# City of Phoenix

## Minutes

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

186397

## City Council Formal Meeting

**Wednesday, September 6, 2023** **2:30 PM** **phoenix.gov**

## CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on September 6, 2023 at 2:34 p.m. in the Council Chambers.

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

Vice Mayor Ansari attended the meeting virtually.

Mayor Gallego acknowledged the presence of Mario Barajas and Gloria San Miguel, Spanish interpreters. In Spanish, Mr. Barajas announced their availability to the audience.

The City Clerk confirmed copies of the titles of Ordinances G-7148 through G-7161; S-50118 through S50151; and Resolution 22148 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting, and therefore, may be read by title or agenda item only pursuant to the City Code.

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

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

## BOARDS AND COMMISSIONS

**1 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 Gallego:

Development Advisory Board
Appoint Jennifer Weskalnies, replacing Cassandra Lemon as a Design Professionals Representative for a term to expire September 6, 2026.

Phoenix Women's Commission
Appoint Heather Ross for a term as Chair to expire September 6, 2024.

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

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

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

Jennifer Weskalneis - Development Advisory Board
Heather Ross - Phoenix Women's Commission

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

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

Mayor Gallego requested a motion on liquor and bingo license items. A motion was made as appears below.

**A motion was made by Councilwoman Pastor, seconded by Councilwoman O'Brien, that items 2 through 15 be recommended for approval except Item 13 and noting Item 14 is withdrawn. The motion carried by the following voice vote:**

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

**No:** 0

**2** **Liquor License - Habanero Fresh Mexican Grill**

Request for a liquor license. Arizona State License Application #250596.

**Summary**

Applicant
Miguel Navarro, Agent

License Type
Series 12 - Restaurant

Location
701 W. Deer Valley Road, Ste. A4
Zoning Classification: A-1 DVAO
Council District: 1

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

The 60-day limit for processing this application is Sept. 17, 2023.

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

use for more than 180 days.

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The restaurant has been open for 15 years. I believe my staff and I have the knowledge and experience to hold a liquor license for my restaurant."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The restaurant is family owned. With that being said we are all responsible and hard working individuals. We have lots of loyal returning customers as well as new ones that would appreciate having a drink at our friendly restaurant."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Habanero Fresh Mexican Grill
Liquor License Map - Habanero Fresh Mexican Grill

**This item was recommended for approval.**

**3 Liquor License - The Mighty Axe**

Request for a liquor license. Arizona State License Application 06070355.

**Summary**

Applicant
Amy Nations, Agent

License Type
Series 6 - Bar

Location
5410 E. High St., Ste. 102
Zoning Classification: C-2 DRSP
Council District: 2

This request is for an ownership and location transfer of a liquor license for a bar. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow a bar and outdoor recreation.

The 60-day limit for processing this application is Sept. 23, 2023.

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:
"Phoenix will be the third location for The Mighty Axe with two locations already open in California. The owner has many successful businesses he operates with and without liquor licenses. His employees will attend Arizona state certified liquor law training to ensure compliance with all liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Axe throwing has become a popular sport throughout the United States and will be the first in this north Phoenix area. It will be a great addition to the businesses already open on High Street. The Mighty Axe will be a great place to meet friends for food, drinks, and fun. We will have safety procedures in place as well as safety attendants to ensure adherence to rules and procedures. We have leagues for ages 10 and up."

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 - The Mighty Axe
Liquor License Map - The Mighty Axe

**This item was recommended for approval.**

**4 Liquor License - Special Event - Xavier College Preparatory Roman Catholic High School**

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

**Summary**

Applicant
Maria Sharon Murphy-Fontes

Location
4710 N. 5th St.
Council District: 4

Function
Dinner and Silent Auction

Date(s) - Time(s) / Expected Attendance
Oct. 14, 2023 - 5 p.m. to 11:55 p.m. / 500 attendees

Staff Recommendation
Staff recommends approval of this application.

**This item was recommended for approval.**

**5 Liquor License - Rott N' Grapes**

Request for a liquor license. Arizona State License Application 07070412.

**Summary**

Applicant
Perry Huellmantel, Agent

License Type
Series 7 - Beer and Wine Bar

Location
4750 N. Central Ave., Ste. B-1
Zoning Classification: C-2 H-R TOD-1
Council District: 4

This request is for an ownership transfer of a liquor license for a beer and wine bar. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Sept. 19, 2023.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I currently serve as the agent on more than 140 licenses in the state of Arizona. Since I have been an agent on those licenses, I have not received a single citation for a violation of liquor laws. I ensure that all appropriate individuals have current liquor training and maintain strict standards to ensure all employees comply with state laws. As an agent, I have demonstrated that I have the capability, reliability and qualifications to hold a liquor license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "The public convenience requires and the best interest of the community will be substantially served by the issuance of the requested liquor license because it allows an existing establishment to continue serving the surrounding residents. This request is to transfer an existing liquor license at this same location to the new owners. Rott N' Grapes is a popular beer and wine bar that has been operating at this location since 2016. The previous owner sold the business and the liquor license to the new owners who are requesting this liquor license transfer request. Approving this request will allow the new owners to continue to operate this beer and wine bar and continue to serve existing and future patrons."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Rott N' Grapes
Liquor License Map - Rott N' Grapes

**This item was recommended for approval.**

**6 Liquor License - Special Event - Greek Orthodox Church - Holy Trinity**

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

**Summary**

Applicant
Kalliopi Schneider

Location
1973 E. Maryland Ave.
Council District: 6

Function
Cultural Celebration

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

Oct. 6, 2023 - 5 p.m. to 10 p.m. / 3,000 attendees
Oct. 7, 2023 - 11 a.m. to 10 p.m. / 8,000 attendees
Oct. 8, 2023 - 11 a.m. to 8 p.m. / 4,000 attendees

Staff Recommendation
Staff recommends approval of this application.

**This item was recommended for approval.**

**7 Liquor License - CK's Tavern & Grill**

Request for a liquor license. Arizona State License Application 251636.

**Summary**

Applicant
Amy Nations, Agent

License Type
Series 12 - Restaurant

Location
4142 E. Chandler Blvd., Ste. 105
Zoning Classification: C-2 PCD
Council District: 6

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

The 60-day limit for processing this application is Sept. 22, 2023.

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

use for more than 180 days.

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The owners of Ck's Bar & Grill are experienced business owners and have operated this location since November 2021. All of their employees have attended state certified liquor law training."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location has been a neighborhood favorite for many years. It has always had a liquor license. We would like to continue to offer the same great food, drinks, entertainment, and great people our neighbors have come to expect."

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 - CK's Tavern & Grill
Liquor License Map - CK's Tavern & Grill

**This item was recommended for approval.**

## 8 Liquor License - Nello's

Request for a liquor license. Arizona State License Application 251978.

**Summary**

Applicant
Amy Nations, Agent

License Type
Series 12 - Restaurant

Location
4710 E. Warner Road, Ste. 10
Zoning Classification: C-1
Council District: 6

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor dining, and outdoor alcohol consumption.

The 60-day limit for processing this application is Sept. 22, 2023.

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.

Nello's (Series 7)
4710 E. Warner Road, Ste. 10, Phoenix
Calls for police service: 18
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We train all of our employees in responsible liquor service. We also conduct regular audits to ensure compliance with liquor laws. The owners are current with their basic and management liquor law training and make sure to stay up to date. They own and operate other restaurants in Arizona and have for many years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Nellos Ahwatukee opened in 1996. Customer loyalty is what helped Nellos long standing and continued success. The owners were longtime customers before they purchased the business and didn't want to see it changed. As longtime Arizona residents, the owners knew of the reputation Nellos has and have continued to be a part of it."

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 - Nello's
Liquor License Map - Nello's

**This item was recommended for approval.**

**9 Liquor License - Sushi Michi**

Request for a liquor license. Arizona State License Application #251980.

**Summary**

Applicant
Young Lee, Agent

License Type
Series 12 - Restaurant

Location
6025 N. 16th St.
Zoning Classification: C-2
Council District: 6

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

The 60-day limit for processing this application is Sept. 16, 2023.

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

use for more than 180 days.

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have successfully completed all required training and certifications related to responsible alcohol service and safety. My previous experience in the food industry has provided me with a deep understandingof the legal and ethical responsibilities that come with serving alcohol to the public."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"It will provide a responsible and regulated environment for alcohol service, ensuing safety, while also contributing positively to the local economy and social activities."

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 - Sushi Michi
Liquor License Map - Sushi Michi

**This item was recommended for approval.**

## 10 Liquor License - Arizona Mutual Trading, LLC

Request for a liquor license. Arizona State License Application 247974.

**Summary**

Applicant
Harry Kang, Agent

License Type
Series 4 - Wholesaler

Location
5153 W. Fillmore St.
Zoning Classification: A-1
Council District: 7

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

The 60-day limit for processing this application is Sept. 19, 2023.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
“I am a resident of Arizona. I will be the manager, representative, and agent of this business under the name Arizona Mutual Trading, LLC ('AMT'). AMT is a wholly-owned subsidiary of Mutual Trading Co., Inc., a California corporation ('MTC'), a national importer and distributor and multi-state wholesaler of alcohol beverages. AMT's parent MTC has operated a similar wholesaler business in California and currently holds a Wholesaler license in Arizona. MTC has been operating successfully and compliantly in California for 97 years and in Arizona for 24 years. MTC also holds federal (Alcohol & Tobacco Tax & Trade Bureau) importer and wholesaler permits in both Arizona and California. MTC also wholly-owns New York Mutual Trading, LLC, a NJ limited liability company ('NYMTC'). NYMTC operates a similar wholesaler business in New Jersey and New York for 49 years and currently holds wholesaler liquor licenses in New Jersey and New York. Also, MTC is a major shareholder in The Cherry Company Ltd, a Hawaii corporation ('Cherry Company'). Cherry Company operates a similar wholesaler business in Hawaii for 35 years and currently holds wholesaler liquor license in Hawaii.”

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

**This item was recommended for approval.**

**11 Liquor License - Buqui Bichi**

Request for a liquor license. Arizona State License Application 252348.

**Summary**

Applicant
Juanita Esparza, Agent

License Type
Series 12 - Restaurant

Location
21 W. Van Buren St.

Zoning Classification: DTC-Business Core
Council District: 7

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

The 60-day limit for processing this application is Sept. 19, 2023.

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.

Buqui Bichi (Series 12)
325 S. Arizona Ave., Ste 1 & 2, Chandler
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Call Her Martina (Series 12)
7135 E. Camelback Road, Ste. 165, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Fuego Bar & Grill (Series 6)
9118 W. Van Buren St., Tolleson
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The owner of Buqui Bichi Martin A Hurtado is committed to upholding the highest standards for it's busines practices & employees. He has been trained in the techniques of legal & responsibility and has taken the Title 4 Liquor Law Training Course. As owner of the business Mr. Hurtado will oversee all employees & will provide a safe experience for all staff and restaurant patrons."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Martin A Hurtado owner of Buqui Bichi wishes to provide dining with alcoholic beverages at the request of the patron. In addition Mr. Hurtado will responsibly adhere to all state, and federal tax laws and maintain a strict adherence to the security requirements of the city and state."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Buqui Bichi
Liquor License Map - Buqui Bichi

**This item was recommended for approval.**

**12 Liquor License - Special Event - Liberty Wildlife, Inc.**

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

**Summary**

Applicant
Margaret Mosby

Location
2600 E. Elwood St.
Council District: 8

Function
Dinner and Silent Auction

Date(s) - Time(s) / Expected Attendance
Nov. 4, 2023 - 4 p.m. to 7 p.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

**This item was recommended for approval.**

**14 Liquor License - Ezbachi**

Request for a liquor license. Arizona State License Application 250641.

**Summary**

Applicant
Jacqueline Padilla, Agent

License Type
Series 12 - Restaurant

Location
1713 S. Central Ave.
Zoning Classification: C-3
Council District: 8

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption.

The 60-day limit for processing this application is Sept. 17, 2023.

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.

Ezbachi (Series 12)
63 E. Congress St., Ste. 121, Tucson
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

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

Applicant's Statement

The applicant submitted the following statement in support of this

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

I have the capability, reliability and qualifications to hold a liquor license because:
“I have another restaurant located in Tucson which I have a liquor license already. I make sure my staff as well as myself are trained and stay current with liquor laws and are resposible.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“Ezbachi is/will be providing an establishment where the community can come and celebrate special occasions in a newly renovated restaurant that was once an eye sore. Can rest assure that we are fully capable to sell and supply alcohol to our community's expectations and in no way, shape or form abuse this privledge.”

Staff Recommendation
Staff recommends disapproval of this application based on a Finance department recommendation for disapproval and 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. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments
Liquor License Data - Ezbachi
Liquor License Map - Ezbachi

**This item was withdrawn.**

**15 Bingo License - Central Park Village Bingo**

Request for a Class A Bingo License.

**Summary**
State law requires City Council approval before a State Bingo License can be issued.

Bingo License Types
Class A - gross receipts shall not exceed $75,000 per year

Class B - gross receipts shall not exceed $500,000 per year
Class C - anticipated gross receipts may exceed $500,000 per year

Applicant
DeAnna Mireau

Location
205 W. Bell Road
Zoning Classification: R-3 SP
Council District: 3

Staff Recommendation
Staff recommends approval of this application.

**This item was recommended for approval.**

**13 Liquor License - Westside Tavern**

Request for a liquor license. Arizona State License Application 250000.

**Summary**

Applicant
Raymond Kubik, Agent

License Type
Series 12 - Restaurant

Location
3558 W. Northern Ave.
Zoning Classification: C-2
Council District: 1

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

The 60-day limit for processing this application is Sept. 16, 2023.

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have previously owned two successful bar and grill establishments that carried Series 6 licenses, including one that operated at this exact location from 2013-2015. Both establishments operated without fail or incident for a number of years before I decided to sell them and pursue other business opportunities."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Westside Tavern will provide a great environment for friends, family and the local community to gather for fantastic food and drink. We want to create an atmosphere where all ages from the surrounding area can enjoy a delicious breakfast, lunch or dinner served by a friendly and caring staff."

Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on the applicant's history of liquor license violations at an establishment the applicant owns, multiple outstanding federal and state tax liens, subject of a criminal investigation and submitted application indicates the location will be a bar versus restaurant. The applicant has not demonstrated the capability, qualifications, and reliability to hold and control a liquor license.

Attachments

Liquor License Data - Westside Tavern
Liquor License Map - Westside Tavern
Liquor License Police Department Recommendation - Westside Tavern

**Discussion**

Deputy City Clerk Leah Swanton stated that the item was a request for a new liquor license for a series 12 restaurant. She stated that the location was previously licensed for liquor sales and did not have an interim permit noting that the 60-day limit for processing the application was September 16, 2023. Ms. Swanton added that there were no protests or support letters received within the 20-day comment period stating that staff recommended disapproval of the application based on Police Department recommendation for disapproval. She explained that the Police Department disapproval was based on the applicant’s history of liquor license violations at a different establishment adding that the applicant owed multiple outstanding federal and state tax liens subject of criminal investigation. Ms. Swanton mentioned that the applicant had not demonstrated the capability qualifications and reliability to hold and control a liquor license. She introduced Detective Steven Wing with the Police Department to provide further comment.

Mr. Wing provided a brief history of West Side Tavern located at 3558 West Northern Avenue previously El Rey Bar, Last Stop Sports Bar and Grill, Hideaway Lounge West Side, and Spuds Bar in 2011 all holding series 6 liquor licenses. He continued stating that the applicant was wanting to obtain a series 12 restaurant license mentioning the applicants experience with bars citing the applicant’s employment at The Hideway Lounge where there were 12 liquor license violations in the last nine

years, 10 under the applicant's control emphasizing a pattern with failure to change. Mr. Wing listed violations that had occurred including failure to report acts of violence, selling without a license, and disorderly conduct. Mr. Wing stated that the applicant was currently being investigated adding that the applicant was not capable, qualified, or reliable to hold a series 12 liquor license at the establishment.

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

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

## ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

One electronic comment was submitted for the record in opposition of Item 17.

Four electronic comments were submitted for the record in opposition of Item 18.

Four electronic comments were submitted for the record in opposition of Item 21.

Three electronic comments were submitted for the record, two in opposition, of Item 48.

Ten electronic comments were submitted for the record, nine in support and one in opposition of Item 70.

**A motion was made by Councilwoman Pastor, seconded by Councilwoman O'Brien, that items 16-71 be approved or adopted, except items 19-20, 34-35, 37, 63 and 65-71; noting that Item 63 is withdrawn, Item 70 is continued to the Nov. 1, 2023 City Council Formal Meeting and Item 71 is continued to**

**Sept. 20, 2023 City Council Formal Meeting. The motion carried by the following vote:**

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

Items 16-22 Ordinance S-50118 was a request to authorize the City Controller to disburse funds, up to amounts indicated, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 43-13.

**16 Bender Associates, Inc.**

For $75,000 in payment authority for a new contract, entered on or about Sept. 1, 2023, for a term of five years, for maintenance and repair services of Fargo ID card printers. The badge printers are located in various Citywide departments and require annual preventative maintenance, repair services and scheduled cleanings based on usage. These services must be performed by an authorized vendor/contractor.

**This item was adopted.**

**17 J.E.B. Environmental Services, LLC, Contract - RFQ 23-089**

For $22,000 in payment authority for a new contract, entered on or about Sept. 15, 2023, for a five-year term for Arizona Task Force 1 training, for affiliated members from the Fire Department. This training is for certification and recertification for three Federal Emergency Management Agency (FEMA) required disciplines including Title 49 of the Code of Federal Regulations (49 CFR) including Department of Transportation Hazardous Materials Handler/Packer/Labeler, Air Force Manual (AFMAN) 24-604, and International Air Transportation Association (IATA) certifications.

**This item was adopted.**

**18 League of Arizona Cities and Towns**

For $158,000 in payment authority for annual membership dues and assessments for Fiscal Year 2023-24 for the Office of Government Relations. The League of Arizona Cities and Towns provides services and resources focusing on member representation and interests of cities and towns before the state legislature. The League also provides technical and legal assistance and coordinates shared services, educational conferences and events. This membership ensures that the City's interests are represented and advocated for at the Governor's Office, Arizona State Legislature, and other State of Arizona agencies.

