-8 (Companion Case Z-8-18-8) - Southwest Corner of 19th Avenue and South Mountain Avenue (Resolution 21696)

Request to hold a public hearing on the General Plan Amendment request for the following item to consider adopting the Planning Commission's recommendation and the related Resolution if approved.

Summary
Application: GPA-SM-1-18-8 (Companion Case Z-8-18-8)
Current General Plan Land Use Map Designation: Residential 1 to 2 dwelling units per acre
Proposed General Plan Land Use Map Designation: Residential 2 to 3.5 dwelling units per acre
Acreage: 20.74
Proposed Use: Single-Family Residential at 2 to 3.5 dwelling units per

acre

Owner: Miguel & Leticia Guerrero, Rosa Guerrero
Applicant: Scott Ward, Ward Development
Representative: Alan Beaudoin, Norris Design

Staff Recommendation: Approval.
VPC Action: The South Mountain Village Planning Committee heard the request on June 12, 2018, and recommended denial by an 11-2 vote.
PC Action: The Planning Commission heard the request on Nov. 1, 2018, and recommended approval per the staff recommendation by a 4-3 vote.

Location
Southwest corner of 19th Avenue and South Mountain Avenue
Council District: 8
Parcel Addresses: 8410 and 8420 S. 19th Ave.

Note: The following individuals submitted comment cards for the record in opposition to Item 96:
Steve Williams
Rick Hornback

Note: The following individuals submitted comment cards for the record in opposition to Items 96 and 97:
Erin Hegedus
Michael Widener
JoAnne Jensen
Ryan Bennett

This item was withdrawn.

97 (CONTINUED FROM DEC. 5, 2018 AND JAN. 23, 2019) - Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-8-18-8 (Companion Case GPA-SM-1-18-8) - Southwest Corner of 19th Avenue and South Mountain Avenue (Ordinance G-6534)

Request to hold a public hearing on the request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application rezoning application Z-8-18-8 and

rezone the site from S-1 (Approved R1-8) to R1-10 for single-family residential. This item requires a 3/4 vote.

Summary
Application: Z-8-18-8
Current Zoning: S-1 (Approved R1-18)
Proposed Zoning: R1-10
Acreage: 20.74
Proposed Use: Single-family residential

Owner: Miguel & Leticia Guerrero, Rosa Guerrero
Applicant: Scott Ward, Ward Development
Representative: Alan Beaudoin, Norris Design

Staff Recommendation: Approval, per the Addendum A Staff Report
VPC Action: The South Mountain Village Planning Committee heard this case on Jun. 12, 2018, and recommended denial by a 12-1 vote.
PC Action: The Planning Commission heard this case on Nov. 1, 2018, and recommended approval per the Addendum A Staff Report with modified stipulations and an additional stipulation by a 5-2 vote.
3/4 Vote Required: Yes

Location
Southwest corner of 19th Avenue and South Mountain Avenue
Council District: 8
Parcel Address: 8410 and 8420 S. 19th Ave.

This item was withdrawn.

32 Advance Terrazzo Company

For $17,000.00 in payment authority to repair outdoor terrazzo floors at the Mesquite Branch Library and the Camelback Road Pedestrian Underpass. Settling of the ground beneath the artist-designed terrazzo floor at the entrance to the Mesquite Branch Library, completed in 2000, has created surface gaps and cracks that could pose tripping hazards. The area needs to be repaired with the identical material used to create the original floor. The Camelback Underpass, completed in 2007, which provides a safe pedestrian link beneath Camelback Road between the Biltmore Fashion Park and the Esplanade, also needs repair. The wear

and tear of high pedestrian traffic in the underpass requires resurfacing of the terrazzo. Both floors in this request also require the application of a clear resin coating to enhance long-term durability. Advance Terrazzo was the original fabrication contractor for both projects. The specialized repair of both projects requires the technical knowledge of the original contractor.

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

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

No: 1 - Vice Mayor Waring

51 Amend CDBG Neighborhood Economic Development Ordinance - Miller Family Group, LLC dba Eastlake Mortuary (Ordinance S-45410)

Request to authorize the City Manager, or his designee, to amend Neighborhood Economic Development Operation Patch & Paint (OPP) Ordinance S-44906 to provide additional Community Development Block Grant (CDBG) funds in the amount of $35,000 for the Miller Family Group, LLC dba Eastlake Mortuary project. Further request authorization for the City Controller to disburse funds.

The OPP program provides CDBG funds for the exterior rehabilitation of neighborhood commercial businesses located in targeted areas. Eastlake Mortuary (formerly known as Webber Eastlake Mortuary) has served the community since the 1950's. On Aug. 29, 2018, City Council authorized the City Manager, or his designee, to enter into a loan agreement with Eastlake Mortuary for up to $100,000. The project includes improving the parking lot, providing new landscaping, replacing exterior light fixtures, and repainting exterior surfaces of the business.

During the pre-bid meeting, additional critical construction was identified. The lowest bid for the entire project was $118,000, which is $18,000 more than the original Council request. Additional CDBG funds are requested to be authorized in the amount of $35,000 to cover the bid

amount and any unforeseen contingency costs. This will increase the Council-approved spending limit to $135,000 for this project.

Financial Impact
This item is funded by Community Development Block Grant funds; there is no impact to the General Fund.