**This item was adopted.**

**21 United States Conference of Mayors**

For $45,569 in payment authority for Fiscal Year 2023-24 annual membership dues for the City of Phoenix. The United States Conference of Mayors (USCM) is the official non-partisan organization of cities with populations of 30,000 or more. Mayors contribute to development of national urban policy by serving on one or more of the conference's standing committees. USCM develops policy positions adopted by the nation's mayors that are distributed to the President of the United States and Congress. Task forces are also assembled to examine and act on issues like civic innovations, exports, hunger and homelessness. The membership ensures that the City's interests are being represented by USCM.

**This item was adopted.**

**22 Arizona Public Service Company dba APS**

For $220,821 in payment authority to APS for design and installation of conduit work performed in the area bounded by Cave Creek Road to 26th Street, and Marco Polo Road to Angela Drive, for project ST87210022 for the Street Transportation Department.

**This item was adopted.**

**23 Request to Amend an Intergovernmental Agreement with Arizona State University (Ordinance S-50151)**

Request to authorize the City Manager, or his designee, to amend an Intergovernmental Agreement (IGA) between Volunteer PHX and the Arizona Board of Regents on behalf of Arizona State University (ASU), Edson College of Nursing and Health Innovation to add the College of

Health Solutions and Watts College School of Social Work for additional student placements.

**Summary**

On June 28, 2023, the City Council approved an intergovernmental agreement with Edson College of Nursing and Health Innovation and Volunteer PHX for student placements. This amendment would expand upon the current relationship and include a broader set of student placement opportunities and skills through the addition of the Watts College of Public Service and Community Solutions School of Social Work and the College of Health Solutions.

Each college trains and educates students working towards undergraduate, masters and doctorate degrees in health and health related fields. At all levels of education, placements may be required or available for credit to support student learning and the educational experience. With the City's new Office of Public Health, there is an enhanced focus on opportunities for public health programming. The City of Phoenix offers a unique opportunity and setting for community and clinical placements focused on population and public health through a variety of City departments and offices.

Volunteer PHX coordinates the City's volunteer opportunities, including volunteer placements and internships. Building on existing relationships, Volunteer PHX will work closely with the Office of Public Health and other departments to initiate and coordinate routine opportunities for health-related student placements across programs. This coordination will enhance the capacity of departments to address broad social and population health issues while supporting the education and development of the local workforce.

Examples of routine placements opportunities include:
Health Education
Research
Program evaluation
Clinical placements (health screening, vaccination, etc.)
Case management and navigation
Program planning

**Contract Term**

The agreement will be valid for five years from the date of execution by all parties.

**Financial Impact**

There is no cost or financial impact associated with this agreement.

**Concurrence/Previous Council Action**

The City Council previously approved this request during the June 28, 2023, Formal City Council meeting:

Intergovernmental Agreement with Arizona State University Edson College of Nursing and Health Innovation.

**This item was adopted.**

**24 Window Treatment and Associated Services - IFB 18-128 - Amendment (Ordinance S-50129)**

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 146976 with Coyote Blind Company, Inc., for the purchase of window treatment and associated services for various City departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $200,000.

**Summary**

This contract will provide all labor, materials, equipment, and transportation to supply and install roller shades, mini-blinds, honeycomb and cellular shades, vertical blinds and exterior sunshades in various facilities Citywide. Additional funds are needed for continued utilization of this contract.

**Contract Term**

The contract term remains unchanged, ending on Oct. 31, 2024.

**Financial Impact**

Upon approval of $200,000 in additional funds, the revised aggregate value of the contract will not exceed $530,000. Funds are available in various department budgets.

**Concurrence/Previous Council Action**

The City Council previously approved this request:
• Window Treatment and Associated Services Contract 146976 (Ordinance S-44273) on Feb. 21, 2018;
• Window Treatment and Associated Services Contract 146976 (Ordinance S-49526) on March 22, 2023.

**This item was adopted.**

**25 Acceptance of Easements for Drainage, Water and Sewer Purposes (Ordinance S-50132)**

Request for the City Council to accept easements for drainage, water and sewer purposes; further ordering the ordinance recorded.

**Summary**
Accepting the property interest below meets the Planning and Development Department's Single Instrument Dedication process requirement prior to releasing any permits to applicants.

Easement (a)
Applicant: CWS Bronco Butte MF, L.P., its successor and assigns
Purpose: Drainage
Location: 31925 N. 29th Ave.
File: FN 230061
Council District: 2

Easement (b)
Applicant: CWS Bronco Butte MF, L.P., its successor and assigns
Purpose: Water
Location: 31925 N. 29th Ave.
File: FN 230061
Council District: 2

Easement (c)
Applicant: North Gateway Core Acreage Investors, LLC; Hare Investments, LLC; its successor and assigns
Purpose: Sewer
Location: 32600 N. 29th Ave.
File: FN 230021
Council District: 2

**This item was adopted.**

**26** **Acceptance and Dedication of Easements for Pedestrian Access, Sidewalk and Public Utility Purposes (Ordinance S-50133)**

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

**Summary**

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

Easement (a)
Applicant: CWS Bronco Butte MF L.P., its successor and assigns
Purpose: Pedestrian Access
Location: 31925 N. 29th Ave.
File: FN 230061
Council District: 2

Easement (b)
Applicant: Kyrene Elementary School District No. 28 of Maricopa County, its successor and assigns
Purpose: Sidewalk
Location: 15175 S. 50th St.
File: FN 230054
Council District: 6

Easement (c)
Applicant: Holland Real Estate, LLC, its successor and assigns
Purpose: Public Utility
Location: 3201 E. Wood St.
File: FN 230064
Council District: 8

**This item was adopted.**

**27** **Multi-Temporary Staffing Services - Managed Services Provider - ADSPO 17-00006933 - Amendment (Ordinance S-50143)**

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 148480 with Guidesoft, Inc., dba

Knowledge Services, for the purchase of Multi-Temporary Staffing Services for Citywide departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $11,275,000.

**Summary**

This contract will provide information technology professional services through a Managed Service Provider (MSP) for technology projects and initiatives such as project management, system implementation, data conversion, and hardware and software configuration Citywide. Additional funds are needed for the remainder duration of this contract.

**Contract Term**

The contract term remains unchanged, ending on Aug. 31, 2025.

**Financial Impact**

Upon approval of $11,275,000 in additional funds, the revised aggregate value of the contract will not exceed $23,351,000. Funds are available in various City department budgets.

**Concurrence/Previous Council Action**

The City Council previously reviewed this request:
• Multi-Temporary Staffing Services - Managed Services Provider Contract 148480 (Ordinance S-44975) on Sept. 5, 2018;
• Multi-Temporary Staffing Services - Managed Services Provider Contract 148480 (Ordinance S-45196) on Dec. 5, 2018;
• Multi-Temporary Staffing Services - Managed Services Provider Contract 148480 (Ordinance S-46189) on Nov. 20, 2019;
• Multi-Temporary Staffing Services - Managed Services Provider Contract 148480 (Ordinance S-47922) on Sept. 8, 2021;
• Multi-Temporary Staffing Services - Managed Services Provider Contract 148480 (Ordinance S-48944) on Aug. 31, 2022;
• Multi-Temporary Staffing Services - Managed Services Provider Contract 148480 (Ordinance S-49970) on June 28, 2023;

**This item was adopted.**

**28 Cabling Communication Systems ADSPO17-00007125 - Amendment (Ordinance S-50134)**

Request to authorize the City Manager, or his designee, to execute

amendments to Contracts 146189 with BPG Technologies, LLC; 146210 with Cable Solutions, LLC; 146209 with Corporate Technology Solutions, LLC; 146369 with Fishel Company; 146234 with Graybar Electric Company, Inc.; 146188 with IES Commercial, Inc.; and 146187 with Tel Tech Networks, Inc. to extend the contract term. No additional funds are needed, request to continue using Ordinance S-43955.

**Summary**

These contracts will provide equipment, installation, testing, and warranty of cabling. Cabling communication systems connect City facilities to the data network and phone system through Internet access, phone lines, and data circuits, allowing connection to email and instant messaging, and access to critical applications such as the City's financial accounting and reporting system and the human resources system. Cabling communication systems enable access to emergency services provided by the Police and Fire Departments, provide public and employee Wi-Fi, critical network infrastructure at Sky Harbor International Airport, and telephone and network services in all City facilities. Without the cabling communication systems, users and devices will not be able to connect to their network and/or back-end systems for operations. The City's cabling communication systems are critical to operations of City departments.

**Contract Term**

Upon approval the contracts will be extended through April 9, 2024 with an option to extend through Oct. 9, 2024.

**Financial Impact**

The aggregate value of the contracts will not exceed $20.7 million and no additional funds are needed.

**Concurrence/Previous Council Action**

The City Council previously reviewed this request:
Cabling Communication Systems - Contracts 146187, 146188, 146189, 146208, 146209, 146210, 146234, 146369 (Ordinance S-43955) on Oct. 4, 2017.
Cabling Communication Systems - Contracts 146187, 146188, 146189, 146208, 146209, 146210, 146234, 146369 (Ordinance S-49008) on Sept. 21, 2022.

**This item was adopted.**

**29 Salt River Pima-Maricopa Indian Community Gaming Grant (Ordinance S-50141)**

Request to authorize the City Manager, or his designee, to apply for and accept up to $264,100 in new funding from the Salt River Pima-Maricopa Indian Community under the 2024 funding cycle. Further request authorization for the City Treasurer to accept and the City Controller to disburse funds as directed by the Salt River Pima-Maricopa Indian Community in connection with these grants.

**Summary**

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

If awarded, the funds would be applied, as directed by Salt River Pima-Maricopa Indian Community, towards the following:

City Application

Parks and Recreation, S'edav Va'aki (formerly Pueblo Grande) Museum: $164,100 for the S'edav Va'aki Museum Exhibit Elements Installation project, which will guide the creation of the orientation gallery, the O'odham garden extension, renovation of the children's gallery, lighting, flooring, and exhibit case upgrades.

Non-Profit Applications

Arizona Humane Society: $75,000 for wrap-around programming to Keeping Pets and People Together program, which will support innovative, wrap-around programs that keep families intact, such as the Pet Resource Center, Veterinary Assistance Fund and Project Home Away from Home Initiative.

Homeward Bound: $25,000 for the Shelter and Community Services program, which deliver trauma-informed services and aim to address the varying contributing factors and complex effects of generational

poverty. These programs strive to improve long-term self-sufficiency and stability for families who enter their program, with a focus on the whole family unit.

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

**Financial Impact**

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

**This item was adopted.**

**30 Tohono O'odam Nation Gaming Grants (Ordinance S-50146)**

Request to authorize the City Manager, or his designee, to apply, accept, and if awarded, enter into related agreements for up to $3,214,638 in new funding from the Tohono O'odham Nation under the 2023 funding cycle. Further request authorization for the City Treasurer to accept, and the City Controller to disburse funds as directed by the Tohono O'odham Nation in connection with these grants.

**Summary**

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

<u>City Applications</u>

Neighborhood Services: $150,000 for the Financial Empowerment Microbusiness Program, which will launch the program locally in partnership with a trusted nonprofit financial counseling provider, in collaboration with more than a dozen community partners who have expressed interest in this program.

Sustainability: $50,000 for the Student Council Sustainability Officer Initiative, which seeks to develop student sustainability leaders,

educate secondary students on how to implement community projects on school campuses, and improve civic engagement and embed sustainability on school campuses.

Parks and Recreation: $400,000 for the first all-inclusive playground project at Encanto Park. The park will provide a variety of inclusive amenities and equipment for children of all abilities, in inclusive environments.

Parks and Recreation: $1,739,864 for the FitPHX Network of FitLot Outdoor Fitness Parks at seven different proposed sites, which will support the planning, organizing, construction and programming of the sites.

Fire: $9,774 for the automated traffic scenario simulator, which will support Fire staff's Regional Driver Training Program.

Planning and Development: $30,000 for the Rio Reimagined Community Plan, which will develop a community-led planning document that will activate and transform Rio Salado (Salt River) into a local and regional tourist destination.

Non-Profit Applications

Arizona Forward: $15,000 for the Emerging Sustainability Leaders program, which will create a fund offering a scholarship to reduce entry barriers in the program and offer more field trips, a year-end project, and program materials.

Arizona Foundation for Women: $10,000 for the SHE Leads! program, a leadership development program designed by women, for women.

Arizona Science Center: $50,000 for the Focused Field Trips program, which will fund 5,000 students' free admission to participate in field trips in 2024.

Ballet Arizona: $10,000 for the Hoop Dance program, which will expand the program to 40 Native American youth residing in Maricopa County, providing access to arts programming that is dedicated to honoring and celebrating Native American traditions, culture, ancestry, and activities.

Banner Health Foundation: $100,000 for the creation of Play Zone, a healing area for ill and injured children who come to Banner Health's Diamond Children's Medical Center for care.

Creighton Community Foundation: $300,000 for the Native Wetlands Educational Space, which will create a unique one-time marquee

project on a 10,000 square foot publicly accessible entrance area of a school campus being fully remodeled as an outdoor learning school.

Duet Partners in Health: $15,000 for the Improving Academic Achievement Health and Safety of At-risk Children program, which will improve the health, fitness, safety, academic skills, and well-being of low-income grandchildren being raised by their grandparents.

Foundation for Senior Living: $15,000 for the Nutrition program, which is a long-standing program for low-income individuals and families.

Heard Museum: $10,000 for the K-12 Free Admissions and School Tours program, which will allow 7,500 students, educators, and chaperones to participate in the program.

Homeward Bound: $50,000 for the Shelter and Community Services program, which will assist in operating the program and provide aid to 600 individuals.

Human Services Campus: $100,000 for the Respiro Shelter program, which will provide respite and shelter to 500 individuals experiencing homelessness.

Life More Abundantly: $15,000 for the Pregnancy and Sexually Transmitted Disease Care programs, which will assist with testing, ultrasound scans, nurse consultants, medical and social service referrals.

Lights Camera Discover: $25,000 for the Entrepreneur Workforce Readiness program, which will support a 24-week program for youth ages 17-21.

Mission of Mercy: $40,000 for the Access to Care program, which will subsidize care for more than 100 patients.

Phoenix Indian Center: $50,000 for the Bridging the Gaps for Indigenous Cultural Connection, and Direct Assistance programs, which will support language and culture funding and direct emergency support to Indigenous/American Indian youth and families.

Stand for Children: $10,000 for the Growing Readers program, which will engage families at partner schools, provide literacy workshops and other learning opportunities that help students develop literacy skills.

Treasures 4 Teacher (T4T): $20,000 for the T4T on Wheels program, which will distribute 2,235 hygiene kits to children in need.

The gaming compact entered into by the State of Arizona and various tribes calls for 12 percent of gaming revenue to be contributed to cities,

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

**Financial Impact**

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

**This item was adopted.**

**31 Fort McDowell Yavapai Nation Gaming Grants (Ordinance S-50147)**

Request to authorize the City Manager, or his designee, to accept, and as awarded, to enter into related agreements for up to $12,708.56 in new funding from the Fort McDowell Yavapai Nation under the 2022 funding cycle. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, funds as directed by the Fort McDowell Yavapai Nation in connection with these grants.

**Summary**

These monies would be applied, as directed by the Fort McDowell Yavapai Nation towards the following:

Non-Profit Applications

Hope Community Services: $6,354.28 for the Specialized Trauma Therapy for Low-Income Children and Youth program, which will provide specialized trauma therapy to low-income children who have experienced ongoing, extreme trauma.

Ronald McDonald House Charities of Central and Northern Arizona: $6,354.28 for the Keeping Families Together program, which will support families devastated by their child's medical crisis.

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

Nation will notify the City, by grant-in-aid agreement, of the Tribal Council's decision, if it desires to convey to the City or local nonprofits a portion of its annual 12 percent local revenue-sharing contribution.

**Financial Impact**

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

**This item was adopted.**

**32 Authorization to Enter into a Contract with Masters of Coin and Accept Funds for the City of Phoenix Volunteer Income Tax Assistance Program (Ordinance S-50123)**

Request authorization for the City Manager, or his designee, to enter into an agreement and accept funding from Masters of Coin in an amount not to exceed $350,000 to support the City's volunteer income tax assistance (VITA) services up to a three-year contract term. Further, request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item for the life of the contract.

**Summary**

In April 2023, Masters of Coin was selected by the Central Arizona VITA Network to apply for the Federal Fiscal Year 2023-24 Internal Revenue Service (IRS) VITA grant on behalf of eight regional partners, including the City. Masters of Coin serves as the fiduciary agent for the City of Phoenix VITA Program to assist with managing operational purchases and grant reporting.

The VITA Program is funded by the IRS, with funding for the Central Arizona VITA Network passing through Master of Coin. The purpose of this program is to provide training and support for volunteers to become IRS Certified and provide free basic income tax return preparation with electronic filing to qualified individuals who are low-to-moderate-income. IRS Certified volunteers provide assistance to Phoenix residents through neighborhood centers, libraries, schools, shopping malls, senior and family services centers, and other convenient locations.

The City of Phoenix VITA Program offers services in-person, virtually and

through a hybrid “Do It Yourself” option that allows tax clients to visit a VITA site and prepare their own taxes with the assistance of a nearby volunteer. In addition to assisting clients with electronically filing their taxes for free, volunteers also provide education on tax processes and promote the concept of financial self-sufficiency through saving money.

**Contract Term**

The contract will begin on or about Oct. 1, 2023, through Sept. 30, 2024, with two, one-year options to extend through Sept. 30, 2026.

**Financial Impact**

Funding is provided from the IRS, via Master of Coin. There is no impact to the General Fund.

**This item was adopted.**

**33 Indoor/Outdoor Sport Court Resurfacing and Repair Services - IFB 21-027 - Amendment (Ordinance S-50145)**

Request to authorize the City Manager, or his designee, to execute an amendment to Contracts No.154058 with Elite Sports Builders, LLC and 154056 with Arizona Gym Floors, LLC to allow additional expenditures to use ARPA funding and add required ARPA language to the contracts. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $1,000,000. There is no impact to the General Fund. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) received from the federal government and is under the Phoenix Parks Improvements program of the strategic plan.

**Summary**

These contracts will provide resurfacing and repair services for indoor, multi-use wood floors and outdoor concrete sport courts. The Parks and Recreation Department uses these services to resurface and repair indoor/outdoor sport court floors such as tennis,volleyball, pickleball, and basketball courts located at various recreation facilities. The services include, but are not limited to, floor screening, line striping, floor repair, and wood floor refinishing and maintenance. This contract will also be utilized for Parks and Recreation capital improvements serving qualifying census tracts as approved by the City Council in the ARPA Strategic Plan. The ARPA funding being requested is to be used on ARPA

projects.

**Contract Term**
The contract term will expire on March 31, 2026.

**Financial Impact**
Upon approval of $1,000,000 in ARPA funds, the revised aggregate value of the contract will not exceed $2,350,000. No General Funds are requested.

**Concurrence/Previous Council Action**
The City Council previously reviewed this request:
Indoor/Outdoor Sport Court Resurfacing and Repair Services Contracts 154058 & 154056 (Ordinance S-47347) on March 3, 2021.
City Council approved the ARPA Second Tranche Strategic Plan allocating $2.9 million for Phoenix Parks Improvements on June 7, 2022.

**This item was adopted.**

**36 Edwards Fire Alarm Services - Requirements Contract - IFB PCC 22-005 Request for Award (Ordinance S-50127)**

Request to authorize the City Manager, or his designee, to enter into a contract with ADT Commercial, LLC., to provide testing, inspection, and repair services for the Edwards Fire Life Safety System for the Phoenix Convention Center Department (PCCD). Further request to authorize the City Controller to disburse all funds related to this item. The five-year value of the contract will not exceed $450,000.

**Summary**
This contract will provide annual testing, maintenance, and repair of the Edwards Fire Life Safety System in Symphony Hall, Herberger Theatre, Orpheum Theatre, Phoenix Convention Center South Building, Regency Garage, Heritage Garage and East Garage.

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

Two vendors submitted bids deemed to be responsive to posted

specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendor:

Selected Bidder
ADT Commercial, LLC.: $90,000 annually

**Contract Term**
The contract will begin on or about December 1, 2023, for a five-year term with no options to extend.

**Financial Impact**
The contract value will not exceed $450,000.

Funding is available in the Phoenix Convention Center Department operating budget.

**This item was adopted.**

**38 Authorization to Pay Public Safety Personnel Retirement System for FY2023-24 Police Sworn Cancer Insurance Coverage (Ordinance S-50126)**

Request to authorize the City Manager, or his designee, to make a payment to the Public Safety Personnel Retirement System (PSPRS) in the amount of $145,300 to purchase cancer insurance for Fiscal Year (FY) 2023-24 for the sworn personnel of the Police Department. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**
The Fire Fighter Cancer Insurance Policy Program (FFCIPP) was established in 1997. The FFCIPP offers supplemental cancer insurance for firefighters, helping to offset additional costs if a firefighter is diagnosed with cancer after enrollment. The insurance is administered under the PSPRS. In 2007, HB2268 changed the name of the Fire Fighter Cancer Insurance Policy Program to the Fire Fighter and Peace Officer Cancer Insurance Policy Program and extended coverage to certified peace officers under this program.

**Financial Impact**

The cost for FY2023-24 is $50 per peace officer. This item requests authorization to pay up to $145,300. The payment will provide cancer insurance coverage for Police sworn personnel for FY 2023-24. Funds are available in the Police Department's budget.

**This item was adopted.**

**39 Baggage Handling Control System Design, Programming, and Integration Services - IFB 19-007 - Amendment (Ordinance S-50119)**

Request to authorize the City Manager, or his designee, to amend Contract 149031 with Quantum Integrated Solutions Inc. for Baggage Handling Control System Design, Programming, and Integration Services by extending the term of the contract. No additional funds are needed and request to continue using ordinances S-45225 and S-49334.

**Summary**

The contract provides technical support, including design, programming, integration, and architectural controls, of the baggage handling systems (BHS) at Phoenix Sky Harbor International Airport 24 hours-a-day, seven days-a-week, every day of the year. The contract, along with an existing contract for the operation, maintenance, and repair service, are two contracts that impact the BHS. To better meet its operational needs and to achieve service and pricing efficiencies, the Aviation Department will combine both services into one solicitation upon the expiration of both contracts, which will result in one contracted vendor to provide full and comprehensive services and maintenance to the BHS.

**Contract Term**

Upon approval, the term of the contract will be extended through June 30, 2024.

**Financial Impact**

The value of the contract will be up to $2,375,000 and no additional funds are needed.

**Concurrence/Previous Council Action**

The City Council previously approved:

• Baggage Handling Control System Design, Programming and

Integration Services Contract (Ordinance S-45225) on Dec. 12, 2018; and
• Purchase of Baggage Handling Control System Design, Programming and Integration (Ordinance S-49334) on Jan. 25, 2023

**Location**
Council District: 8

**This item was adopted.**

**40 Arizona Aviation Partners, LLC Ground Lease at Phoenix Goodyear Airport (Ordinance S-50120)**

Request to authorize the City Manager, or his designee, to enter into a ground lease with Arizona Aviation Partners, LLC (AZ Partners) to construct hangars at Phoenix Goodyear Airport (GYR).

**Summary**
AZ Partners has requested to enter into a ground lease to develop hangars, apron, automobile parking, and an access road on approximately 32 acres at GYR. AZ Partners intends to market the hangars under sublease agreements approved by the City. The hangars and other improvements will be constructed in two phases of approximately 16 acres for each phase. AZ Partners will have 24 months to construct the Phase 1 improvements, and 48 months to construct the Phase 2 improvements. Construction of the hangars will require the relocation of utilities at an estimated cost of $1.4 million that will be reimbursed to AZ Partners through rent credits.

**Contract Term**
The primary term of the ground lease will be 30 years, which will be preceded by a 24-month development term to complete the Phase 1 improvements. The development term for the Phase 2 improvements will be 48 months. Provisions of the lease will include an option to extend the term up to 10 years, which may be exercised by the City Manager or designee.

**Financial Impact**
Rent for the primary term of the Phase 1 parcel is anticipated to be approximately $252,474 per year. AZ Partners will pay annual rent of $38,812 on the Phase 2 parcel until construction on the Phase 2 parcel

commences, or the 48 month development term expires, whichever occurs first. Upon completion of the Phase 2 development term, AZ Partners will pay rent of $258,746 per year for the first year. Total revenue over the 30-year lease term and 10-year option will be approximately $20.5 million. All rents are subject to annual increases based on the Phoenix-Mesa-Scottsdale Consumer Price Index. As an aircraft storage operator, AZ Partners will also be required to enter into a Specialized Aviation Services Operator permit which will require AZ Partners to report and remit a monthly two percent fee on gross sales derived from hangar subleases with its tenants.

**Concurrence/Previous Council Action**

The Business and Development Subcommittee recommended approval of this item on May 4, 2023 by a vote of 3-0.
The Phoenix Aviation Advisory Board recommended approval of this item on May 18, 2023 by a vote of 7-0.

**Location**

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

**This item was adopted.**

**41 Environmental Remediation Consulting Services Requirements Contract RFP 23-042 - Request for Award (Ordinance S-50125)**

Request to authorize the City Manager, or his designee, to enter into a contract with Geosyntec Consultants, Inc. to provide environmental remediation consulting services for the Aviation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will be up to $250,000.

**Summary**

In 2008, the City entered into Contract 124536 with Honeywell International Inc. (Honeywell). The contract sets forth Honeywell's requirements to conduct remediation of fuel released on and beneath City property and includes provisions for the cost recovery for these services. Geosyntec will provide expert level remediation consulting services and support to analyze remediation reports, identify issues of concern to the City, advise the City on remediation progress, and make

recommendations to the City as remediation nears completion for the Honeywell 34th Street Facility. The contract is critical as it ensures Honeywell's remediation requirements are met for the purpose of protecting the public health, welfare, environment, and airport facilities.

**Procurement Information**
A Request for Proposal was processed in accordance with City of Phoenix Administrative Regulation 3.10.

One vendor submitted a proposal and was deemed responsive. An evaluation committee evaluated the offer based on the following criteria with a maximum possible total of 1,000 points.

Method of Approach (0-325 Points)
Key Personnel Qualifications and Experience (0-275 Points)
Firm Qualifications and Experience (0-250 Points)
Fee Schedule (0-150 Points)

After reaching consensus, the evaluation committee recommended award to the following vendor:

Geosyntec Consultants, Inc.

Contract Term
The contract will begin on or about Sept. 26, 2023 for a five-year term with no options to extend.

**Financial Impact**
The contract value will be up to $250,000 for the five-year term of the contract.

Funding is available in the Aviation Department's budget.

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

**This item was adopted.**

## 42 Airport Marking Paints Contract - AVN IFB 23-0101 Request for Award (Ordinance S-50131)

Request to authorize the City Manager, or his designee, to enter into a contract with International Coatings Company, Inc. to provide airport marking paints for Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport (Airports). Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will be up to $2 million over its five-year term.

**Summary**

The contract will authorize International Coatings Company, Inc. to supply and deliver runway, taxiway, and roadway marking paints on an as-needed basis to support the maintenance activities for the Airports. The paint is required to comply with Federal Aviation Administration regulations and for use in airport operating areas and roadway systems.

**Procurement Information**

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

Five offerors submitted offers. Four offers were determined to be nonresponsive. The offer from International Coatings Company, Inc. was determined to be responsive to posted specifications and reasonable to provide the required goods based on the market and previous contract pricing.

**Contract Term**

The term of the contract is five years and will begin on or about Oct. 1, 2023. There are no options to extend the term.

**Financial Impact**

The contract value is expect to be up to $2 million over the five-year contract term.

Funding is available in the Aviation Department's Operating budget.

**Location**

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

**This item was adopted.**

**43 Overhead, Aircraft Hangar, and Automatic Doors/Systems Replacement and Repair Services Contract IFB 23-0129 - Request for Award (Ordinance S-50140)**

Request to authorize the City Manager, or his designee, to enter into a contract with D.H. Pace Company, Inc. (D.H. Pace) to provide maintenance, repair, installation, testing, and inspection services for various mechanical doors for the Aviation Department on an as-needed basis. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will be up to $1.5 million.

**Summary**

The contract will provide the services for aircraft hangar doors, overhead doors, dock leveling devices, and automatic doors throughout Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport (Airports). These doors are critical in allowing the Airports to maintain the large array of doors and ensure the safety and security of the traveling public.

**Procurement Information**

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

One bid was received from D.H. Pace. The bid was evaluated based on the minimum qualifications, price, responsiveness, and responsibility to the posted specifications to provide the required goods and services. The bid from D.H. Pace was deemed fair and reasonable based on the market and previous agreement pricing.

**Contract Term**

The term of the contract is five years and will begin on or about Oct. 1, 2023. There are no options to extend the term.

**Financial Impact**

The contract value will to be up to $1.5 million for the five-year term. Funding is available in the Aviation Department's budget.

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, Out of City

**This item was adopted.**

**44 Facility Condition Assessments Agreements - RFQu 24-FMD-002 (Ordinance S-50122)**

Request to authorize the City Manager, or his designee, to establish a qualified vendor list and enter into separate agreements with Arrington Watkins Architects; DLR Group, Inc.; Facility Engineering Associates; FM Solutions Management, LLC; and SmithGroup, Inc. to provide facility condition assessments on City-owned facilities. Further request to authorize the City Controller to disburse all funds related to this item. The value of the agreement will not exceed $6.1 million.

**Summary**

The Public Works Department is responsible for assessing the condition of City-owned facilities. Facility condition assessments are essential to monitor and maintain the health and safety of more than 1,500 facilities. Information obtained from the assessments is used to identify areas of immediate need, address maintenance improvements, and verify functional or economic obsolescence. This information allows for planning, budgeting, and prioritizing the necessary maintenance and repairs of each facility. These agreements will also provide assessments for facilities maintained by the Phoenix Convention Center, Housing and Water Services departments.

**Procurement Information**

Request for Qualifications (RFQu) 24-FMD-002 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department received fourteen proposals on March 29, 2023. One proposal was deemed non-responsive. The proposals were evaluated by a panel that included representation from Fire, Phoenix Convention

Center, Street Transportation, Water Services and Public Works departments. The proposals were evaluated based on criteria set forth in the RFQu with 1,000 maximum points possible.

Arrington Watkins Architects: 935 points
DLR Group, Inc.: 921 points
ECS Southwest, LLP: 735 points
Facility Engineering Associates: 921 points
FM Solutions Management, LLC: 930 points
GLHN Architects & Engineers, Inc.: 858 points
Kimley-Horn and Associates, Inc.: 890 points
McKinstry Essention, LLC: 875 points
Partner Engineering and Science, Inc.: 888 points
Property Condition Assessments, LLC: 851 points
Sazan Group, Inc.: 895 points
SmithGroup, Inc.: 934 points
Terracon Consulting Engineers & Scientists: 916 points

The evaluation panel recommends the offers from Arrington Watkins Architects; DLR Group, Inc.; Facility Engineering Associates; FM Solutions Management, LLC; and SmithGroup, Inc. to be accepted as the responsive and responsible offers with the highest point value received.

**Contract Term**
The initial one-year term of the agreements will begin on or about Dec. 1, 2023. The agreements will include four one-year options to extend the term, for a total agreement term of up to five years if all options are exercised.

**Financial Impact**
The value of the agreements, including all option years, is $6.1 million, including all applicable taxes. Funding is available in various departments' operating and CIP budgets.

**This item was adopted.**

**45 Chiller Maintenance and Repair Services - IFB 19-FMD-023 - Amendment (Ordinance S-50128)**

Request to authorize the City Manager, or his designee, to amend

Agreements 149541 with Mesa Energy Systems, Inc. dba Emcor Services Arizona; 149548 with Trane US, Inc.; and 149542 with Pueblo Mechanical & Controls, LLC, to allow additional expenditures for chiller maintenance and repairs in City-owned facilities. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $793,000.

**Summary**

The Public Works Department is responsible for maintaining and repairing chillers in City-owned facilities. Chillers are necessary in order to maintain temperatures in buildings, and are the primary source of cooling in larger facilities. These full-service agreements provide annual inspections, maintenance, and repairs of these systems. The additional expenditures are necessary and will help maintain chillers citywide to ensure they run efficiently and to help minimize repair costs. This request will also support the facilities maintained by the Water Services Department.

**Procurement Information**

Invitation for Bid 19-FMD-023 was conducted in accordance with Administrative Regulation 3.10. Five offers were received by the Public Works Department on Jan. 23, 2019. The offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offers submitted by Mesa Energy Systems, Inc. dba Emcor Services Arizona; Trane US, Inc.; and Pueblo Mechanical & Controls, LLC were deemed fair and reasonable.

**Contract Term**

The one-year contract terms started on May 1, 2019, with four option years to be exercised in increments of up to one year, with a contract end date of April 30, 2024.

**Financial Impact**

The initial authorization for these agreement was for an expenditure not-to-exceed $2,215,000. This request will increase the authorization of the agreements by an additional $793,000, for a new not-to-exceed agreement value of $3,008,000. Funds are available in the Water Services and Public Works departments' budgets.

**Concurrence/Previous Council Action**

The City Council approved Agreements 149541 with Mesa Energy Systems, Inc. dba Emcor Services Arizona; 149548 with Trane US, Inc.; and 149542 with Pueblo Mechanical & Controls, LLC (Ordinance S-45452) on March 20, 2019.

**This item was adopted.**

**46 Aviation Glass Repair, Replace, and Maintenance Services - IFB 21-003 - Amendment (Ordinance S-50130)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 152953 with True View Windows and Glass, LLC to allow additional expenditures and add the Public Works Department as an authorized user for glass repair, replacement, and maintenance services in City-owned facilities. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $400,000.

**Summary**

The Public Works Department is responsible for providing glass repair and replacement in facilities citywide. This agreement will provide glass repair, replacement, installation, and maintenance services in City-owned facilities. The agreement also provides frame components, various types of glass for windows, and specialty services, such as glass scratch removal, graffiti protection film, and the replacement of worn or missing seals.

**Procurement Information**

Invitation for Bid 21-003 was conducted in accordance with Administrative Regulation 3.10. Offers were received by the Aviation Department on July 27, 2020. The offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offer submitted by True View Windows and Glass, LLC was deemed fair and reasonable.

**Contract Term**

The five-year contract term will remain unchanged, ending Sept. 30, 2025.

**Financial Impact**

The initial authorization for this agreement was for an expenditure not-to-exceed $1 million. This request will increase the authorization of the agreement by an additional $400,000, for a new not-to-exceed agreement value of $1.4 million. Funds are available in the Public Works Department's budget.

**Concurrence/Previous Council Action**

The City Council approved Agreement 152953 with True View Windows and Glass, LLC (Ordinance S-46913) on Sept. 16, 2020.

**This item was adopted.**

**47 Transmission Main Inspection and Assessment Program - Engineering Services - WS85500379 (Ordinance S-50124)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Black & Veatch Corporation, to provide Engineering Services that include programming, studies, assessment, inspections, design, and possible construction administration and inspection services for the Transmission Main Inspection and Assessment Program 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 all services will not exceed $4,981,000.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

**Summary**

The purpose of this project is to inspect 48 miles of Pre-stressed

Concrete Cylinder Pipe (PCCP) transmission mains. Twenty seven of the total pipes will be inspected to determine the stability of distress discovered in previous inspections. For these inspections, plans have been developed that identify the requirements and activities necessary for shutdown inspection and startup of the mains. The remaining twenty one miles will be new inspections and will require development of plans.

Black & Veatch Corporation's services include, but are not limited to: reviewing past assessments; selection and implementation of pertinent inspection methods and tools; assisting with upkeep of the City's PCCP inspection plan; developing detailed inspection plans; assisting in development of scope documents for Job Order Contract support agreements; prepare construction documents for short-term or capital improvements to facilitate pipeline shutdowns/startups; preparing detailed shutdown plans; assisting with acquisition permits; coordinating shutdowns, inspection, repairs and startup activities including field inspection and contract administration of work performed by the Job Order Contractor; performing condition assessments utilizing appropriate and agreed-upon inspection technologies and techniques; developing construction documents for rapid pipeline reinforcement on an as-needed basis; compiling and reporting inspection results; assisting with importing assessment results into both the City's Computerized Maintenance Management System, Oracle Water Asset Management and Geographical Information System; and updating inspection checklists and guidelines and developing new ones as necessary.