Location
1715 E. Jefferson St.
Council District: 8

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

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

No: 1 - Vice Mayor Waring

52 **Purchase of Golf Merchandise for Direct Resale to the Public (Ordinance S-45386)**

Request to authorize the City Manager, or his designee, to purchase various golf merchandise for direct resale to the public at pro shops located at Cave Creek, Encanto, Palo Verde and Aguila golf courses. Items may include, but are not limited to: golf balls, range balls, golf clothing, hats, golf clubs, and golf shoes. Funds generated by the sale of merchandise fully cover the costs, plus generate net revenue for golf operations. Further request authorization for the City Controller to disburse all funds related to this item. The term will be for two years with an aggregate value not to exceed $800,000, with an estimated annual expenditure of $400,000.

Summary
The City operates four municipal golf courses, each of which have a pro shop where golfers check in and have the ability to purchase golf merchandise such as golf balls, clothing, and shoes. To gain the lowest price, the City purchases these items directly from various wholesale and specialty manufacturers. The City's golf course pro shops are the only

direct public retail operations in the City, with merchandise purchased from more than 190 vendors.

Procurement Information
The golf merchandise needed to stock the pro shops is purchased wholesale from various wholesale and specialty manufacturers to suit customer preferences. Because customers of the pro shops demand access to a wide variety of specialty items, and because vendor pricing is based on a variety of factors and changes seasonally, a low-bid process is not suitable for the purchase of golf merchandise. The Parks and Recreation Department obtains various discounts from manufacturers on the items purchased for resale at the golf shops. The revenue from purchases made at the pro shops funds the purchase of golf merchandise.

Contract Term
The term will be from Sept. 6, 2019, through Sept. 5, 2021.

Financial Impact
Payment authority in the amount of $800,000 for a two-year period is requested. The Parks and Recreation Department will use the revenue from purchases made at the pro shops to fund the purchase of golf merchandise. Because the sales from golf merchandise cover the cost of purchasing goods, there is no impact to the budget. Over the past several years, golf merchandise revenues at City golf pro shops have averaged $400,000 annually.

Location
Golf pro shops are located at the following City-operated golf courses: Cave Creek, Encanto, Palo Verde, and Aguila.
Council Districts: 3, 4, 5 and 7

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

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

No: 1 - Vice Mayor Waring

90 **Exterior Rehabilitation Grant Application for 1529 W. Taylor St. (Ordinance S-45407)**

Request to authorize the City Manager, or his designee, to enter into necessary agreements and conveyances with JEM Investment Trust related to a Historic Preservation Exterior Rehabilitation grant of up to $28,300 for reroofing and wood siding repair at 1529 W. Taylor St. in the Oakland Historic District. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Built ca. 1919, the house at 1529 W. Taylor St. is a single-family residence constructed of wood frame. Its character-defining features include a hip roof sheathed with asphalt shingles, exposed rafter ends, wood windows and clapboard siding. The house is a contributor to the Oakland Historic District and is one of just a few remaining in the district with its original clapboard siding. A second dwelling, located at the rear of the property, was damaged by fire and was demolished in May 2018. The remaining building is vacant and in poor condition.

The property was purchased by the current owner, JEM Investment Trust, in August 2018. The grant request is specifically to provide assistance with the siding and roof repairs, although additional items may be included as appropriate. The estimated cost for the siding repair is $16,300 and the cost for the roof repair is $12,000 for a combined total of $28,300.

Given the condition of the property, it would have qualified for funding as a threatened building, but because the City's Warehouse & Threatened Building grant funds have all been committed, staff is recommending that Exterior Rehabilitation grant funds be used instead. Generally, Exterior Rehabilitation grant projects are approved in an annual grant round and there is a $10,000 limit; however, given that there are additional funds available and that they will be lost if they are not encumbered by the end of this fiscal year, staff recommends making an exception. Because Exterior Rehabilitation grant funds are intended to fund improvements to properties in residential historic districts, their use for this project is

appropriate.

The grant funds will be disbursed to the applicant on a reimbursement basis, as work items are completed. The applicant will be required to provide a dollar-for-dollar match, which may be used for exterior work or for items such as plumbing, electrical, mechanical, interior or site work, which are not eligible for historic preservation grant funds.

Financial Impact
The amount requested for the Exterior Rehabilitation grant is $28,300. In exchange for the grant funds, the city will receive a 20-year conservation easement on the property. The easement will require preservation of the property and that it be insured and maintained in good repair. Funding is available in the Planning and Historic Preservation CIP budget.

Concurrence/Previous Council Action
The Historic Preservation Commission recommended approval of this item on Jan. 14, 2019, by a vote of 7-0.
This item was recommended for approval by the Planning and Economic Development Subcommittee on Feb. 5, 2019, by a vote of 4-0.

Location
1529 W. Taylor St.
Council District: 7

Discussion
Mayor Williams announced there were comment cards submitted in favor of Item 90 and asked if the following individuals would like to speak:
R. Kyle Foxcroft
Pam Beasley
Joann Maybach

R. Kyle Foxcroft spoke on behalf of the Oakland Neighborhood Association and stated they supported the Item and thought it would be a good investment.

Mayor Williams thanked Mr. Foxcroft for speaking.