**Procurement Information**

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. One firm submitted proposals and are listed below.

Selected Firm

Rank 1: Black & Veatch Corporation

**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 Black & Veatch Corporation will not exceed $4,981,000, including all sub-consultant 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.

**This item was adopted.**

**48 Phoenix Sky Harbor International Airport Solar Covered Parking Shade Structures - Architectural Services - AV09000101 FAA (Ordinance S-50135)**

Request to authorize the City Manager, or his designee, to enter into an agreement with WHPacific, Inc. to provide Architectural Services that include design and possible construction administration and inspection for the Phoenix Sky Harbor International Airport Solar Covered Parking Shade Structures 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 $5 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to

grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

**Summary**

The purpose of the project is to increase available renewable electricity at the Airport while reducing reliance on carbon-generated electricity. The project primarily focuses on installing solar covered parking shade structures at the 24th Street and 44th Street Phoenix Sky Train Station parking lots and the Terminal 4 Level 9 parking garage of the Airport. The new solar-covered parking shade structures in the parking areas will result in an annual average CO2 emissions avoidance, will increase renewable electricity, produce solar renewable energy credits for the City, and lead to electricity cost savings, in addition to providing covered parking areas for airport workers and the traveling public.

WHPacific Inc.'s services include: performing a Federal Aviation Administration (FAA) required glare analysis for each site; providing all services in compliance with applicable FAA rules, regulations, and grant requirements; optimizing each site for maximum solar production, including battery storage for peak demand savings and resiliency; providing programming to define requirements, alternatives, recommended approach, and associated costs and construction program; providing a design package that includes infrastructure for future electric vehicle charging, system specifications, and anticipated annual solar production report; providing electrical evaluation of existing conditions for each site; providing associated structural, electrical, mechanical, technology, fire/life/safety/security, and civil work as required; participating in pre-construction conference and weekly construction coordination meetings; conducting site visits and preparing field reports and monthly construction progress reports; reviewing and approving requests for information, proposal requests, change orders, and certification of progress payments; preparing and submitting all required federal, state, county, city, and others reports; participating in system commissioning activities; participating in substantial completion walk-through inspections and punch list and in a final acceptance walk-through inspection; providing record drawings, close-out related

services and system acceptance testing and documentation; participating in post construction warranty inspection; and other services as needed for a complete project.

**Procurement Information**
The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. One firm submitted a proposal and is listed below**.**

Selected Firm
Rank 1: WHPacific, Inc.

**Contract Term**
The term of the agreement is five 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 WHPacfic, Inc. will not exceed $5 million, including all subconsultant and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. The Aviation Department anticipates grant funding for a portion of the project. 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.

**Location**
24th Street and 44th Street Phoenix Sky Train Station parking lots and Terminal 4 Level 9 parking garage.
Council District: 8

**This item was adopted.**

**49 Phoenix Sky Harbor International Airport Tracon Demolition and West Hold Bay Expansion - Engineering Services - AV08000089 FAA (Ordinance S-50136)**

Request to authorize the City Manager, or his designee, to enter into a contract with TRACE Consulting, LLC to provide engineering services that include design and possible construction administration and inspection services for the Phoenix Sky Harbor International Airport Terminal Radar Approach Control Demolition and West Hold Bay Expansion project. Further request to authorize the City Manager, or his designee, to amend the contract as necessary within the City Council-approved expenditure authority as provided below and for the City Controller to disburse all funds related to this item. The fee for the services will not exceed $650,000.

Further request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design, and construction of the Project. Utility services include: electrical, water, sewer, natural gas, telecommunication, cable television, and railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

**Summary**

The purpose of this project is to expand the West Hold Bay and demolish a building that was formerly used to provide Federal Aviation Administration (FAA) Terminal Radar Approach Control (TRACON) services at the Airport. A replacement TRACON was co-located with the Airport's control tower in 2006. The West Hold Bay is used for aircraft parking, aircraft staging and other airfield operations. The size of the hold bay will be reduced with the completion of the new Crossfield Taxiway U project, which overlaps with the west end of the hold bay. Demolition of the TRACON building will allow for expansion of the east end of the hold

bay to accommodate the space lost to Taxiway U.

TRACE Consulting, LLC's services include: develop phased construction requirements with existing airport operations; design and prepare project plans and specifications in compliance with applicable Maricopa County and City of Phoenix building codes; provide construction estimates, construction safety plans, and all required documentation to submit for FAA grant compliance; complete the engineers report required for FAA and Airport Improvement Project (AIP) grant compliance; provide bid phase services for the eventual advertisement of construction for the project using the design-bid-build delivery method; assist with bidding and prepare all project addenda; provide construction administration and inspection services per AIP and FAA grant requirements; review contractor shop drawings and submittals; review and approve monthly pay requests; schedule, conduct, and provide documentation for regular progress meetings with client and funding agencies; respond to requests for information; verify compliance with contract documents; issue letter of substantial completion; review contractor's record drawings monthly and prepare final record drawings; prepare daily inspection reports for the Project records detailing construction progress and punch-list development; conduct pre-final and final inspection; and conduct warranty inspection and other services as needed for a complete project.

**Procurement Information**
The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until a contract is awarded. Three firms submitted proposals and are listed below**.**

Selected Firm:
Rank 1: TRACE Consulting, LLC

Additional Firm:
Rank 2: Stantec Consulting Services, Inc.
Rank 3: C&S Engineers, Inc.

**Contract Term**

The term of the agreement is five years from the issuance of the Notice to Proceed. Work scope identified and incorporated into the contract 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 contract value for TRACE Consulting, LLC will not exceed $650,000, including all subconsultant and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program. The Aviation Department anticipates grant funding for a portion of the project. 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.

**Location**

2485 E. Buckeye Road
Council District: 8

**This item was adopted.**

**50 Arizona Public Service Trenching Agreement for City of Phoenix Booster Pump Station 5A-B2 - WS85100032 (Ordinance S-50137)**

Request to authorize the City Manager, or his designee, to enter into a trenching agreement with Arizona Public Service (APS) to install underground distribution facilities for project WS85100032 5A-B2, Booster Pump Station Replacement. Further request to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18.

**Summary**

The City is constructing modifications to existing Booster Pump Station 5A-B2 at 20th Street and Greenway Road that will require the installation of new underground electrical facilities. The trenching agreement is

required by APS to proceed with electrical design, as well as the installation of necessary facilities to provide power for the City's requested needs.

**Contract Term**
The term of the agreement will begin on or about Sept. 5, 2023, and expire when the project is completed and accepted.

**Financial Impact**
There is no financial impact to the City of Phoenix for this agreement.

**Location**
20th Street and Greenway Road
Council District: 3

**This item was adopted.**

**51 Arizona Public Service Trenching Agreement for City of Phoenix Booster Pump Station 4F-B1 - WS85400007-7 (Ordinance S-50138)**

Request to authorize the City Manager, or his designee, to enter into a Trenching Agreement with Arizona Public Service (APS) to install underground distribution facilities for project WS85400007-7 4F-B1 Booster Pump Upgrade. Further request to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18.

**Summary**
The City is constructing upgrades to existing Booster Pump Station 4F-B1 at 15th Avenue and Port au Prince Lane that will require the installation of new underground electrical facilities. The trenching agreement is required by APS to proceed with electrical design, as well as the installation of necessary facilities to provide power for the City's requested needs.

**Contract Term**
The term of the agreement will begin on or about Sept. 5, 2023, and expire when the project is completed and accepted.

**Financial Impact**

There is no financial impact to the City of Phoenix for this agreement.

**Location**

15th Avenue and Port au Prince Lane
Council District: 3

**This item was adopted.**

**52 Amend Contract 157963-0 Salt River Project Facility Relocation Agreement - Camelback Road and 44th Street - Salt River Project Aesthetics (Ordinance S-50139)**

Request the City Council amend Contract 157963-0 to revise Exhibit A, sealed legal descriptions and exhibits for a proposed easement contained in the Salt River Project (SRP) Facility Relocation Agreement at 44th Street and Camelback.

**Summary**

SRP is converting overhead electrical facilities on 44th Street North of Camelback Road, which will be relocated underground in accordance with an approved SRP Municipal Aesthetics Program project. As part of the conversion, the City entered into Contract 157963-0, a Facility Relocation Agreement on Jan. 25, 2023, (Ordinance S-49373) that contained Exhibit A, legal descriptions and exhibits for an easement needed at 44th Street and Camelback Road. Prior to the start of construction, it was discovered that Exhibit A did not accurately capture the footprint needed for SRP's facilities and was revised accordingly. All other conditions and stipulations previously stated in the Contract and Ordinance will remain the same.

**Financial Impact**

There is no financial impact to the City of Phoenix.

**Location**

44th Street north of Camelback Road
Council District: 6

**Concurrence/Previous Council Action**

The City Council approved the Facility Relocation Agreement with Salt River Project for Electrical Facilities Along 44th Street north of

Camelback Road (Ordinance S-49373) on Jan. 25, 2023.

**This item was adopted.**

**53 Phoenix Sky Harbor International Airport Taxiway A Connectors A3 to A4 Strengthening and Reconstruction - Engineering Services - AV08000088 FAA (Ordinance S-50142)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Stantec Consulting Services, Inc. to provide Engineering Services that include design and possible construction administration and inspection for the Phoenix Sky Harbor International Airport Taxiway A Connectors A3 to A4 Strengthening and Reconstruction 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 $2 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

**Summary**

The purpose of this project is to reconstruct Taxiway A from A3 to A4 and the A4 connector at Phoenix Sky Harbor International Airport to support Group V aircraft operations. Taxiway A is part of the north airfield of the airport and parallels the north runway. The westernmost end of Taxiway A, from connectors A1 to A3, is made up of concrete pavement and can accommodate Group V aircraft. The remainder of Taxiway A is asphalt paving and can accommodate smaller Group III aircraft. Planned development at the northwest corner of the airfield to support cargo operations and an aircraft isolation pad requires the development of an

aircraft isolation pad, accommodations to connect Taxiway A to the planned cargo development, and the reconstruction of the vehicle service road that parallels the taxiway to the north of the airport.

Stantec Consulting Services, Inc.'s services include, but are not limited to: developing phased construction requirements with existing airport operations; designing and preparing project plans and specifications in compliance with applicable Maricopa County and City of Phoenix Building Codes; providing construction estimates, construction safety plans, and all required documentation to submit for Federal Aviation Administration (FAA) grant compliance; completing the engineer's report required for FAA and Airport Improvement Project (AIP) grant compliance; providing bid phase services for the eventual advertisement of construction for the project using the design-bid-build delivery method; assisting with bidding and preparing all project addenda; providing construction administration and inspection services per AIP and FAA grant requirements; reviewing contractor shop drawings and submittals; reviewing and approving monthly pay requests; scheduling, conducting, and providing documentation for regular progress meetings with client and funding agencies; responding to requests for information; verifying compliance with contract documents; issuing letter of substantial completion; reviewing contractor's record drawings monthly and prepare final record drawings; preparing daily inspection reports for the project records detailing construction progress and punch-list development; conducting pre-final and final inspections; and conducting warranty inspection and other services as needed for a complete project.

**Procurement Information**

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Six firms submitted proposals and are listed below**.**

Selected Firm:

Rank 1: Stantec Consulting Services, Inc.

Additional Firms:
Rank 2: HDR Engineers, Inc.
Rank 3: Dibble & Associates Consulting Engineers, Inc.
Rank 4: Kimley-Horn and Associates, Inc.
Rank 5: RS&H, Inc.
Rank 6: C&S Engineers, Inc.

**Contract Term**
The term of the agreement is five years 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 Stantec Consulting Services, Inc. will not exceed $2 million, including all subconsultant and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. The Aviation Department anticipates grant funding for a portion of this project. 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.

**Location**
2485 E. Buckeye Road
Council District: 8

**This item was adopted.**

**54 Phoenix Sky Harbor International Airport Terminal 4 Central Plant Modernization - Engineering Services - AV21000111 FAA (Ordinance S-50144)**

Request to authorize the City Manager, or his designee, to enter into an agreement with SmithGroup, Inc. to provide Engineering Services that include condition assessment, design, and possible construction administration and inspection for the Phoenix Sky Harbor International

Airport Terminal 4 Central Plant Modernization 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 $4.5 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

**Summary**

The purpose of this project is to replace the current Terminal 4 Central Plant and all associated equipment and possible inclusion of the controls systems that provide all cooling capabilities for the Terminal 4 building campus. The Terminal 4 building campus is approximately 1.9M square feet, which includes the main terminal and eight concourses with associated connecting bridges. The Terminal 4 Central Plant and associated equipment is more than 30 years old and has reached or exceeded its useful life. The equipment is outdated, costly to operate and maintain, has become obsolete, and parts are no longer manufactured. The modernization design shall align with the Airport's goals in sustainability, resiliency, and any applicable key performance indicators. The objective of the project is to design a modern and sustainable central plant in Terminal 4. When the project is complete, the new Terminal 4 Central Plant will provide increased building campus cooling capacity and energy efficiency while simultaneously reducing operation and maintenance costs.

SmithGroup, Inc.'s services include, but are not limited to: conducting onsite assessment and evaluation; inventorying existing equipment and

apparatus; coordinating with the City and Construction Manager at Risk during design of the project; designing replacement of electrical services entrance sections, chillers, condensing water pumps, Central Plant piping, heat exchangers, cooling tower, water softening and water treatment systems, Central Plant internal space cooling system, Central Plant control systems, and life safety systems and all associated equipment; providing full system specifications and anticipated production statistics, optimizing the Central Plant for maximum energy savings and resiliency; providing design to include infrastructure for future upgrades where applicable; providing all associated structural, electrical, mechanical, technology, fire/life/safety/security, and civil design work as required; and possible construction administration and inspection services that include participating in pre-construction conference and weekly construction coordination meetings; preparing meeting minutes and responding to requests for information and submittal review and approvals; preparing and submitting of all required federal, state, county, City, and others reports; reviewing and approving monthly pay requests; scheduling, conducting, and providing documentation for regular progress meetings; participating in substantial completion walk-through inspection and final acceptance walk-through inspection; preparing final record drawings and close-out services; and conducting warranty inspection and other services as needed for a complete project.

**Procurement Information**

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Nine firms submitted proposals and are listed below**.**

Selected Firm:

Rank 1: SmithGroup, Inc.

Additional Firms:

Rank 2: Kimley-Horn and Associates, Inc.

Rank 3: The RMH Group, Inc.

Rank 4: IMEG Consultants Corp.

Rank 5: Energy Systems Design, Inc.
Rank 6: Affiliated Engineers, Inc.
Rank 7: Page Southerland Page, Inc.
Rank 8: Arup US, Inc.
Rank 9: Henderson Engineers, Inc.

**Contract Term**
The term of the agreement is five 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 SmithGroup, Inc. will not exceed $4.5 million, including all subconsultant and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. The Aviation Department anticipates grant funding for a portion of the project. 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.

**Location**
3800 E. Sky Harbor Blvd.
Council District: 8

**This item was adopted.**

**55 Apply for Maricopa Association of Governments Congestion Mitigation and Air Quality Improvement Program for Fiscal Year 2023-24 Federal - Bipartisan Infrastructure Law Funding (Ordinance S-50150)**

Request to authorize the City Manager, or his designee, to apply for and accept if awarded and enter into agreements for disbursement of Federal funding from the Maricopa Association of Governments through the Fiscal Year 2023-24 Congestion Mitigation and Air Quality Particulate

Matter-10 certified street sweepers grant opportunity funded by the U.S. Department of Transportation. Further request an exemption from the indemnification prohibition set forth in the Phoenix City Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20. If awarded, the funding will be used to replace aging street sweepers. Additionally, request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The City's local match would not exceed $200,000.

**Summary**

On Aug. 1, 2023, the Maricopa Association of Governments (MAG) announced a call for projects for federal Congestion Mitigation Air Quality (CMAQ) Improvement Particulate Matter 10 micrometers or smaller (PM-10) certified street sweepers. There is approximately $1,344,969 in CMAQ funding available under this current call.

The City intends to submit applications for up to two PM-10 certified street sweepers to replace two older sweepers. Obtaining grant funding allows the City to leverage local dollars to design, build, and procure new projects and equipment for the benefit of the community.

The CMAQ PM-10 certified street sweepers grant submittal deadline is Sept. 15, 2023.

**Financial Impact**

The estimated total cost for the equipment will be determined prior to submittal of the application. The maximum federal participation rate is 94.3 percent with a minimum local match of 5.7 percent of the total eligible equipment costs. The City’s costs, including non-eligible costs, would be approximately for a total of $200,000.

The City would fund the required local match plus any overmatch amount to fund additional City-required features or specifications that are not eligible for reimbursement under CMAQ.

Funding for the local match is available in the Street Transportation Department's Capital Improvement Program budget. Potential grant funding received is available through the Federal Bipartisan Infrastructure Law, from MAG through the Fiscal Year 2023-24 CMAQ PM-10 grant

opportunity funded by the U.S. Department of Transportation.

**This item was adopted.**

**56 Final Plat - Dahlia Village - PLAT 230072 - Northwest Corner of 12th Street and Illini Street**

Plat: 230072
Project: 22-2639
Name of Plat: Dahlia Village
Owner: Bonitas Casitas, LLC
Engineer: James M. Williamson, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: Aug. 4, 2023
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 12th Street and Illini Street
Council District: 8

**This item was approved.**

**57 Amend City Code - Official Supplementary Zoning Map 1248 (Ordinance G-7148)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1248. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-129-06 and the entitlements are fully vested.