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

the following vote:

Yes: 8 - Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams

No: 0

91 Exterior Rehabilitation Grant Application for 1533 W. Taylor St. (Ordinance S-45408)

Request to authorize the City Manager, or his designee, to enter into necessary agreements and conveyances with Jo Buys AZ Houses LLC related to a Historic Preservation Exterior Rehabilitation grant of up to $43,100 for reroofing and wood siding repair at two historic residences 1533 W. Taylor St. in the Oakland Historic District. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The property at 1533 W. Taylor St. consists of two dwellings built ca. 1929. Both are single-family residences constructed of wood frame. Their character-defining features include gable roofs sheathed with asphalt shingles, exposed rafter ends, lattice ventilators at the gable ends, wood windows and wood siding. Both buildings are contributors to the Oakland Historic District and are among the few remaining in the district with their original wood siding. Both buildings are vacant and in poor condition.

The property was purchased by the current owner, Jo Buys AZ Houses LLC, in August 2018. The owner is requesting funding assistance for this property as well as a neighboring property at 1529 W. Taylor St., which is also a wood frame, wood siding residence similar in style to the subject buildings. The grant request for 1533 W. Taylor St. is specifically to provide assistance with the siding and roof repairs, although additional items may be included as appropriate. The estimated cost for the siding repair on the front house is $15,800 and the cost for the roof repair is $12,500, while the same costs for the rear house are $9,500 and $5,300, respectively. The combined total of these items is $43,100.

Given the condition of the property, it would have qualified for funding as a threatened building, but because the City's Warehouse & Threatened Building grant funds have all been committed, staff is recommending that Exterior Rehabilitation grant funds be used instead. Generally, Exterior Rehabilitation grant projects are approved in an annual grant round and there is a $10,000 limit; however, given that there are additional funds available and that they will be lost if they are not encumbered by the end of this fiscal year, staff recommends making an exception. Exterior Rehabilitation grant funds are intended to fund improvements to properties in residential historic districts, and therefore the use for this project is appropriate.

The $43,100 in grant funds will be disbursed to the applicant on a reimbursement basis, as work items are completed. The applicant will be required to provide a dollar-for-dollar match, which may be used for exterior work or for items such as plumbing, electrical, mechanical, interior or site work, which are not eligible for historic preservation grant funds.

Financial Impact
The amount requested for the Exterior Rehabilitation grant is $43,100. In exchange for the grant funds the City will receive a 20-year conservation easement on the property. The easement will require preservation of the property and that it be insured and maintained in good repair. Funding is available in the Planning and Historic Preservation CIP budget.

Concurrence/Previous Council Action
The Historic Preservation Commission recommended approval of this item on Jan. 14, 2019, by a vote of 6-1.
This item was recommended for approval by the Planning and Economic Development Subcommittee on Feb. 5, 2019, by a vote of 4-0.

Location
1533 W. Taylor St.
Council District: 7

Note: Mayor Williams announced the following individuals submitted comment cards in favor of Item 91, with no one wishing to speak:

R. Kyle Foxcroft
Pam Beasley
Joann Maybach

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

Yes: 8 - Councilman DiCiccio, Councilwoman Guevara, Councilwoman Mendoza, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Waring and Mayor Williams

No: 0

98 **(CONTINUED FROM NOV. 7 AND DEC. 5, 2018, AND JAN. 9, 2019) - Public Hearing - Amend City Code and Ordinance Adoption - Rezoning Application Z-41-18-4 - Northeast Corner of 7th Street and Thomas Road (Ordinance G-6525)**

Request to hold a public hearing on the rezoning application for the following item and consider adoption of the Planning Commission's recommendation and the related Ordinance if approved. Request is to rezone the site from P-1 to R-5 H-R to allow multifamily high-rise residential.

Summary
Current Zoning: P-1
Proposed Zoning: R-5 H-R
Acreage: 2.94 acres
Proposed Use: Multifamily high-rise residential

Owner: Phoenix Country Club
Applicant: AGS, LLC
Representative: Larry S. Lazarus

Staff Recommendation: Denial as filed, approval of R-5 with stipulations. If approved R-5 H-R, an additional mitigating height stipulation is recommended.
VPC Action: The Encanto Village Planning Committee heard this case on Sept. 10, 2018 and recommended denial by a 13-2 vote.
PC Action: The Planning Commission heard this case on Oct. 4, 2018

and recommended approval of the R-5 H-R zoning with the staff recommended stipulations, a modified stipulation, and an additional stipulation by a 5-2 vote.

Location

Northeast corner of 7th Street and Thomas Road
Council District: 4
Parcel Address: 2901 N. 7th St.

Discussion

Mayor Williams asked for staff to give a report to Council.

Alan Stephenson introduced the item and reported that staff recommended to deny the Item as filed but to approve it with R-5 zoning subject to stipulations. Mr. Stephenson gave a presentation containing images of the proposed rezoning request and described the surrounding areas and the details of the project.

Note: Mayor Williams opened the public hearing.

Mayor Williams invited the applicant to approach the Council and permitted him 15 minutes to speak.

John Graham introduced himself as the CEO of Sunbelt Holdings and thanked the Mayor and City Council for the opportunity to address them. He provided background information on the Phoenix Country Club and talked about when the country club approached him several years ago about building a residential development in the current parking lot. He highlighted that there would be no demolition and no city incentives for the proposed project. He described how luxury housing could change the dynamics of the country club, allowing it to adapt to the changing environment of downtown Phoenix. Mr. Graham emphasized that Sunbelt does not develop projects but they develop communities. He discussed the support the project has and asked the people who were there in support to raise their hands. He then gave a presentation about the team working on the project, examples of past work, provided more information about the proposed project, samples of public comments made in support of the project, and an overview of the general plan principles.

Larry Lazarus spoke in favor of Item 98 and stated that he sent a letter to Councilmembers which discussed the general plan principles. He stated that while the general plan in the Midtown Transit Oriented Development District policy plan are guides, not specific code requirements, the proposed project meets all the core values of the general plan. Mr. Lazarus highlighted the general plan policy core values: connecting people and places, vacant and undeveloped land should be developed, building a sustainable desert city, and strengthening the local economy. He asked Council to read the correspondence that he sent.

Mayor Williams asked Councilwoman Pastor if she had a preference on what to do with the submitted comment cards. Councilwoman Pastor explained that there were 60 comment cards submitted in opposition to Item 98, 20 that indicated the individuals wished to donate time to Robert Warnicke. She suggested to Mayor Williams to give Mr. Warnicke 10 minutes to speak. Councilman DiCiccio stated Council needed to give more time to speak and suggested asking how much time people needed.

Mayor Williams announced that each side would get 30 minutes to speak and it was up to them to figure out who the speakers are.

Note: The following individuals submitted comment cards in opposition of Item 98, indicating they wished to donate their time to speak to Robert Warnicke:
Susan Montgomery
Patrick Perez
Margaret Dietrich
Donna Reiner
John Grimmer
Jim Shea
Andrea Wimmer
John Cooper
Judy Kisselburg
Mary Crozier
Marilyn Rendon
Richard R. West
Arthur Vigil

Linda Richmann
William L. White, MD
Jean Switzer
Ahmed Al Mohammedawi
Rebecca Wallace
Michael Wallace

Robert Warnicke introduced himself as the President of La Hacienda Historic District and displayed a presentation. He showed pictures and described the surrounding neighborhoods and homes that are adjacent to the project. Mr. Warnicke explained the height of the proposed project, stated that it was inappropriate for the area, and showed a geolocated map of petition signers that are against the project. He then played a video from Google Earth that panned across the area to show what the surrounding area looks like. He referenced the Midtown Transit Oriented Development District and city staff report and stated that the proposed plan ignored policies designed to protect residential areas. Mr. Warnicke further discussed the general plan and how the project will negatively impact the neighborhood. He concluded that the applicant was asking Council to break the general plan by the request for high-rise zoning, which allowed up to 250 feet, and asked Council to vote no.

Councilman DiCiccio asked how Mr. Warnicke would reconcile the request made by the members of the country club board to save the golf course.

Robert Warnicke responded that a plan for redevelopment of the entire corner and parking lot instead of just a part of the parking lot closest to neighborhood would be better. He continued to explain that he would be interested in saving the club, but he is not sure he would be interested in doing so at the expense of his neighborhood. He provided alternative suggestions, such as looking to build on the country club's tennis courts that had R-5 zoning. Councilman DiCiccio inquired about the height limit in R-5 zoning. Robert Warnicke responded that it is 48 feet.

Councilman DiCiccio clarified that the Ordinance states the height limit is 140 feet for the proposed project. Mr. Warnicke replied that the application asked for 175 feet in height and the Planning Commission

recommended 140 feet. He added that H-R zoning allows up to 250 feetand stated his concern about a stipulation that can be removed later. Councilman DiCiccio asked Mr. Warnicke if he would be supportive of 140 feet, which Mr. Warnicke responded that he would not be and added that his neighbors would not be either.

Councilwoman Pastor asked Alan Stephenson to clarify about the 140 feet.

Alan Stephenson clarified the difference between the height the applicant filed for when they filed their rezoning case, which was 164 feet, versus what the Planning Commission recommended, which was 140 feet.

Councilman DiCiccio commented on the national tennis tournament that will be taking place at the Phoenix Country Club in March.

Mayor Williams called Tom Chauncey to speak.

Note: The following individuals submitted comment cards in opposition of Item 98, indicating they wished to donate their time to speak to Tom Chauncey:
Clyde Grunow
Sandy Grunow
Mary K. Mulligan
Paul Barnes
Lawrrie Fitzhugh
Kristopher DeGeest
Brieanna Bonnstetter
Cecelia Pezdek
Christine Deal - Westwood Village and Estates Neighborhood Association (WVENA)
Michael Fleming
Jim Speer
Kent Cammack
Karol Cannizzaro
Peggy Neely
Robert Adams
Bennett C. Edison

Linda Lidos
Valerie Craig
Kristel Nielsen
Susan Stroud

Tom Chauncey introduced himself as a long-time resident of the area and a member of the Phoenix Country Club and stated the country club had caused most of the blight in the intersection because they allowed their landscaping to die around the parking lot. He explained that the applicant does not have the right to put high-rise zoning outside of the Transit Oriented District.

Note: The following individual submitted comment cards in opposition of Item 98, indicating they wished to donate their time to speak to G.G. George:
Opal Wagner

G. G. George reminisced when spot zoning was normal in Phoenix, which allowed high-rise buildings to jump the boundaries of downtown which caused the downtown to suffer in the 1960's and 1970's. She added that the City needs to vote no on this rezoning application that was outside of the light rail corridor.