**Summary**

To rezone a parcel located approximately 200 feet north of the northeast corner of 41st Drive and Opportunity Way.
Application No.: Z-129-06
Zoning: C-2 PCD
Owner: 42101 & 42105 N 41st Dr, LLC and K2H Desert North, LLC
Acreage: 9.70

**Location**
Located approximately 200 feet north of the northeast corner of 41st Drive and Opportunity Way
Address: 42101, 42105, 42201 and 42211 N. 41st Drive
Council District: 1

**This item was adopted.**

**58 Amend City Code - Official Supplementary Zoning Map 1251 (Ordinance G-7151)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1251. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-87-06-2 and the entitlements are fully vested.

**Summary**
To rezone a parcel approximately 290 feet north of the northwest corner of 53rd Street and Dynamite Road.
Application No.: Z-87-06-2
Zoning: R1-10
Owner: Various (Diamond Tree Estates HOA, et al.)
Acreage: 9.50

**Location**
Approximately 290 feet north of the northwest corner of 53rd Street and Dynamite Road
Address: Various
Council District: 2

**This item was adopted.**

**59 Amend City Code - Official Supplementary Zoning Map 1249 (Ordinance G-7149)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1249. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-49-06-4 and the entitlements are fully vested.

**Summary**
To rezone a parcel located approximately 660 feet north of the northeast

corner of Thomas Road and State Route-51.
Application No.: Z-49-06-4
Zoning: R-5 H-R
Owner: Greenfield Hotel Investors, LLC
Acreage: 2.64

**Location**
Address: 2940 N. Greenfield Road
Council District: 4

**This item was adopted.**

**60 Amend City Code - Official Supplementary Zoning Map 1250 (Ordinance G-7150)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1250. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-76-06-5 and the entitlements are fully vested.

**Summary**
To rezone a parcel located at the southeast corner of the Loop 101 Freeway and Camelback Road.
Application No.: Z-76-06-5
Zoning: C-2
Owner: Camelback 101 Development, LLC; Bank of Arizona, N.A.; In-N-Out Burgers; L & L, LLC; and Spirit Master Funding VIII, LLC
Acreage: 12.26

**Location**
Southeast corner of Loop 101 Freeway and Camelback Road
Address: 9515, 9545, 9555, 9585, 9611 and 9675 W. Camelback Road
Council District: 5

**This item was adopted.**

**61 Amend City Code - Ordinance Adoption - Rezoning Application Z-21-23-1 - Approximately 325 Feet North of the Northwest Corner of Black Canyon Highway and Deer Valley Road (Ordinance G-7154)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the

Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-21-23-1 and rezone the site from C-1 DVAO (Neighborhood Retail, Deer Valley Airport Overlay District) and C-2 HGT/WVR DVAO (Intermediate Commercial, Height Waiver, Deer Valley Airport Overlay District) to A-1 DVAO (Light Industrial District, Deer Valley Airport Overlay District) to allow office and warehouse uses.

**Summary**
Current Zoning: C-1 DVAO (1.86 acres) and C-2 HGT/WVR DVAO (3.77 acres)
Proposed Zoning: A-1 DVAO
Acreage: 5.63
Proposal: Office and warehouse

Owner: Rockwell Baker Industrial Center, LLC
Applicant/Representative: Cassandra Ayres, Berry Riddell, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee was scheduled to hear this case on June 8, 2023; however, there was no quorum.
PC Action: The Planning Commission heard this case on Aug. 3, 2023, and recommended approval, per the staff recommendation, by a vote of 8-0.

**Location**
Approximately 325 feet north of the northwest corner of Black Canyon Highway and Deer Valley Road
Council District: 1
Parcel Address: 2555 W. Louise Drive

**This item was adopted.**

**62 Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-2-23-2 - Approximately 375 Feet South of the Southwest Corner of North Valley Parkway and Sonoran Desert Drive (Ordinance G-7152)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-2-23-2 and rezone the site from C-2 M-R NBCOD (Intermediate Commercial, Mid-Rise District, North Black Canyon Overlay District) to

C-2 SP NBCOD (Intermediate Commercial, Special Permit, North Black Canyon Overlay District) to allow a self-service storage warehouse and all other underlying uses.

**Summary**
Current Zoning: C-2 M-R NBCOD
Proposed Zoning: C-2 SP NBCOD
Acreage: 1.86
Proposal: Self-service storage warehouse and all other underlying uses

Owner: LDR-Sonoran Parkway, LLC
Applicant/Representative: Paul Gilbert, Beus Gilbert McGroder, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The North Gateway Village Planning Committee heard this case on June 8, 2023, and recommended denial, by a vote of 3-1-1.
PC Action: The Planning Commission heard this case on Aug. 3, 2023, and recommended approval, per the staff recommendation, by a vote of 5-3.

**Location**
Approximately 375 feet south of the southwest corner of North Valley Parkway and Sonoran Desert Drive
Council District: 2
Parcel Address: 31200 N. North Valley Parkway

**This item was adopted.**

**63 Amend City Code - Ordinance Adoption - Rezoning Application Z-19-23-5 - Approximately 500 Feet South of the Southeast Corner of 75th Avenue and Camelback Road (Ordinance G-7155)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-19-23-5 and rezone the site from R1-6 (Single-Family Residence District) to R-3A (Multifamily Residence District) to allow multifamily residential.

**Summary**
Current Zoning: R1-6
Proposed Zoning: R-3A
Acreage: 6.50

Proposal: Multifamily residential

Owner: Sheri Ranger, Ranger Homes, LLC
Applicant/Representative: Taylor Earl, Earl & Curley, P.C.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Maryvale Village Planning Committee heard this case on July 12, 2023, and recommended approval, per the staff recommendation, by a vote of 10-1.
PC Action: The Planning Commission heard this case on Aug. 3, 2023, and recommended approval, per the Maryvale Village Planning Committee recommendation, by a vote of 8-0.

**Location**
Approximately 500 feet south of the southeast corner of 75th Avenue and Camelback Road
Council District: 5
Parcel Address: 4705, 4729, 4735 and 4747 N. 75th Ave.

**This item was withdrawn.**

**64 Amend City Code - Ordinance Adoption - Rezoning Application Z-65-22-6 (Chanen Camelback PUD) - Northwest Corner of 34th Street and Camelback Road (G-7153)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-65-22-6 and rezone the site from R-4 (Multifamily Residence District) to PUD (Planned Unit Development) to allow office use.

**Summary**
Current Zoning: R-4
Proposed Zoning: PUD
Acreage: 0.93
Proposal: Office use

Owner: Chanen Construction Company, et al.
Applicant and Representative: Larry S. Lazarus, Lazarus & Silvyn, PC

Staff Recommendation: Approval, subject to stipulations.
VPC Info: The Camelback East Village Planning Committee heard this

case on May 2, 2023, for information only.
VPC Action: The Camelback East Village Planning Committee heard this case on July 11, 2023, and recommended approval, per the staff recommendation, with additional stipulations, by a vote of 15-0.
PC Action: The Planning Commission heard this case on Aug. 3, 2023, and recommended approval, per the Addendum A Staff Report, by a vote of 8-0.

**Location**
Northwest corner of 34th Street and Camelback Road.
Council District: 6
Parcel Address: 3352 E. Camelback Road

**This item was adopted.**

**70 Public Hearing - Amend City Code - Ordinance Adoption - Parking Reductions for Multifamily Developments - Z-TA-8-23-Y (Ordinance G-7161)**

Request to hold a public hearing on a proposed text amendment Z-TA-8-23-Y and to request City Council approval per the Planning Commission recommendation which amends Chapter 2, Section 202 (Definitions) to add definitions for affordable housing, passenger loading space, passenger loading zone, and revise parking space, unreserved; amend Chapter 6, Section 608.J (Density Bonus For Low or Moderate Income Housing); amend Chapter 7, Sections 702.C (Parking Requirements) and Section 702.E (Modifications to Parking Requirements); and amend Chapter 13, Section 1307 (Parking Standards) to modify the parking requirements for multifamily, single-family attached, and affordable housing, and add requirements for passenger loading zones.

**Summary**
The intent of the proposed text amendment is to reduce parking requirements for multi-family developments. Related definitions have been revised and/or deleted, with new definitions provided as necessary; “passenger loading space” and “passenger loading zone” has been added for use with the Walkable Urban code, together with proposed development standards; and parking requirements have been reduced for multifamily developments as detailed in the Staff Report (**Attachment B**).

Applicant: City of Phoenix, Planning Commission
Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval of Z-TA-8-23-Y as shown in Exhibit A of the Staff Report (**Attachment B**).
VPC Info: Eleven of the 15 Village Planning Committees (VPCs) heard this item for information only throughout June, as reflected in **Attachments C and D**.
VPC Action: Fourteen VPCs considered the request. Four VPCs recommended approval, per the staff recommendation; two VPCs recommended approval, per the staff recommendation, with modifications; and nine VPCs recommended denial, as reflected in **Attachments C and E**.
PC Info: The Planning Commission heard this item on June 1, 2023, for information only (**Attachment F**).
PC Action: The Planning Commission heard this item on Aug. 3, 2023, and recommended approval, per the staff recommendation (in the Staff Report) with modifications, by a vote of 6-2, as reflected in **Attachment G**.

**This item was continued to the Nov. 1, 2023 City Council Formal Meeting.**

**71 Public Hearing - Amend Phoenix City Code - Ordinance Adoption - Chapter 10, Article XVI - Short-Term Vacation Rental (Ordinance G-7156)**

Request to hold a public hearing on a proposed amendment to the City Code sections 10-193 through 10-197 and adding sections 10-198 through 206 to Chapter 10, Article XVI related to Short-Term Vacation Rentals to incorporate Arizona Revised Statute (A.R.S.) 9-500.39 requirements for obtaining a Short-Term Rental (STR) Permit.

**Summary**
In 2016, the Arizona Legislature removed the ability of local jurisdictions to regulate short-term rental units and required that the use be treated the same as any long-term residential use of a property. Due to significant negative impacts based upon the experience of residents living around these short-term rental uses, the Arizona Legislature enacted A.R.S. 9-500.39 authorizing municipalities to create provisions for registrations

of short-term vacation rentals. The City of Phoenix adopted Short-Term Vacation Rental Ordinance (G-6653) to implement the requirement for STR owners, or designees, to register each STR rental property with the City of Phoenix, so that responsible party contact information was available if there were problems resulting from a particular short-term rental unit.

In 2022, the Arizona Legislature approved Senate Bill 1168 (SB1168) amending A.R.S. 9-500.39, which authorized cities and towns to create a very limited permit/license process to help gather better data regarding short-term rentals with minimal modifications to the ability to regulate these types of uses. The proposed amendment establishes a STR permit application process and owners/designees are required to comply with the new application process. Under the new enhanced penalty structure, any owner who operates a STR without a permit is subject to a civil sanction of up to $1,000 per month. As part of SB1168, STR owners/designees must also meet specific operating requirements outlined in the proposed ordinance (**Attachment A**) prior to the issuance of a permit/license as a condition for operating a short-term rental property. SB1168 limits the permit fees that can be charged to cover staff administrative costs to review permits, administer the program and for enforcement. It also requires that the City approve or deny a permit (based on state established criteria) within seven (7) days or the permit is deemed approved.

Summary of Short-term Rental Requirements

Owner/Designees of short-term rentals must meet to the following requirements:

Apply for a STR permit/license.

Meet all permit/license operating requirements.

Register for a Transaction Privilege License and register with Maricopa County Assessor's Office for taxing purposes.

Provide the name, address, telephone number and email address of the owner, emergency contact and designee (if applicable).

Provide notice to neighbors of intent to operate a STR.

Maintain $500,000 liability insurance.

Conduct background checks on renters.

Owner's/Operator's may appeal a denial, non-renewal or suspension of a

permit/license.

City is subject to the following:
Permit/license must be approved or denied within seven days.
Charge a permit/license fee and renewal fee up to $250.
Impose civil penalties.
May suspend a permit/license if an owner is found guilty of three minor violations or one significant violation within one year related to the operation of the STR.

Staff recommends approval of the proposed amendment to the City Code sections 10-193 through 10-197 and adding sections 10-198 through 206 to Chapter 10, Article XVI related to Short-Term Vacation Rentals to incorporate Arizona Revised Statute (A.R.S.) 9-500.39 requirements for obtaining a STR Permit.

**Concurrence/Previous Council Action**
The Transportation, Infrastructure and Planning Subcommittee heard this item on June 21, 2023, and recommended approval by a vote of 4-0.

**This item was continued to the Sept. 20, 2023 City Council Formal Meeting.**

**19 Maricopa Association of Governments**

For $252,408 in payment authority for annual membership dues and assessments for Fiscal Year 2023-24 for the Office of Government Relations, Public Works, Finance, Water Services and Human Services departments. The Maricopa Association of Governments (MAG) is a council of governments that serves as the regional planning agency for the Phoenix metropolitan area. MAG is the air quality planning agency and Metropolitan Planning Organization for transportation in Maricopa County. This includes the neighboring urbanized area in Pinal County containing the Town of Florence and City of Maricopa. MAG also provides regional planning and guidance on policy decisions in areas of transportation, air quality, water quality, and human services.

**Discussion**
John Chadwick spoke regarding the Maricopa County Association of Government (MAG) and his concerns on the lack of citizen involvement and input in the regional government decisions.

Barbara Jennings spoke regarding MAG having unelected individuals making government decisions and the lack of public involvement, as well as the push for electric vehicles without the necessary infrastructure.

Carol Stines spoke on concerns of MAG's lack of elected officials when there are existing bodies of government consisting of elected City and County officials. She emphasized the need for community involvement.

Lezley Shepherd expressed her agreement with the comments made by the previous speakers. She spoke regarding the Arizona Constitution, the Oath of Office the Mayor and Council sworn by, and the fact that delegating power to MAG goes against the constitution.

Mayor Gallego stated she was looking forward to supporting the City of Phoenix's membership in the Maricopa County Association of Governments as she was one of three elected officials who have served in different boards at MAG and have worked on important issues, including the regional homeless strategy, the transportation plan that passed unanimously by mayors and tribal leaders of Maricopa County.

Councilwoman Pastor stated she wanted to make it very clear that those who make the final decisions or take a vote in the Maricopa County Association of Governments are elected officials that have been sworn. She said those elected officials make made very important decisions regarding transportation, homelessness, and a number of other items.

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

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

**20 National League of Cities**

For $51,410 in payment authority for Fiscal Year 2023-24 annual

membership dues for the City of Phoenix. The National League of Cities (NLC) is an organization focused on strengthening local government. NLC provides training, educational programs and conferences. City officials have access to information and publications on federal regulations, solutions to problems, and future challenges. The City benefits from the NLC's efforts to ensure that local governments have influence in the White House, United States Congress, and other federal agencies.

**Discussion**

Mary Ziola spoke in opposition of this item.

Jeff Caldwell spoke in opposition of this item. He opined it would be better to redirect these funds to other areas and stated it was time to have leadership within the Council to represent itself when lobbying the White House and Congress. He urged the Council to vote no.

Councilwoman Pastor stated five City Council Members attended and represented Phoenix at the National League of Cities, Arizona level, Conference held very recently. She said Council Members spoke at different sessions about what the City is currently doing. She said on a National level, Council Members are able to work with officials from other cities and gather best practices, learn from one another, and bring those best practices to Phoenix in an effort to improve out city. She expressed her support of this item.

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

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

**34 Apply for U.S. Department of Transportation Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation Grant Opportunity for Federal Fiscal Year 2022-23 - Bipartisan Infrastructure Law Funding (Ordinance S-50148)**

Request to retroactively authorize the City Manager, or his designee, to apply for, accept and, if awarded, enter into an agreement for disbursement of Federal funding from the U.S. Department of Transportation (USDOT) through the Federal Fiscal Year 2022-23 Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation grant opportunity. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Funding for this grant opportunity is available through the Federal Bipartisan Infrastructure Law. The total grant funds applied for will not exceed $6.25 million, and the City would not be required to provide a local match.

**Summary**

The Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) grant program provides funding for projects that address the climate crisis by improving the resilience of surface transportation systems against natural hazards including climate change, sea level rise, flooding, extreme weather events and other natural disasters. The grant program supports innovative and collaborative approaches to risk reduction, including the use of natural infrastructure. Also called nature-based solutions, these strategies include conservation, restoration or construction of riparian and streambed treatments, marshes, wetlands, native vegetation, stormwater bioswales, breakwaters, reefs, dunes, parks, urban forests and shade trees.

The Federal Fiscal Year (FFY) 2022-23 PROTECT grant specifies that the minimum award amount for urban planning projects must be at least $100,000 with no award ceiling. The City’s grant request will be for the total project cost in the amount of $6.25 million.

The FFY 2022-23 PROTECT grant submittal deadline was Aug. 18, 2023. Retroactive approval is requested due to the timing of the application deadline, which occurred during Council recess.

PROTECT planning grants are awarded on a competitive basis considering these evaluative criteria:
Program Alignment
Schedule and Budget

Public Engagement, Partnerships and Collaboration
Innovation

The Parks and Recreation and Street Transportation departments are collaborating on a planning grant submittal for the Laveen Area Conveyance Channel. The purpose of the planning grant is to evaluate and update the design and improve resiliency of a dual-purpose amenity channel that extends 5.5 miles in the Laveen Village of Phoenix, serving to capture and convey local regional drainage while also serving the community as an active transportation corridor. The goal of the planning grant will be to evaluate and make recommendations that would best serve the existing transportation amenity, including but not limited to improvements to the existing channel design and to design a 10-foot multi-use path on the north side, including landscaping, updated irrigation, turf improvements, exercise equipment, improved drainage system equipment, booster pump and well, path lighting and other transportation or green infrastructure appropriate for the surrounding corridor. This planning project will meet the grant criteria for competitiveness.

**Financial Impact**
The estimated total cost for the project is approximately $6.25 million. The maximum federal participation rate is 100 percent, with no required local match of the total eligible project cost. If awarded, the federal match would not exceed $6.25 million (100 percent), with no required local funding match. There is no impact to the General Fund.

**Location**
The Laveen Area Conveyance Channel is a 5.5 mile multi-use path and drainage channel located in Laveen Village which runs from the intersection of 43rd and Southern avenues to the Salt River.
Council Districts: 7 and 8

**Discussion**
Vice Mayor Ansari stated this planning grant is for the Laveen Area Conveyance Channel and it would be a great win for the area, which is shared with District 8. She said the City had previously applied for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant. She thanked Deputy City Manager Mario Paniagua and all the City departments involved in pursuing every possible federal opportunity to

revitalize the area. Vice Mayor Ansari said the project, a 5.5 mile active transportation corridor can, be a model if it is properly activated. She added that this area is a flood control channel and District 7 along with community members have worked to install a bike pump fixing station on 59th Avenue using last year's participatory budget funds.