Councilwoman Pastor announced there were comment cards submitted by individuals wishing to donate their time to speak to Tom Parker, Jeanne Yawger, and Neal Haddad, and there were 13 minutes remaining. She added if time permits, other individuals who submitted comment cards would get to speak after.

Note: The following individual submitted comment cards in opposition of Item 98, indicating they wished to donate their time to speak to Tom Parker:
Eileen Eisen-Cohen

Tom Parker stated it was odd for the people representing the project to say a corner is blighted when the country club is not maintaining it. He stated he wished for the country club and development to do well but explained the area did not need added density and asked Council to vote

against the project.

Note: The following individuals submitted comment cards in opposition of Item 98, indicating they wished to donate their time to speak to Jeanne Yawger:
Mary Horton
Lynn R. Yawger Wurth
Suzanne M. Wise

Jeanne Yawger presented drone photos taken by a professional photographer that overlooked the area of the proposed project. She referred to the staff report and stated the report called the project spot zoning and added that it was not appropriate. She explained the request to rezone the country club parcel goes against the voter mandated general plan and added that the high-rise rezoning is opposed by hundreds of neighbors who live near it, numerous neighborhood associations, and residents citywide. She asked Council to vote no.

Note: The following individual submitted comment cards in opposition of Item 98, indicating they wished to donate their time to speak to Tom Parker:
R. E. Gullion

Neal Haddad approached Council and asked for neighbors who were in opposition to stand. He stated that the case was about doing the right thing, and the right thing would be to deny the proposal. He further explained that the project would be right if it was located in the Transit Oriented District, compatible with the surrounding area, and beneficial to all. He stated it was none of those things and that it was not right. He asked Council to deny the application.

Councilwoman Pastor announced there were six minutes remaining and would call the other individuals who submitted comment cards until time ran out.

Susan Edwards asked Council to remember the last time there was an election where 76 percent of the voters agreed, and explained that was in 2015 when citizens voted for the general plan. She stated that 87 percent

of the Encanto Village Planning Committee members voted against the proposed project. She questioned where the hypothetical residents of the high-rise project would park and asked for Council to vote against it.

Councilwoman Pastor asked if Leigh Conrad and Don Conrad wanted to share their time. They responded they would share their time with the next speakers.

Councilwoman Pastor called Erin Hegedus, there was no response. She then called James Baldwin to speak.

James Baldwin stated he was at the meeting to support the no votes and explained he felt the proposed project was inappropriate for that location.

Councilwoman Pastor called Marilyn K. Riggs to speak, to which there was no response. She then stated there were two minutes that remained and called Harvey Shulman to speak.

Harvey Shulman addressed the spot zoning issue and described the location surrounding where high-rise buildings were located in Phoenix. He then compared and contrasted Crystal Point and the proposed project. He concluded that this was spot zoning and in violation of the law.

Note: The following individuals submitted comment cards for the record in opposition to Item 98:
Elizabeth Van Wie
Jeff Colbert
Grace Stuckey
Dennis Hart
George Rainey
Ronald Warnicke
J. George Jacobs

Mayor Williams announced the next 30 minutes would be devoted to those who were in favor of Item 98 and then called up individuals to speak.

Eugene Lipitz introduced himself and presented a photo of his home

showing that it was the closest to the proposed development. He moved to his home from Seattle last year and stated he was aware of the proposed development project at the time and stated he advocates for it and that the project would strengthen the club.

Mo Stein thanked the Council for the opportunity to speak and stated he was the former chair of the general plan in 2002. He discussed the general plan and why the plan was put together originally. He added that the intention of the general plan was to create conversation about plans and the five core elements of planning. Mr. Stein stated the general plan said to look at unique and special opportunities. He further explained that the proposed project is a unique opportunity to connect people and place.

Jim Howard pointed out that the proposed project is a quality architectural project and would serve as an amenity to the area. He asked Council to vote in favor of the application.

James Huntowrk stated he had previously fought against rezoning cases in his neighborhood of 40 years. He added that he understood the fear of change but explained the proposed project would not increase traffic as others have commented about. He further explained that the intersection of 7th Street and Thomas Road should be a center for vitality not stagnation or deterioration. He concluded that the proposed project has opened the doors to revitalization and urged Council to vote for it.

Patience Huntwork stated she is passionate about preserving neighborhoods and historic homes and added there is no factual support that the proposed project would threaten or destroy any homes as suggested by the opposing side's campaign. She explained how the proposed project would serve as an economic boom for the neighborhoods and that it would bring a transformative image for 7th street.

Carol Poore stated she respected the views of everyone but that the proposed project had the opportunity to add vibrancy to the community, connect people with places, provide landscaping to the sidewalks, and the ability to strengthen the economy. She further stated she trusts the

integrity of the developer and noted that his projects are spectacular.

Kevin Kilk introduced himself and his family as residents of the neighborhood where the project was being proposed. He described the neighborhood and the renaissance he had seen on 7th street and stated the country club was growing and surviving. He added that there was an opportunity to expand the club with an experienced developer and leader in the community.

Elaine Walters stated she lives in Country Club Park and could see four sky rises from her home and would love to see more. She added that high-rise buildings do not destroy homes and that the density would be less than other apartment complexes. She concluded that the proposed project would allow for new opportunities for businesses, help address blight in the area, increase home values, and bring in more taxes for the schools and City.

Roland Rillos introduced himself and explained he lived two houses down from where the proposed project would be located. He added that he and his fiance purchased a blighted home and renovated it and he supported the project. He then reiterated what Mo Stein said about the general plan being about bringing people and places together.

Michael Jordan stated his support for the project and explained that he and his wife own a business near the area and the project would serve as an opportunity to provide growth and development in the area.

Elizabeth Maupin stated her home is one of the closest homes to the proposed project and that she fully supports the project, adding that the corner was currently blighted and the area needed revitalization. She explained that Phoenix was on the verge of becoming a Major city and that major cities have high-rises. She noted her excitement for a luxury high-rise with the developer and stated her support for the project.

Note: The following individuals submitted comment cards for the record in favor of Item 98:
Eric Paschal
Ryan Tritch

Robert Frankeberger
Dan Hall
John Malls
John Furey
Bruce Calfee
Jack Cuddihy
James Hauert
William W. Bohnert, MD
Andy McCain
Robert Demore
Dan Budzius
John Spensieri
Gerald Deetz
Michael Corso
Eric Kinneberg
Cyndy Gaughan
Chris Bolton
Randal J. Nickle
Skip Corley, Jr.
John C. Heitel
Charles Whetstine
Marci Rosenberg
Adelyn M. Whitney
Suzy Wilke
Peggy Hart
Courtney Levinus
Julie Furey
Ryan Mell
Alex Kaminski
Ben Cheney
David Lux
Donna Lane
Carolyn Lane
Kristin Baker
James Morlan
Joel Contreras
Bob Karber
Claude Mattox

Mayor Williams announced they were out of time and that she offered a five minute rebuttal to either John Graham or Larry Lazarus.

John Graham stated that he did not have anything new to add but explained he had learned to respect the opposition to the project.

Larry Lazarus added that the general plan, and any other plans talked about, were guides. He stated that what John Graham was trying to do with the proposed project was to create a sense of place and community, and that he does not want to destroy the community but wanted to enhance it. Mr. Lazarus also addressed that the project would create stability, desirability and prosperity for the surrounding communities. He concluded that the values and redevelopment that the project would bring to the community were appropriate.

Note: Mayor Williams closed the public hearing.

Councilwoman Pastor stated the process had been very interesting for her and reflected about Ulta Midtown and the developer Mike Curley. She explained that she did not discourage development, but that she tried to encourage people to work with and connect with the neighborhoods they wanted to develop in. She then reflected on her time spent serving on the Encanto Village Planning Committee when they were working on the general plan. She discussed the connectivity of the four corners that would be affected by the proposed project. Councilwoman Pastor stated she thought something needed to happen on the four corners and asked if the country club would be willing to do a continuance and for five people from the neighborhood, from all four corners, to meet with her and the developer to look at the height and other issues that were discussed. She stated the public hearing held was important to listen to the dialogue related to the project.

Larry Lazarus asked Councilwoman Pastor when the Item would be continued to. Councilwoman Pastor explained that she would be on the phone for the next meeting on March 6, and answered the Item be moved to the March 20 meeting.

Larry Lazarus asked if he could meet in the back of the Chambers with representatives of the country club board.

Councilwoman Pastor announced they would have three minutes for discussion.

Note: Councilman Nowakowski exited the Council Chambers and left the voting body.

Larry Lazarus informed Council that out of the board members present, they indicated they would agree to a continuance. He clarified that they hoped the continuance was the consensus of the entire Council and the Council was not prolonging the agony of the case.

Councilwoman Pastor noted the three areas that will be discussed are the height, activation, and talk about the design with herself, the developer, and five neighbors from all four corners.

Note: Councilwoman Pastor motioned to continue the Item to the March 20, 2019 City Council Formal Meeting, Councilwoman Mendoza seconded.

Councilman DiCiccio stated that Mr. Lazarus brought up a good point about the agony that may be caused by a continuance. He explained that the height was what the majority of the neighbors had issues with and asked Mr. Lazarus to think that through and if it would be on a list of something he would be willing to negotiate further.

Larry Lazarus responded that they could look at modifications of height based on the 144 feet that had been discussed, but if there was an expectation of the project to go below five-stories, or under 100 feet, then the club would not be interested in doing that. He stated he would rather the Council vote on the item instead of continuing it if that was where the discussions were going.

Councilman DiCiccio stated there were honorable people on both sides and it would not hurt anyone if the item was continued an extra month or so. He said he wanted to hear what Mr. Warnicke had to say.

Robert Warnicke stated the neighborhood would have a problem with anything that had H-R in it.

Mayor Williams stated that the meetings Councilwoman Pastor called would be the place for negotiation conversations.

Note: The following individual submitted a card for Item 98, indicating their position as neutral:
David Zacharias

A motion was made by Councilwoman Pastor, seconded by Councilwoman Mendoza, that this item be continued to the March 20, 2019 City Council Formal Meeting. The motion carried by the following vote:

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

99 Consideration of Citizen Petition Related to Creating a Policy of Writing a Public Statement of Compassion

This report provides the City Council with information in response to a citizen petition submitted by Ms. Joanne Scott Woods at the Dec. 5, 2018, Formal City Council meeting regarding consideration of adopting a policy of writing a public statement of compassion, **Attachment A**.