Councilwoman Hodge Washington echoed Vice Mayor Ansari's comments regarding the Laveen Conveyance Channel. She stated this is a great opportunity for a mixed-use public facility, and not only you have drainage but it is also an area where the community congregates. She said this is a second opportunity to present this project for federal funding and it was her hope that the City would be successful.

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

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

**35**

**Agreement with Arizona Diamondbacks Foundation Inc. (Ordinance S-50149)**

Request to authorize the City Manager, or his designee, to grant an exception pursuant to Phoenix City Code 42-18 authorizing indemnification or assumption of liability provisions that otherwise would be prohibited for the agreement with Arizona Diamondbacks Foundation Inc.

**Summary**

The Arizona Diamondbacks Foundation has committed to sponsor refurbishment of two ballfields at El Oso Park to begin in 2023, with the expected completion by the end of 2023. The generous project sponsorship will include landscape improvements, new field accessories, electrical access and a new scoreboard on each field. The agreement with Arizona Diamondbacks Foundation, which will be presented to the Parks and Recreation Board for approval, contains indemnification and assumption of liability provisions that otherwise would be prohibited by

Phoenix City Code 42-18. This authorization allows for mutual indemnification.

**Financial Impact**

There is no impact to the General Fund, nor a funding request.

**Location**

3451 N. 75th Ave.
Council District: 5

**Discussion**

Councilwoman Guardado thanked the Arizona Diamondbacks Foundation and the Parks and Recreation Department for their work on the agreement for improvements of El Oso Park in District 5. Councilwoman Guardado explained the agreement would include the refurbishing of two baseball fields, landscape improvements, new field accessories, electrical access, and a new scoreboard for each field. Councilwoman Guardado spoke about how active El Oso Park is and mentioned the opening of a new splash pad at the park a few months prior. She stated she is proud to support this item.

Mayor Gallego noted these were exciting investments.

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

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

**37 Arizona Coliseum and Exposition Center Request for Police Services for 2023 Arizona State Fair (Ordinance S-50121)**

Request to authorize the City Manager, or his designee, to enter into an agreement with the Arizona Coliseum and Exposition Center for the Phoenix Police (PPD) and the Neighborhood Services departments (NSD) to provide traffic enforcement, and vending enforcement. The Arizona Coliseum and Exposition Center will pay $31,500 for these

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

**Summary**

Since 1987, PPD and NSD have partnered with the Arizona Coliseum and Exposition Center to provide increased traffic enforcement, perimeter security and proactive patrol in the area surrounding the fair grounds. Services provided by PDD will change to traffic enforcement only this year. The intent of this agreement is to recover costs associated with these services during the State Fair. Additionally, the Finance Department's Tax Enforcement Section receives space at no charge for licensing and collection of taxes from vendors.

**Contract Term**

Services will occur from Sept. 22, 2023 through Oct. 30, 2023.

**Financial Impact**

The amount to be recovered is $19,000 by PPD and $12,500 by NSD.

**Location**

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

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

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

**65 Public Hearing and Resolution Adoption - General Plan Amendment GPA-AF-1-23-6 - Approximately 790 Feet North of the Northeast Corner of 48th Street and Frye Road (Resolution 22148)**

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

Plan Land Use Map designation on 4.60 acres from Public/Quasi-Public and Commerce/Business Park to Residential 15+ dwelling units/acre. This is a companion case to Z-16-23-6 and should be heard first, followed by Z-16-23-6.

**Summary**

Application: GPA-AF-1-23-6
Current Designation: Public/Quasi-Public (0.17 acres) and Commerce/Business Park (4.43 acres)
Requested Designation: Residential 15+ dwelling units per acre
Acreage: 4.60 acres
Proposed Use: Multifamily residential

Owner: St. Benedict Catholic Parish
Applicant and Representative: Bart Shea, Shea Connelly Development, LLC

Staff Recommendation: Approval.
VPC Action: The Ahwatukee Foothills Village Planning Committee heard this case on July 24, 2023, and recommended approval, per the staff recommendation, by a vote of 8-0.
PC Action: The Planning Commission heard this case on Aug. 3, 2023, and recommended approval, per the Ahwatukee Foothills Village Planning Committee recommendation, by a vote of 8-0.

**Location**

Approximately 790 feet north of the northeast corner of 48th Street and Frye Road.
Council District: 6
Parcel Address: 16035 and 16223 S. 48th St.

**Discussion**

Mayor Gallego stated items 65 and 66 were related items located on the northwest corner of 48th St. and Frye Road in District 6. She noted the Council did not need a staff report.

Mayor Gallego declared the public hearing open.

After noting there were no individuals wishing to speak on items 65 and

66, Mayor Gallego closed the public hearing.

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

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

**No:** 0

**66**

**Public Hearing and Ordinance Adoption - Rezoning Application Z-16-23-6 - Approximately 790 Feet North of the Northeast Corner of 48th Street and Frye Road (Ordinance G-7158)**

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-16-23-6 and rezone the site from RE-35 (Single-Family Residence District) and CP/GCP (Commerce Park District/General Commerce Park Option) to R-3A (Multifamily Residence District) to allow senior housing, assisted living and memory care. This is a companion case and must be heard following GPA-AF-1-23-6.

**Summary**

Current Zoning: RE-35 (0.17 acres) and CP/GCP (4.43 acres)
Proposed Zoning: R-3A
Acreage: 4.60 acres
Proposal: Senior housing, assisted living and memory care

Owner: St. Benedict Catholic Church
Applicant: Shea Connelly Development, LLC
Representative: Adam Trenk, Rose Law Group

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Ahwatukee Foothills Village Planning Committee heard this case on July 24, 2023, and recommended approval, per the staff recommendation, by a vote 8-0.
PC Action: The Planning Commission heard this case on Aug. 3, 2023, and recommended approval, per the Ahwatukee Foothills Village

Planning Committee recommendation, by a vote of 8-0.

**Location**

Approximately 790 feet north of the northeast corner of 48th Street and Frye Road.
Council District: 6
Parcel Address: 16035 and 16223 S. 48th St.

**Discussion**

Note: For discussion on Item 66, refer to discussion on Item 65.

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

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

**67 Public Hearing and Ordinance Adoption - Rezoning Application Z-9-22-4 (Forty600 PUD) - Southwest Corner of Central Avenue and Coolidge Street (Ordinance G-7159)**

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-9-22-4 and rezone the site from C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) to PUD (Planned Unit Development) to allow mixed use multifamily residential.

**Summary**

Current Zoning: C-2 TOD-1
Proposed Zoning: PUD
Acreage: 1.71 acres
Proposal: Mixed use multifamily residential

Owner: Forty600, LP
Applicant: RAS Developments, Inc.
Representative: Benjamin Tate, Withey Morris Baugh, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Info: The Alhambra Village Planning Committee heard this case on Aug. 23, 2022, for information only.
VPC Action: The Alhambra Village Planning Committee heard this case on June 27, 2023, and recommended approval, per the staff recommendation, by a vote of 8-5.
PC Action: The Planning Commission heard this case on Aug. 3, 2023, and recommended approval, per the Alhambra Village Planning Committee recommendation, by a vote of 8-0.
The Planning Commission recommendation was appealed for a public hearing by a community member on Aug. 7, 2023.

**Location**
Southwest corner of Central Avenue and Coolidge Street.
Council District: 4
Parcel Address: 4600 N. Central Ave.

**Discussion**
Mayor Gallego introduced this item and noted the site was located at the southwest corner of Central Avenue and Coolidge Street. She stated there would be a brief staff report.

Planning and Development Director, Joshua Bednarek stated the subject site associated with the proposal was vacant and previously occupied by the Hinkley's Lighting Store prior to it's demolition in 2023. Mr. Bednarek said the proposal was for 155 units of residential with ground floor commercial on Central Avenue and Coolidge and a restaurant space with outdoor seating oriented towards the Grand Canal on the southeast corner of the subject site. He explained the request was to go from C2 to a Planned Unit Development (PUD) to allow for mixed-use. He showed a rendering of the project from the Coolidge side and noted it was a seven-story building, had detached sidewalks, and vehicular access on Central Avenue. Mr. Bednarek informed the Alhambra Village Planning Committee (VPC) recommended approval by an 8-5 vote in June 2023 and the Planning Commission recommended approval per the Alhambra VPC recommendation in August 2023. He said staff recommended approval per the Planning Commission recommendation and adoption of the related ordinance.

Mayor Gallego declared the public hearing open. She explained each side had 10 minutes to speak and the applicant could reserve time within that 10 minutes time frame for rebuttal.

Ken Waters presented a PowerPoint (PPT) presentation containing a map that showed the location of the site. Mr. Waters spoke on the concerns for the return of investment on the proposed development commending the City for their design and activation of the canalscape. He also added his concerns for leasing offices and fitness centers on the front of Central Avenue emphasizing the need for retail demonstrating the changes that could occur in the site plan to establish a patio. Mr. Waters recommended developers establish a patio on the first floor by sliding units back to create space for a patio and activate the canalscape. Mr. Waters asked that the Council focus on meaningful mixed use and Transit Oriented Development (TOD) plans within the various districts. He stated the project, as proposed, did not adhere to the reinvent Phoenix process and asked the Council to move the storefront windows inside and push the patio underneath.

Benjamin Tate spoke on behalf of the applicant, RAS Developments, and advocated for the project. He explained the TOD plan was not a strict set of development standards but instead a guide for developers to utilize to develop along the TOD corridor. Mr. Tate stated the TOD corridor called for canal oriented development, walkable development, and mixed use noting that the proposal site implemented all three. Mr. Tate provided PPT slides and explained there was mixed feedback from individuals wanting additional commercial and others wanting additional patio space as mentioned by Mr. Waters. He explained development sites are a zero-sum game stating that adding a patio would result in less space for retail development. Mr. Tate emphasized the development could not have both, a larger patio and additional retail. He showed renderings of the site demonstrating the canal-scape corridor and mentioned the proposed canal-oriented restaurant and retail space was a two-story, 2500 square foot space that developers hoped would be an exemplary concept for future developments along the canal. Mr. Tate clarified the proposal was not a site plan review process but rather a zoning process to determine if the proposed land use was appropriate. He said the

recommendations received from the Alhambra Village Planning Committee, Planning Commission, and letters of support indicated the development was compatible with what the community wanted.

Councilwoman Stark asked staff to clarify the walkability aspect of the TOD Plan. She clarified the TOD Plan did not require everything on the first floor of a development to be commercial but instead encouraged developers to provide a space where individuals walking along the development could enjoy.

Mr. Bednarek confirmed Councilwoman Stark was correct and noted staff did evaluate the mix of uses. He said the Walkable Urban Code (WU Code) provided a regulatory framework on how a project will interface with the public. Mr. Bednarek explained the WU Code included level of windows, entrances and shade requirements on street frontages and was applied across all development projects.

Kristen Lisson spoke in opposition to the proposed development. She stated she agreed with the majority of the proposal and spoke on concerns with the use of retail for a gym along Central Avenue that is part of the TOD Plan and noted safety concerns over the design of a restaurant front along the canal corridor.

Jeremy Thacker spoke on concerns with the intersection on Central Avenue and the canal and noted it was one of the busiest intersections. He stated the development proposed 100 percent lot coverage indicating that the restaurant front would be at the front of the canal sidewalk. Mr. Thacker said adding a patio for the restaurant would be retail space and reiterated concerns with lines that may form. He asked developers for additional outdoor space. Mr. Thacker added that aside from the lack of patio space the proposed development was mixed use, high density, and would activate the canal adding that he would be happy to support the development. Mentioning discussion from the Central Park Village Planning Committee meeting, Mr. Thacker asked if developers would consider a larger restaurant that would utilize the outdoor patio space if one was presented.

Noting there were no other individuals wishing to speaker on this item,

Mayor Gallego closed the public hearing.

Councilwoman Pastor asked Mr. Tate if the development had outdoor space.

Mr. Tate confirmed the development did have patio space factored into it. He mentioned the outdoor patio space was, in concept, retail space and said heat conditions in Arizona, from May to September, presented challenges to the outdoor space to be used as retail.

Councilwoman Pastor confirmed there was outdoor space and mention her diligence in advocating for outdoor space through her work with the Planning and Development Department and the Salt River Project (SRP). Councilwoman Pastor stated she had requested for the activation of the canal, 7th Street, and 7th Avenue. She asked Mr. Bednarek to explain her requests further.

Mr. Bednarek stated there were specific provisions in the PUD that required the project to interface in an active way with the canal. He said the use provisions specifically prohibited the installation of a gym or leasing office and the standard was to develop retail that was not for the exclusive use of residents. Mr. Bednarek explained there could be space on the ground floor that would allow for spaces like gyms and leasing offices. He emphasized those spaces would not be included in the minimum amount of commercial required to be provided on the ground floor. He stated the developer had contributed $250,000 towards enhancing the canal scape and mentioned various projects in the works that would enhance the opportunity for the public to enjoy the canal.

Prior to her motion, Councilwoman Pastor restated her advocacy to activate the Grand Canal. She spoke about the Scottsdale Promenade and the activation of the canal in Scottsdale and noted her involvement in bringing similar activation to Phoenix canals. Councilwoman Pastor said she pushed for more lighting and pedestrian infrastructure and mentioned the increased residential development along the canal which further encouraged activation of the canal. She stated the activation of the canal was developed with the neighborhood in mind noting the driveway of the development was not on Coolidge at the request of the neighborhood.

Councilwoman Pastor added that the PUD required commercial uses on the ground floor and called for a contribution of $250,000 to further enhance the interface with the canal. In addition, she said the request would allow a mixed-use canal-oriented development to be built near a light rail station. She mentioned Ed Pastor and his work with TOD and explained the goal of the TOD plan was to revitalize and activate the Midtown and Uptown areas. She expressed her excitement with the success of the TOD plan. Councilwoman Pastor detailed the hopes Ed Pastor had for Phoenix, particularly South Phoenix, to revitalize and create a connection and sense of community for residents. Councilwoman Pastor thanked the applicant and community for their work on the project.

Councilwoman Stark thanked Councilwoman Pastor and commended her statement on activation mentioning non-commercial activation like parquets and public spaces for residents to utilize.

Mayor Gallego stated Councilwoman Stark provided a distinguished compliment to Councilwoman Pastor.

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

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

**68 Public Hearing and Ordinance Adoption - Rezoning Application Z-17-22-4 - Northwest Corner of Central Avenue and Glenrosa Avenue (Ordinance G-7157)**

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-17-22-4 and rezone the site from R1-6 TOD-1 (Approved C-2 H-R HGT/WVR TOD-1) (Single-Family Residence District, Interim Transit-Oriented Zoning Overlay District One, Approved

Intermediate Commercial, High-Rise Incentive District, Height Waiver, Interim Transit-Oriented Zoning Overlay District One), R-3 TOD-1 (Approved C-2 H-R HGT/WVR TOD-1) (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One, Approved Intermediate Commercial, High-Rise Incentive District, Height Waiver, Interim Transit-Oriented Zoning Overlay District One), R-3 TOD-1 (Approved C-2 H-R TOD-1) (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One, Approved Intermediate Commercial, High Rise Incentive District, Interim Transit-Oriented Zoning Overlay District One), R-5 TOD-1 (Approved C-2 H-R HGT/WVR TOD-1) (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One, Approved Intermediate Commercial, High-Rise Incentive District, Height Waiver, Interim Transit-Oriented Zoning Overlay District One), C-2 TOD-1 (Approved C-2 H-R HGT/WVR TOD-1) (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One, Approved Intermediate Commercial, High-Rise Incentive District, Height Waiver, Interim Transit-Oriented Zoning Overlay District One), and C-2 TOD-1 (Approved C-2 H-R TOD-1) (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One, Approved Intermediate Commercial, High-Rise Incentive District, Interim Transit-Oriented Zoning Overlay District One) to WU Code T4:3 UT (Walkable Urban Code, Transect 4:3, Transit Uptown Character Area), WU Code T5:5 UT (Walkable Urban Code, Transect 5:5, Transit Uptown Character Area), and WU Code T6:22 UT (Walkable Urban Code, Transect 6:22, Transit Uptown Character Area) to allow mixed use and multifamily residential.

**Summary**

Current Zoning: R1-6 TOD-1 (Approved C-2 H-R HGT/WVR TOD-1) (1.83 acres), R-3 TOD-1 (Approved C-2 H-R HGT/WVR TOD-1) (7.59 acres), R-3 TOD-1 (Approved C-2 H-R TOD-1) (0.23 acres), R-5 TOD-1 (Approved C-2 H-R HGT/WVR TOD-1) (0.50 acres), C-2 TOD-1 (Approved C-2 H-R HGT/WVR TOD-1) (4.68 acres), C-2 TOD-1 (Approved C-2 H-R TOD-1) (0.78 acres)

Proposed Zoning: WU Code T4:3 UT (1.03 acres), WU Code T5:5 UT (2.35 acres), WU Code T6:22 UT (12.23 acres)

Acreage: 15.61

Proposal: Mixed use and multifamily residential

Owner: Central & Turney Properties, Inc.

Applicant: Petree Development
Representative: Wendy Riddell, Berry Riddell, LLC

Staff Recommendation: Approval subject to stipulations.
VPC Action: The Encanto Village Planning Committee heard this case on June 5, 2023, and recommended approval, per the staff recommendation, with modifications, additional stipulations, and direction, by a vote of 10-2.
PC Action: The Planning Commission heard this case on Aug. 3, 2023, and recommended approval, per the Encanto Village Planning Committee recommendation, by a vote of 8-0.
The Planning Commission recommendation was appealed for a public hearing by a community member on Aug. 7, 2023.