Summary

The petitioner requests the City Council consider adopting a policy of writing a public statement of compassion for families who wrongfully lose a member during an officer-involved shooting, as determined by a departmental review or a civil lawsuit.

Every situation is unique, and because of that, a policy such as what the petitioner is suggesting would not be practical from a legal standpoint. Staff appreciates Ms. Woods efforts. The Police Department is listening and is working to improve our community.

Discussion

Mayor Williams called Joanne Scott Woods to speak.

Joanne Scott Woods asked for the Police Department to establish a protocol for expressing compassion after critical incidents.

Note: the following individual submitted a comment card for the record in favor of Item 99:
DD Barker

This item was heard.

100 Consideration of Citizen Petition Regarding Light Rail Appropriations or Expenditures

This report provides the City Council with information in response to a citizen petition submitted by Ms. Susan Gudino at the Jan. 23, 2019 Formal City Council meeting. Ms. Gudino submitted a petition requesting that City Council "enact within 15 days, a resolution, ordinance or measure that immediately and fully terminates the appropriation or expenditure of any public funds, derived from any source, in connection with the expansions of light rail transit described in Proposition 104 (2015), until the earlier of (1) the Aug. 27, 2019 citywide election, or (2) entry of a final court judgement (inclusive of any appeals) enjoining the qualification of initiative measure I-4-2018 for the election ballot." (**Attachment A**).

Summary

As a result of voter approval of Proposition 104 in August 2015, the City Council has adopted ordinances, project plans and agreements with contractors to implement the Transportation 2050 (T2050) plan as shown on the ballot (**Attachment B**). As communicated to voters on the ballot map, the plan includes multiple light rail extensions continuing the expansion of the system. The Regional Transportation Plan, adopted by the City Council, Valley Metro Boards of Directors and Maricopa Association of Governments, outlines projected opening dates for future extensions that include regional transit sales tax funding. Based on these directives, the City of Phoenix along with Valley Metro have continued to move forward with the transportation projects outlined in local and regional plans.

The rail extension projects currently in progress have received the following approvals:

South Central Extension - Key City Council Actions:

December 2013 - Approved light rail on S. Central Avenue (Locally Preferred Alternative).

November 2014 - Approved S. Central lane configuration, station locations and initiation of Federal Environmental Assessment.

April 2015 - Referred Citizen-recommended Comprehensive Transportation Plan to August 2015 Ballot (approved by voters).

January 2016 - Approved advancing S. Central Extension completion date to 2023.

April 2017 - Approved project funding agreement.

September 2017 - Approved Downtown configuration and transfer hub.

March 2018 - Denied petition to suspend project and change lane configuration.

June 2018 - Approved motion conduct extensive outreach to discuss impacts and costs of alternative lane configuration with community.

September 2018 - Reaffirmed lane configuration and approved Federal submittal.

Northwest Extension Phase II - Key City Council Actions:

February 2005 - Approved light rail from Montebello to Dunlap.

March 2007 - Approved completion of Northwest Extension in two phases (Phase I opened March 2016).

November 2014 - Approved Phase II alignment west of I-17.

January 2016 - Approved advancing NW Extension Phase II completion date to 2023.

May 2018 - Approved project funding agreement.

Capitol/I-10 West Extension - Key City Council Actions:

May 2012 - Approved light rail from downtown Phoenix to 79th Avenue.

January 2016 - Approved construction of extension in two phases.

This petition would impact the following projects currently underway:

50th Street Station near Ability 360 - Construction is underway and scheduled to be completed this spring.

South Central Extension (SCE) - Design work is beyond 60 percent

complete.

Northwest Extension Phase II (NWEII) - Design work is 40 percent complete.

Operations & Maintenance Center (OMC) expansion - Design/Build contract was awarded in January 2019 and a limited Notice to Proceed for design has been provided to ensure added vehicle capacity is available for expanded operations.

Capital/I-10 Extension - Final route and station location planning is in progress.

Light Rail Vehicle Procurement - Valley Metro has a contractual commitment for additional vehicles associated with adding capacity to the existing light rail system. Vehicles are on order and are scheduled to start arriving in spring 2020.

Loss of Federal Funding Risk

The South Central and Northwest Phase II Extensions have been proceeding through the Federal Transit Administration's (FTA) Capital Investment Grant (CIG) program pipeline for federal funding. These projects rely on a substantial level of federal grant funding in addition to local and regional funds. Any slowdown or stoppage will result in the inability to meet federal milestones and deadlines that must be met in order to remain in the federal funding program. Should these milestones not be met, the SCE and NWEII projects could be removed from or deprioritized within the CIG program. Due to the competitive nature of the program and limited funds available, funding would very likely be awarded to projects in other cities if the current schedule is not maintained.

Cost Increases

Both SCE and NWEII have design and construction contracts with pricing that is time sensitive. Project delays would result in substantially higher overall costs due to remobilization, escalation, and future changes in materials costs, which continue to be impacted by tariffs and nationwide industry demands.

Contractors would likely be reassigned while work is suspended subjecting the projects to further risks due to the unavailability of labor. Labor shortages are an issue throughout the construction industry. This would further increase costs and result in significant inefficiency.

Completing construction activities in downtown prior to the Super Bowl in

February 2023 would not be possible. With a delay, much of the work in downtown would need to be delayed until after the Super Bowl, which would push the overall schedule for completion of the South Central line out several years.