**Location**
Northwest corner of Central Avenue and Glenrosa Avenue
Council District: 4
Parcel Address: 4242, 4300, 4302, 4324, 4340, 4342, 4346, 4352 and 4358 N. Central Ave.; 4301, 4305, 4311, 4315, 4321, 4325, 4329 and 4335 N. 2nd Ave.; 14, 18, 102, 108, 114, 120, 124 and 128 W. Glenrosa Ave.; and 9, 19, 21, 35, 105, 107, 109, 109, 129 and 133 W. Turney Ave.

**Discussion**
Mayor Gallego stated this item would begin with a brief staff report.

Planning and Development Department Director Joshua Bednarek stated Item 68 was Z-17-22-4, a request to rezone property at Central and Glenrosa avenues. He said the site had been vacant and undeveloped since 1986 and was temporarily used as a plant nursery and community garden from 2016 to 2021. Mr. Bednarek stated the request to go to a variety of transect districts came from a series of approved and existing zoning on the site ranging from R5 to C2 Height Waiver and HR. He provided a PowerPoint (PPT) presentation depicting a snapshot of the site plan which called for a phased development approach over 10 years that proposed 1500 multifamily residential units and approximately 25,000 square feet of ground floor retail. Mr. Bednarek stated the Encanto Village Planning Committee approved the request in June and the Planning Commission approved the request in August. He said staff

recommended approval per the September 6, 2023, memo from the Planning and Development Department Director and adoption of the related ordinance.

Mayor Gallego declared the public hearing open. She explained each side would have 10 minutes to speak and the applicant could reserve time within that 10 minutes time frame to allocate to additional speakers.

Jeremy Thacker spoke on behalf of the appellant and asked that developers ensure the 8,000 vehicles from the development do not have access to local neighborhood streets that are overwhelmed with existing traffic. Mr. Thacker stated the neighborhood was not opposing high density or the number of units and supported reduced parking and the development having less than five percent public open space. Mr. Thacker said residents requested an additional north/south street that would allow for traffic control and restrict vehicles from entering or exiting the development using neighborhood streets. He provided a PPT presentation demonstrating the requested changes and mentioned the Trip Generation Report submitted by the developers. Mr. Thacker expressed concerns for the classification of Turney and Glenrosa avenues as minor collector streets in the Trip Generation Report and opined they should be classified as local streets with a vehicle capacity of 1,000 per day. He said the Turney and Glenrosa avenues were already over capacity and noted the proposed vehicle routes encouraged vehicles to cut through neighborhoods. He said adding 1,500 vehicles would devastate local traffic through the neighborhood. Mr. Thacker submitted to the Council 105 signatures in opposition to the project and reiterated the appellant was requesting an additional street to address the traffic that would cut-through the surrounding neighborhoods.

Ken Waters spoke about concerns regarding the local traffic through neighborhoods, the walkability of the development and use of retail space. Mr. Waters urged Council to continue this item for further evaluation of the proposed project.

Wendy Riddell spoke on behalf of Petree Development. She stated Legacy held the site they had for over 30 years and had partnered with multiple developers to bring a project to fruition. She stated the project

conformed to Downtown TOD policy plan and transitions, and would become a part of the Carnation Neighborhood. Ms. Riddell noted the requested zoning transects were identical to the TOD policy plan. She also mentioned the intensity on 22 story 240-foot building on Central Avenue and 85 foot seven story tower on Central. In addition, she said the project called for 18 percent open space, 2.8 acres of lush tree canopy, 75 percent shade, large detached sidewalks to create walkable environment, and a commitment to public art. Furthermore, Ms. Riddell stated the development would include a minimum of 10 percent electric vehicle (EV) charging stations and bicycle infrastructure. She said the proposed site had the most intense approved entitlements allowed, substantial height density and intensity with C-2-HR Height Waiver TOD. Ms. Riddell explained the site was entitled for 1.7 million square feet, had a 500-foot-tall office tower, and a parking garage that had permission for 2,264 parking units. She said the proposal would see a significant reduction in traffic by over 12,000 trips compared to the existing entitlements. She said the proposal was first presented to the surrounding community on February 3, 2022, and after numerous meetings, 23 new stipulations, in addition to the stipulations requested by City staff were received. Ms. Riddell listed the stipulations that included closing the Montecito alignment into the Carnation neighborhood, increasing the amount of open space to 25,000 square feet that would not include a leasing office or gym, but instead a retail restaurant and commercial space. She said the developers decreased the density by 100 units and negotiated the height transitions and set-backs with the community. Ms. Riddell also explained that the developer instituted restrictions on the loading and unloading, trash pickup, and food and package delivery on the site to demonstrate an effective circulation pattern. She mentioned the beautification plan and the commitment developers have made to light rail to provide residents free transit passes for 60 days. Ms. Riddell described the traffic mitigation developers agreed with for the Carnation neighborhood including traffic calming infrastructure and sidewalks. Ms. Riddell addressed Mr. Thacker's concerns on traffic and showed that a one-way street proposal increased travel distance and added direct conflict with other traffic and pedestrians. She also mentioned the proposal to create four access points into Turney Avenue would increase traffic into the neighborhood as opposed to the single access point being proposed.

Ms. Riddell explained the proposed access points followed the existing street network and noted that smaller block sizes would create an unbuildable site. Ms. Riddell stated traffic engineer Jamie Blakeman could provide further information.

Councilwoman O'Brien asked if the additional street proposed by Mr. Thacker would cut down traffic going through the neighborhood.

Ms. Blakeman asked Councilwoman O'Brien to repeat her question.

Councilwoman O'Brien asked Ms. Blakeman to confirm if Mr. Thacker's suggested road design would keep people from going through the neighborhood.

Ms. Blakeman explained the developers were trying not to pull traffic into the site and as a result had designed a single access point on the first third of the east side of the site. She showed PPT slides which demonstrated the proposed additional street pulled traffic further west of the development and added additional access points. Ms. Blakeman explained the goal of developers was to avoid traffic going into the neighborhood that was addressed through the mitigation measures including chokers, mini roundabouts, traffic circles and sidewalks. She also showed various routes including the traffic mitigation that demonstrated the fastest route would be through Central Avenue.

Councilwoman Pastor asked for confirmation that traffic mitigation has been applied throughout the neighborhood and not just west of the development.

Ms. Riddle confirmed Councilwoman Pastor was correct.

Councilwoman Pastor referenced an email from Mr. Thacker where he expressed concerns of traffic going through the neighborhood surrounding the development. She asked for clarification on the traffic being required to turn right when exiting the development.

Ms. Riddell explained there was an existing stipulation which required

drivers exiting the development from Turney Avenue to be right-in and right-out only and noted that drivers leaving the development would have to leave either on Turney, Central Avenue, or go to the south of the development and exit onto Glenrosa Avenue. She referred to Ms. Blakeman's presentation that showed the traffic mitigations measures addressed the concern of traffic moving through the neighborhood.

Mayor Gallego declared the public hearing open.

Ed Hermes, President of Carnation Neighborhood Association, thanked the developer and City staff for their work with the neighborhood during the development process. He spoke in support of the development and stated the stipulations, like new sidewalks and traffic mitigation, emphasized the Carnation Neighborhood supported the development of additional housing and the activation along Central Avenue.

Jennifer Garrett, homeowner at intersection of Third Avenue and Glenrosa along the Sonoran Bikeway and on the adjacent block to the subject property, spoke in support of the development contingent on the incorporation of the stipulations that were developed with the support of the surrounding neighborhood. She detailed stipulation 36 which proposed the developer work with the traffic services division to install traffic calming measures to offset the increased traffic the new residential units would create. Ms. Garrett mentioned the traffic circle at Third Avenue and Encanto which could be used as precedence for a traffic calming circle for the development.

Mark Thomas spoke in support of the development and mentioned the walkability and accessibility of public transportation surrounding the development. He spoke regarding his concerns with enforcement for the right-in right-out access ways and mention that a median would be undesirable in the community.

Councilwoman Pastor asked Mr. Bednarek to address the enforcement of the access way and noted her commitment to traffic in developments.

Mr. Bednarek stated as the project proceeds forward through the site development process one of the aspects of the review would be the

private access way network and the corresponding driveways. He said a stipulation for the driveway on Turney to be only right-in right-out required the developer to demonstrate in their design that traffic measures were constructed in a way to facilitate the required traffic movement. Mr. Bednarek explained staff evaluated current conditions of the road and mentioned it was common place for on-street parking and the in-depth analysis of the development would ensure the design could facilitate the right-in, right-out movement of traffic.

Councilwoman Pastor asked Streets Transportation Director Kini Knudson reach out to Mr. Thomas regarding further clarification of traffic movement for the development.

David Wimberly, owner of George and Dragon English Pub, spoke in support of the development and commented on the potential for an increase in property values and the new customers the residential units would bring to his business.

Brent Kleinman, member of the Encanto Village Planning Committee, spoke in support of the proposed development. He commended Petree for their negotiations with surrounding neighborhoods and community. Mr. Kleinman mentioned the 25,000 square feet of retail, the walkability of the area, and the traffic mitigation developers proposed. He urged Council to support the development and encouraged developers to begin construction of all four proposed buildings simultaneously and not take the proposed 10 years.

Mayor Gallego closed the public hearing.

Prior to her motion, Councilwoman Pastor spoke regarding the TOD district in the Central Avenue Corridor in Midtown and Uptown Phoenix. She commended the progress with the Park Central Mall, Creighton Medical School, the expansion of U-Haul headquarters campus, and upcoming investments for affordable housing within the corridor. She mentioned the developers worked with the community and the District 4 office through neighborhood meetings where neighbors expressed their desire for mixed-use development. She mentioned she was adamant that many of the requests from surrounding neighborhoods be placed as part

of the proposed development. Councilwoman Pastor stated the case presented had the support of the Encanto Village Planning Committee, the Planning Commission, and the Carnation Neighborhood Association. She said the case came with more than 46 stipulations including that all phases of the development along Central Avenue be required to be heard through the public hearing process. Additionally, she said feedback from the community and a recommendation from Encanto Village Planning Committee was required to ensure the community had an input on the design of the development to provide a right mix of services, open space, and housing. She described the project would have detached sidewalks, shade trees along its internal perimeter streets, planned open space, art installations, traffic infrastructure including traffic calming at six neighborhood intersections, and sidewalks on Glenrosa and Turney avenues. Councilwoman Pastor emphasized stipulation 19 which required the City to review and improve the projects internal vehicular and pedestrian plan. She mentioned that in response to the community's desire to see commercial uses, services, and destinations, she had instructed staff to raise the minimum amount of commercial square footage that would be part of the submittals noting that the developers had raised the commercial space from the originally proposed 10,000 square feet to 25,000 square feet. She also mentioned her commitment to ensure that Montecito and First Avenue were an inviting and safe public space by increasing the amount of landscaping and the minimum width of sidewalks on the two streets. Councilwoman Pastor thanked staff for the work they had done and said there were various phases left in the review process for the proposed development. She noted her commitment to ensure the community and City departments work together in developing the Central Avenue Corridor and the Midtown and Uptown TOD districts.

**The hearing was held. A motion was made by Councilwoman Pastor, seconded by Councilwoman Stark, that this item be approved per the Sept. 6, 2023 memo from the Planning and Development Director, with adoption of the related ordinance. The motion carried by the following vote:**

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

**No:** 0

**69** **Public Hearing - Amend City Code - Ordinance Adoption - Accessory Dwelling Units - Z-TA-5-23-Y (Ordinance G-7160)**

Request to hold a public hearing on a proposed text amendment Z-TA-5-23-Y and to request City Council approval per the Planning Commission recommendation which amends the following sections of the Phoenix Zoning Ordinance to permit Accessory Dwelling Units (ADUs) in residential districts; create and/or amend related development standards and definitions; clarify related terms and references and reorganize sections of the Zoning Ordinance as necessary to allow ADUs.

Section 202 (Definitions), section 507 Tab A.II.C.8 (Single-Family Design Review), section 603 (Suburban S-1 District-Ranch or Farm Residence), section 604 (Suburban S-2 District-Ranch or Farm Commercial), section 605 (Residential Estate RE-43 District-One-Family Residence), section 606 (Residential Estate RE-24 District-One-Family Residence), section 607 (Residential R1-14 District-One-Family Residence), section 608 (Residence Districts), section 609 (RE-35 Single-Family Residence District), section 610 (R1-18 Single-Family Residence District), section 611 (R1-10 Single-Family Residence District), section 612 (R1-8 Single-Family Residence District), section 613 (R1-6 Single-Family Residence District), section 614 (R-2 Multifamily Residence District), section 615 (R-3 Multifamily Residence District), section 616 (R-3A Multifamily Residence District), section 617 (R-4 Multifamily Residence District), section 618 (R-5 Multifamily Residence District), section 619 (Residential R-4A District-Multifamily Residence-General), section 635 (Planned Area Development), section 649 (Mixed Use Agricultural (MUA) District), section 651 (Baseline Area Overlay District), section 653 (Desert Character Overlay District), section 658 (Deer Valley Airport Overlay (DVAO) District), section 664 (North Central Avenue Special Planning District (SPD) Overlay District), section 701.A.3 (Projections), section 702.F (Special Parking Standards), section 703.B (Landscaping and Open Areas In Multiple-Family Development), section 706 (Accessory Uses and Structures), section 708 (Temporary uses), sections 1204.C and D (Land Use Matrix), section 1303 (Transect lot standards), section 1305.C (Fence

Standards), section 1306 (Land Use Matrix), and section 1310 (Open Space Improvements).

**Summary**

Application: Z-TA-5-23-Y

Proposal: The intent of the proposed text amendment is to allow an ADU to be constructed on a lot with a detached single-family home only, by providing reasonable increases in permitted lot coverage, and by allowing an ADU to be required within the rear yard, with conditions. Related definitions have been revised and/or deleted, with new definitions provided as necessary; “ADU” has been added to the use lists in appropriate zoning districts; development regulations specific to ADUs have been added; existing development regulations have been modified to address ADUs; related terms and references to ADUs have been clarified and updated; and certain sections have been reorganized for ease of use and clarity.

Additional detail is provided in the Staff Report (**Attachment B**) and Addendum A of the Staff Report (**Attachment C**).

Applicant: City of Phoenix, Planning Commission

Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval of Z-TA-5-23-Y as shown in Exhibit A of the Addendum A Staff Report (**Attachment C**).

VPC Info: 11 of the 15 Village Planning Committees (VPCs) heard this item for information only throughout June, as reflected in **Attachments D and E**.

VPC Action: 14 VPCs considered the request throughout July and August. Five VPCs recommended approval, per the staff recommendation; six VPCs recommended approval, per the staff recommendation, with modifications; three VPCs recommended denial; and one VPC did not have a quorum, as reflected in **Attachments D and F**.

PC Info: The Planning Commission heard this item on June 1, 2023, for information only (**Attachment G**).

PC Action: The Planning Commission heard this item on Aug. 3, 2023, and recommended approval, per the staff recommendation in the Addendum A Staff Report, by a vote of 8-0, as reflected in **Attachment**

**H**.

**Discussion**

Mayor Gallego stated with the approval of Item 68, the Phoenix City Council had approved 1,890 units of housing. She introduced Item 69, accessory dwelling units (ADU, and noted it was another opportunity to move forward with the City's commitment to make affordable housing available in the City of Phoenix. Mayor Gallego stated Planning and Development Department staff Christopher DePerro and Acting Deputy Director Tricia Gomes would present a staff report.

Ms. Gomes introduced the case TA-5-23 which was a text amendment to allow accessory dwelling units. She stated the purpose of the text amendment was to respond to the Housing Phoenix Plan and expand housing options within the city. Ms. Gomes introduced Mr. DePerro to expand on the proposed language.

Mr. DePerro explained there would only be one ADU per lot in addition to a primary single-family dwelling unit. He stated the text amendment defined the words "duplex" and "triplex" to make a clear distinction from "accessory dwelling units." He said the text amendment increased lot coverage in most districts, revised rear-year projection rules and limited the height of an ADU to 15 feet. Mr. DePerro explained the text amendment fixed many references to "guesthouse" throughout the Zoning Ordinance to make ADU's possible. He described the ADU's could be a maximum of 75 percent of the size of a primary dwelling unit with a maximum of 1,000 square feet in a lot of 10,000 square feet or less and a maximum of 3,000 square feet in a lot greater than 10,000 square feet or 10 percent of the net lot area whichever was less. He restated the maximum height of an ADU was 15 feet with a maximum height also being the same as the primary dwelling unit if outside the required setbacks and additional parking was not required. Mr. DePerro showed a PowerPoint (PPT) slide containing the recommendations from the Village Planning Committees and the Planning Commission and stated staff recommendation was to approve this item per the September 6, 2023, memo from the Planning and Development Department Director, and adoption of the related ordinance.

Prior to her motion, Councilwoman Stark thanked staff for their work on

affordable housing and the text amendment. She mentioned the COVID-19 pandemic and several zoning text amendments staff were working on to address affordable housing in addition to the ADU text amendment. She stated her concerns with short-term rentals with the ADU text amendments and illustrated how the City of Sedona, AZ was becoming unaffordable for workers due to short-term rentals. Councilwoman Stark thanked the Arizona Legislature for their work to address short-term rentals. She stated she was excited to move forward with the ADU's as long as they were being used for affordable housing and not short-term rentals.

Mayor Gallego asked staff to explain the changes and work that had been done and noted that Councilwomen Stark and Pastor had been focused on the short-term rental related issues. Mayor Gallego stated Council and staff were focused on making the City of Phoenix a great affordable place to live. She said the City had put up land for affordable housing, incentivized developers, and developed a land trust to ensure there was a good housing stock for Phoenix residents. Mayor Gallego mentioned the feedback from the community helped to develop the policy and expressed her excitement to move forward with adding housing within the existing footprint of the city.

Councilwoman Pastor stated the conversation about ADU's had first been presented in 2019 in the Economic Development and Equity Subcommittee when she was Chair of the Subcommittee. She mentioned staff had worked diligently to ensure the memo had the correct language regarding ADU's and short-term rentals.

Councilwoman Guardado stated she would be supporting the item and stressed the importance of being creative to address affordable housing. She added that ADU's provided a way to create a quick and affordable housing option for residents. She mentioned that in District 5, families lived with older relatives which was supported by the text amendment. Councilwoman Guardado expressed her appreciation for the changes in the text amendment regarding short-term rentals to ensure that Phoenix in providing affordable housing.