Utility companies including APS, Southwest Gas, SRP, and CenturyLink have begun procurement of long-lead items and initiated construction activities needed for utility relocation. A stoppage will cause delays to this work and will most likely increase the cost of the materials and work.

Concurrence/Previous Council Action

The Citizens Transportation Commission reviewed the petition on Feb. 13, 2019, and voted 8-1, with one abstention, to recommend that the Council deny the petition allowing the work on the projects to continue.

Staff Recommendation

Staff recommends denying this petition, and work will continue on all light rail projects as outlined in this report. If the citizen initiative is approved by the voters in August 2019, staff would come back to the City Council and present options for moving forward.

Discussion

Mayor Williams announced she would call up the individuals who submitted comment cards after the motion was made.

Note: Vice Mayor Waring made a motion to support the citizen petition, seconded by Councilman DiCiccio.

Susan Gudinao informed Council she was there to petition for the City to stop spending money on the light rail extension until after it was voted on in August during the citywide election. She stated the Building a Better Phoenix group was growing support each day and would continue to grow until the August election. She asked the Council to think about the taxpayer money that was being thrown away and concluded that the light rail costs too much and gives too little to continue spending money on it.

Kyle Foxcroft stated that he was speaking on behalf of the Oakland Neighborhood Association, as part of the Downtown Voices Coalition, and as a Steering Committee member. He explained he was strongly

opposed to the petition, stated he thought the light rail plan would continue as it had passed before, and the spending should not stop until after the election if the light rail was voted against.

Note: the following individual submitted a comment card for the record in favor of Item 100:
DD Baker

Note: the following individuals submitted a comment card for the record in opposition to Item 100:
James Martinez
Donna Reiner
Margaret Dietrich
Cyndy Gaughan - Phoenix Community Alliance
Devney Preuss - Phoenix Community Alliance
Sara Scoville-Weaver
Daniel Klocke - Downtown Phoenix Partnership

Councilman DiCiccio stated the request made was reasonable and the City should not spend millions of dollars on a proposal that may not get passed when voted on. He noted there were over 44,000 signatures obtained against the light rail and Council should protect the taxpayer dollar. He further explained that the project should be voted on in the November election when there would be a greater voter turnout and reiterated his support for the proposal.

Vice Mayor Waring asked if it would be an option to move the light rail project to the November election rather than the upcoming August election.

City Attorney Cris Meyer responded that the City Charter required an issue to be placed on the next available election date, not less than 120 days from the date the election is called, and concluded there would be no way to push it back to November.

Mayor Williams stated she respected what Councilman DiCiccio said but that she strongly disagreed with him. She added that the City needed a complete transportation plan, there were contracts in place, the City had

made commitments, and there were neighborhoods and employees counting on the City to go forward with the plan.

A motion was made by Vice Mayor Waring, seconded by Councilman DiCiccio, to support the petition. The motion failed by the following vote:

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

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

CITIZEN COMMENTS

Rosie Lee Trotter introduced herself and explained there was an upcoming music event on March 1, 2019 to March 3, 2019, and that no one had informed the residents at her complex of the event. She further explained that the music from music events was so loud that her apartment would vibrate and that she could still hear music when her window and doors were shut.

Mayor Williams informed Ms. Trotter that the City Manager was taking down her name and information and that staff would be contacting her and would probably go out and measure the noise to make sure it would not happen again.

Elizabeth Venable explained she was involved with communicating and organizing the homeless community and that she was at the Council meeting to discuss the 9th Circuit Court of Appeals determination that the criminalization of camping was cruel and unusual punishment under the 8th amendment of the Constitution. She reflected that the City of Tempe disbanded its enforcement of their camping ordinance and stated that Phoenix had not. She concluded that the City was violating the ruling and violating the 8th amendment and the City needed to respect people, regardless of their economic ability.

Dulce Matuz stated she owned multiple properties in Phoenix and she had a business with 33 real estate agents. She described that she was contacted by a City of Phoenix representative that informed her they were doing mandatory re-routing of water lines and required access to work in her front and back yard.

The work was preformed around July of 2018, and the workers damaged her property sprinkler lines terribly, which had caused flooding in the backyard. She shared pictures with both the City of Phoenix and Telex Corporation construction crew and had been unable to resolve the situation. She stated she had received letters from the City of Phoenix informing her Telex Corporation was responsible and the City was not legally responsible for the damage. She asked why the City allowed a subcontractor to damage the property of taxpayers and get away with it and how citizens could hold companies like Telex accountable for their actions.

Mayor Williams informed Ms. Matuz that the City Manager would have staff get with her to gather more details and help her.

Joanne Scott Woods submitted a citizen petition that requested public statements following critical incidents that reflected clear and empathetic communication. She provided examples and stated that compassion contained the capability to sooth distress and increase communication between concerned citizens, police, the City Manager, Council and the Mayor.

Note: The following individuals submitted a comment card for citizen comments, but were no longer present at the meeting:
Running Deer
James Deibler
DD Barker

ADJOURN

There being no further business to come before the Council, Mayor Williams declared the meeting adjourned at 6:12 p.m.

ACTING MAYOR

ATTEST:

CITY CLERK

EH

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 20th day of February, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 16th day of October, 2019.

CITY CLERK