Mayor Gallego stated staff would explain the memo and then Vice Mayor

Ansari who had also been working diligently on the text amendment would provide comment.

Planning and Development Director Joshua Bednarerk stated the memo, which was distributed shortly prior to the meeting, included new provisions to subsection 10 of the City Code to add language that prohibits the utilization of an ADU replacing it with something that required a permit from Chapter 10 of the City Code. He said the text amendment regarding short-term rentals that Councilwoman Pastor had mentioned would be presented to the Council for action at the September 20, 2023, Formal.

Vice Mayor Ansari stated she was proud to support the text amendment that helped address the housing crisis. She thanked Mr. Bednarek and the Planning and Development team for responding for the Council's request on the timeline of pushing the item forward. She emphasized the revised memo was a key part of Housing Phoenix Plan. She said allowing casitas to be built in neighborhoods with single detached homes provided the opportunity to supply thousands of new more affordable homes to Phoenix residents and gave working middle-income families in District 7 the opportunity to receive additional income and keep their families close with generational living spaces. Vice Mayor Ansari said accessory dwelling units were allowed in Phoenix for a long time, and she was excited to allow them again to house aging parents and adult children. She mentioned her enthusiasm to continue to provide solutions before the end of the year.

Councilwoman O'Brien stated District 1 residents expressed concerns regarding short-term rentals as well as design standards for those who live in communities with homeowners' assiciations (HOAs). She asked City Attorney Julie Kriegh to explain the ordinance as to how it would relate to HOA compliance.

Ms. Kriegh explained Arizona Revised Statutes covered HOAs and ensured the ordinance would not impact the ability of those communities to have restrictions.

Councilwoman O'Brien asked for confirmation if the HOAs would still

have control over the local communities.

Ms. Kriegh confirmed Councilwoman O'Brien was correct.

Councilwoman O'Brien asked if HOAs could exercise control over accessory dwelling units if their covenants did not cover short-term rentals.

Ms. Kriegh confirmed that HOAs could still go through their process of updating their covenants to address the short-term rentals.

Councilwoman O'Brien thanked staff for their work on the text amendment and expressed her support for this item.

Councilman Robinson asked staff to speak on the concerns of short-term rentals in relation to the history of the City of Flagstaff.

Mr. Bednarek explained that Mr. DePerro conducted research to better understand their ordinance and implementation of their ordinance and noted that the information received from Flagstaff was limited.

Mr. DePerro explained he reached out to the Flagstaff Planning Manager and Community Development Director but was unable to speak to either. He stated Flagstaff's ordinance did have provisions for covenants on the property which require a covenant to be recorded and stated an owner either occupies one of the units or they would have to be rented together without further subleasing. Mr. DePerro said Flagstaff also had a rental incentive for long-term rentals and stipulated ADU's in Flagstaff that are rented separately be rented for more than 31 days. He stated in regards to Phoenix, the PDD memo simplified the language and specifies that owners will not use ADU's as short-term rentals.

Councilwoman Hodge Washington expressed her support for the accessory dwelling units. She stated it allowed the opportunity for the City to address housing concerns like market rates and the growing unsheltered population. Councilwoman Hodge Washington asked who would be responsible for enforcement of the covenants.

Mr. DePerro stated the most recent memo replaces the covenant language that was originally proposed with the simple prohibition on the use of an ADU as a short-term rental, therefore not requiring covenant enforcements under the current version of the ordinance.

Councilwoman Hodge Washington asked what the enforcement mechanism would be if an individual was found using an ADU as a short-term rental.

Mr. Bednarek stated the misuse of an ADU would be a violation of the zoning ordinance and would be addressed, administered, and enforced by the Neighborhood Services Department (NSD). He explained there would be a complaint filed, followed by an investigation, and a notice of violation which would be handled through the normal review process administered by NSD.

Councilwoman Hodge Washington thanked Mr. Bednarek for the clarification. She reiterated her support for the text amendment and said the ADU's provided opportunities for co-generational living spaces.

Councilwoman Stark asked if a checklist would be put together by staff to explain CCR issues or historic preservation for the public.

Mr. Bednarek stated staff had already started the process to develop the checklist.

Mayor Gallego stated Councilwoman Hodge Washington alongside other members of the Council had requested to keep track of the number of ADU's that are built and the impact they have on the housing supply.

Councilwoman Hodge Washington stated it was important to keep a metric of how the ADU's were being utilized in the communities.

Councilman Waring state there were current short-term rental issues and mentioned the lack of police officers or neighborhood services staff to address issues that may arise. He brought up concerns over the lack of enforcement for existing violations like individuals living in a parked camper or individuals building unpermitted additions to their property.

Mr. Bednarek stated staff was working to create a regulatory framework to allow ADU's which included a permitting process for both the ADU and short-term rental use. He explained individuals who requested a short-term rental permit would not be issued one if the structure was an ADU. He introduced Deputy City Manager Alan Stephenson to discuss the new rules that would be enforced regarding ADU's and short-term rental permitting.

Mr. Stephenson stated the ordinance had an effective date of November 6, 2023 and would coincide with the discussion scheduled for September 20, 2023 regarding the short-term rental ordinance. He said the short-term rental ordinance in conjunction with the ADU ordinance would help with the enforcement noting that short-term rentals required a permit that needed to be renewed on an annual basis. Mr. Stephenson stated the City was working with third-party vendors to identify short-term rentals being advertised to help with proactive enforcement.

Councilman Waring stated constituents in District 2 expressed concerns over the legislative bill that was passed which did not include enforcement. He expressed his concerns with lack of enforcement when the violation was not observable by the investigator sent to address the violation or complaint. In addition, he stated the construction of an ADU was not necessarily affordable and reiterated his concerns for the enforcement of current rules.

Mr. Stephenson stated the upcoming code amendment would not be a panacea to address neighborhood concerns about short-term rentals. He said the preemption language in state statutes made it difficult to enforce laws that the Council passed. Mr. Stephenson emphasized staff would continue to monitor the short-term rentals within neighborhoods as instructed by Council and noted that NSD would work diligently but faced numerous challenges.

Councilman Waring stated he was sympathetic to the approval of ADU's for multi-generational living options and reiterating concerns with short-term rentals.

Mayor Gallego stated the City of Phoenix would be going to the Legislature to discuss the improvement of short-term rental regulations. She mentioned the Arizona League of Cities, which was a group of 91 cities and towns, would be approaching the Legislature to address short-term rentals and provide more tools and oversight.

Noting there were about 40 to 50 minutes of public comments, Mayor Gallego declared the public hearing open.

State Senator Anna Hernandez spoke in support of the accessory dwelling units ordinance adding that it was an important step to address the housing crisis. She agreed with Councilwoman Guardado's assessment of District 5 in that there were many families that participated in multi-generational living. She mentioned the amendment for parking which was continued and thanked the Council for their support of the item.

State Representative Analise Ortiz stated she represented West Phoenix which overlapped Council Districts 5,7 and 4. She thanked the Council for their leadership in addressing the housing crisis. She stated the Department of Housing had found that Arizona was short 270,000 units statewide. Ms. Ortiz stated the Arizona Legislature was working on bipartisan solutions regarding inclusionary zoning. She also mentioned the parking minimum reduction noting that many non-profits affordable housing developers were in support of reducing parking requirements. She said she would be available to provide insight and continue to address the housing crisis in Arizona.

Neal Haddad spoke on behalf of the Arcadia Osborn Neighborhood Association and the Neighborhood Coalition of Greater Phoenix. He stated the coalition was in favor of the ADU's which would allow for an increase in housing stock. He commended the work of the coalition on both the text amendments for the ADU's and short-term rentals. Mr. Haddad summarized what the text-amendment encompassed and mentioned the coalition was willing to work with staff to address ADU related concerns.

Larry Whitesell, Co-chair of the Peak Neighborhood Association, spoke

in support of the text amendment. He thanked staff for adding the short-term restriction language and proposed the text amendment also include protections for neighborhoods about required parking. Mr. Whitesell stated the Neighborhood Coalition had suggested language to be included that would address the parking concerns and mentioned items that were not discussed at the Village Planning Committees or the Planning Commission. He described the strikethroughs that included language regarding concerns of enforcement and asked that council review the language.

Councilwoman Pastor stated she was reviewing the strike-outs Mr. Whitesell was referencing.

Mr. Whitesell provided the sections of the proposal he was referencing.

Kirin Goff, Assistant Professor of Practice and Director of Applied Health Policy Institute at the University of Arizona (U of A), spoke in support of the text amendment. She described her day job which focused on how the built environment impacts health and social connectedness. She mentioned the disparities of supply and demand for housing which contributed to affordability and said thirty percent of U.S. households have only one person. She explained the demographics did not match the nuclear family vision that single family homes provided and the average house size in the U.S. was 2,000 square feet. Ms. Goff explained ADU's allowed individuals to allocate the unused square footage to provide more housing options. She also stated she would be willing to provide assistance in the future.

Ryan Boyd, with the Urban Phoenix Project, spoke in support of the ADU text amendment. He stated ADU's would not be the sole solution to the housing crisis but would provide opportunities for multi-generational living and additional housing for Phoenix residents.

Paul Davenport complimented the Council on their motion to adopt the ADU text amendment and reiterated the need for addressing the dedicated parking for ADU's.

Susan Edwards, President of the Arizona Neighborhood Alliance,

thanked the Council for the ADU text amendment ordinance. She asked if short-term rental owners would be able to receive a permit to build an ADU.

Mr. Bednarek stated the ordinance contained language which mandated that ADU's not be used as short-term rentals.

Ms. Edwards asked if individuals would be required to prove they are living in the residence as well as if an individual who lived out of state but owned an LLC could receive an ADU building permit.

Mr. Bednarek confirmed the ordinance did not preclude an individual from acquiring a building permit but did restrict the use of the ADU for short-term rentals.

Ms. Edwards continued stating that of the 270,000 estimated housing unit shortage about 70,000 were short-term rentals. She expressed the need to address short-term rentals to address the housing crisis.

Jackie Rich, on behalf of the Murphy Trail Estates Neighborhood Association, spoke in support of the text amendment. She asked the Council to consider approving the short-term rental text amendment in conjunction with the ADU text amendment. Ms. Rich clarified that a short-term rental property could receive a permit for an ADU but could not use the ADU as a short-term rental. She added her support for Councilwoman's Stark recommendation of including a checklist which includes the zoning overlays, historic preservation, special planning districts, and City Council Reports. Ms. Rich also mentioned her concerns with ensuring that ADU's are built with a permit.

Lucero Gonzalez spoke on concerns with waitlists in shelters and said ADU's would be vital to addressing the housing crisis in Phoenix. She said ADU's allowed seniors to age in place without needing to move off their property. Ms. Gonzalez referenced a poll reflecting a 73 percent support for allowing owners to build ADU's. She noted that the allowing ADU's was a data-backed affordable solution for Phoenix.

Emilio Avila spoke on his personal experience with living in an ADU. He

said adding ADU's gave Phoenix resident the opportunity to save and invest in their socioeconomic progress. He asked the Council to approve the ADU text amendment.

Dina Smith stated she saw benefits for families to live in close contact but argued on the affordability of ADU's due to the high construction costs. She also expressed her concerns for the lack information on the impact to the climate, particularly heat islands in regard to the infill in the City.

Ed Hermes, President of the Carnation Association of Neighbors, spoke in support of the ADU text amendment. He emphasized the importance of moving forward with the text amendment and not requiring mandatory minimum parking requirements for ADU's. He thanked the Council and asked that they approve the text amendment ordinance.

Maico Olivares spoke in support of the ADU text amendment. He stated individuals concerned with affordability could also turn the ADU into an investment to generate passive income. He emphasized the benefits of the ADU text amendment outweighed concerns.

Christian Solorio stated Phoenix needed to be a leader for ADU implementation. He illustrated how other cities, like Tucson, Los Angeles, San Jose and Seattle were dealing with ADUs. He referenced studies done by universities like UCLA, Princeton, Harvard, and U of A regarding the need for zoning reform. In addition, Mr. Solorio also referenced the Wharton Residential Land use Regulation Index which rated Phoenix to be in the seventh percentile on zoning restriction. He stated ADU was a necessary first step for a more sustainable, equitable, and affordable Phoenix.

Councilwoman Stark stated the Planning Department was working towards process improvements regarding the permitting process. She said staff would be reaching out to Mr. Solorio for more information.

Brent Kleinman spoke in support of the ADU text amendment highlighting benefits of ADU's to provide additional housing. He argued that ADU's would not function as a short-term rental given the cost of construction. He said ADU's allowed individuals to invest in their homes and create

equity and generational wealth. Mr. Kleinman stated ADU's did not need additional parking.

Trevor Barger spoke in support of the ADU text amendment. He thanked Mr. DePerro and Mr. Bednarek for their work on the code amendment.

Daniel Klocke expressed his support for the ADU text amendment. He said as a 60-year member of the Historic Preservation Commission it was important to trust City staff. He spoke about his experience with ADU's surrounding his home and stated public streets in front of an individuals house was intended for parking and served as traffic mitigation.

Chuck Jones, resident of the Grand View Neighborhood, expressed concerns over the provisions for ADU's built in floodplains. He also had concerns with the maximum limit for a lot that is over 10,000 square feet being a 3,000 square foot unit. He noted that most homes in Grand View were 1,700 square feet. Mr. Jones spoke of concerns for parking and suggested the City discreetly purchase land near the light rail and bid for developers to produce affordable housing options. He reiterated his concern with parking particularly in locations like cul-de-sacs where street parking is limited. He said ADU's also offered the potential for aging individuals to move to Arizona from different states which would not solve the housing crisis. He urged the Council to consider alternative solutions.

Anne Bommersbach thanked the Council and staff for their work on the ADU text amendment. She also brought up the accessibility of Mayor Gallego's email address.

Shane Gore spoke in support of the ADU text amendment noting the importance of dynamic housing options. He urged the Council to consider the ADU text amendment as modified by staff for approval.

Mayor Gallego asked staff to confirm if all speakers had been heard.

City Clerk Denise Archibald confirmed that all speakers had been heard.

Mayor Gallego mentioned the Transportation Committee was available

for those interested in parking. She said individuals interested in the short-term rentals would have the opportunity to hear the motion in the next Formal City Council Meeting on September 20, 2023. Mayor Gallego noted Councilwoman Stark had made the first motion, which was seconded by Councilwoman Pastor. Mayor Gallego declared the public hearing closed.

Councilwoman Pastor summarized issues brought up by the public regarding language and parking. She asked staff to explain the language improvements regarding HOA's and floodplains.

Mr. Bednarek stated the department worked to identify flaws in similar ordinances from other cities to ensure Phoenix's ordinance allowed for the construction of an ADU. He commended Ms. Gomes and Mr. DePerro for their evaluation of the language of the ordinance. He added Councilwoman Stark had asked staff to find a way to streamline the process which would start with the text amendment proposed permitting the construction of an ADU. Mr. Bednarek said the text amendment also allowed the efficient building of ADU's. He explained that through the change to design standards like the construction of walls, rear yards, and parking, staff had made the construction of an ADU accessible. Mr. Bednarek stated Historic Preservation neighborhoods would still require a review on the larger parking issues and he said a majority of lots in Phoenix were around 6,000 square feet and required parking would make ADU's inaccessible. He said the required parking in Phoenix and residential lots is to be behind the front setback of the house so that does leave the driveway area as a potential place for individuals to park. He explained that every site requesting a permit would be evaluated, however, sites that were within a floodplain or flood way were generally not eligible for building activity.

Prior to his vote, Councilman Waring explained he was in support of the ADU text amendment but would be voting against the motion. He stated the Council Policy Meeting had been canceled and he informed the passing of Doug Dixon who was Head of the Desert Ridge HOA for 12-year Doug Dixon. Councilman Waring commended Mr. Dixon for his contributions to the City and the community.

City Clerk Denise Archibald asked for a clarification of Councilman Waring's Vote.

Councilman Waring confirmed he was a "no" vote.

**The hearing was held. A motion was made by Councilwoman Stark, seconded by Councilwoman Pastor, that this item be approved per the Sept. 6, 2023 memo from the Planning and Development Director, with adoption of the related ordinance. The motion carried by the following vote:**

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

## REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

## 000 CITIZEN COMMENTS

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

Beatrice Johnson spoke regarding an active criminal case involving her sister that was sent to Maricopa County and expressed concerns of victims rights violations as well as communication from the Police Department and inaccessibility of case files. She advocated for Council to ensure the defendant is tried.

Gloria San Miguel provided interpretation for Irma Pacheco, spoke regarding her job as a cook at Los Taquitos, a restaurant owned by SSP America, located at the Phoenix Sky Harbor International Airport. She stated her concerns regarding the stressful work environment, her employer's inconsistency with providing breaks, and did not provide a livable wage to support her family.

Jeff Caldwell expressed concerns regarding lobbying within the League of

Arizona Cities and Towns as well as with various documents released regarding C-40 cities in relation to consumption intervention.

Michael Smith, employed by SSP America at Phoenix Sky Harbor International Airport, spoke on his concerns regarding the lack of livable wages, which has led him get a second job. Mr. Smith stated SSP America's employees at the airport were prepared to go on strike at any time.

Patricia Rea, employed by SSP America at the Phoenix Sky Harbor International Airport, spoke on her concerns over the lack of livable wages. She stated SSP America was a contractor with the City and urged Council to address the wages provided by the contractor.

Jodi Brackett referenced the Arizona Constitution which ensured the fundamental principles of individual rights expressing concerns with the Maricopa Association of Governments.

Lezley Shepherd referenced the Arizona Constitution and expressed concerns with the accessibility to contact Mayor Gallego.

Roger Pickerell spoke in support of the Phoenix Sky Harbor International Airport workers and expressed concerns over inflation and modified meat.

Almahdi Fard Allah spoke regarding his employment with SSP America at Phoenix Sky Harbor International Airport and how the combination of inflation and low wages led him to become homeless and live in his car. He urged Council to address the wages provided by the City's contractor.

## ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 6:13 p.m.

MAYOR

ATTEST:

CITY CLERK

SLR

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 6th day of September, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 30th day of October, 2024.

CITY CLERK