City of Phoenix

City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, January 23, 2019 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Jan. 23, 2019 at 2:42 p.m. in the Council Chambers.

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

Councilwoman Mendoza and Councilman Nowakowski entered the Chambers and joined the voting body during Citizen Comments held at the beginning of the meeting. Councilman Nowakowski left the voting body prior to the omnibus motion vote on Ordinances, Resolutions and New Business, and returned to the voting body prior to the vote on Item 24. Councilman DiCiccio left the Chambers and the voting body after the vote on Item 27. Councilwoman Pastor left the Chambers and the voting body after Item 81 was heard.

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

CITIZEN COMMENTS

Leonard Clark expressed his condolences for the passing of a Phoenix firefighter and congratulated the Police Department for finding a suspect in the Hacienda Health Care case. He asked for everyone to remember federal workers during the federal government shutdown, and thanked Congressman Stanton and other City leaders for helping out those workers affected.

Note: Councilwoman Mendoza entered the Chambers and joined the voting body.

Councilwoman Pastor commented they had raised $25 thousand from various businesses and organizations to support federal employees that would be donated to food banks.

Luke Pierson noted he was a pastor at Apologia Church in Tempe. He mentioned verses from the Bible, and advocated for an end to abortion in Arizona.

Note: Councilman Nowakowski entered the Chambers and joined the voting body.

Desiree Maes mentioned she was a member of Apologia Church, and took issue with the argument to be pro-choice when it comes to abortion. She asked for Arizona Revised Statutes 13-3603 to be upheld, and commented she would not stop fighting to end legal abortion.

Susan Gudino submitted a citizen petition requesting that all construction and spending on light rail expansion stop until voters vote in August.

Luis Acosta discussed the issue of water leaks in the landscape, and said the City lacked monitoring of the leaks due to budget issues. He mentioned he sent photos to the City Manager's office to get the leaks repaired, and suggested the City would rather take on new projects instead of fixing the water leaks.

Greta Rogers stated she supported what Mr. Acosta said, and suggested the City was negligent in overseeing water issues.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6534 and G-6551 through G-6553, S-45265 through S-45266 and S-45312 through S-45344, and Resolutions 21696 and 21706 through 21711 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

MINUTES OF MEETINGS

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 Williams and Councilmembers:

Ahwatukee Foothills Village Planning Committee

Reappoint Andrew Gasparro, for a third term to expire Nov. 19, 2020.
Reappoint Benjamin Holt, for a third term to expire Nov. 19, 2020.
Reappoint Jerry Youhanaie, for a sixth term to expire Nov. 19, 2020.
Reappoint Mike Maloney, for a third term to expire Nov. 19, 2020.
Reappoint Mike Schiller, for a third term to expire Nov. 19, 2020.
Reappoint Peter Meier, for a third term to expire Nov. 19, 2020.
Reappoint Ron Bondy, for a second term to expire Nov. 19, 2020.
Reappoint Scott Crouch, for a third term to expire Nov. 19, 2020.
Reappoint Spencer Elliott, for a third term to expire Nov. 19, 2020.

Alhambra Village Planning Committee

Reappoint Keith Ender, for his first full term to expire Nov. 19, 2020.

Camelback East Village Planning Committee

Appoint Dawn Augusta, for a term to expire Nov. 19, 2020.
Reappoint Barry Paceley, for a fourth term to expire Nov. 19, 2020.
Reappont Daniel Sharaby, for a third term to expire Nov. 19, 2020.
Reappoint Lee Miller, for a third term to expire Nov. 19, 2020.
Reappoint Marc Scher, for a fifth term to expire Nov. 19, 2020.
Reappoint Ronda Beckerleg Thraen, for a fifth term to expire Nov. 19, 2020.
Reappoint Tom O'Malley, for a third term to expire Nov. 19, 2020.
Reappoint William Fischbach, for a third term to expire Nov. 19, 2020.

Census Complete Count Committee

Media and Technology Subcommittee

Appoint Ana Pereira.

Appoint Rebecca Stevens.

Communities of Faith Subcommittee
Appoint Anita Rangaswami.
Appoint Dr. Charles Johnson.

Business and Finance Subcommittee
Appoint Angela Hughy.
Appoint Carmen Jandacek.
Appoint Joseph Grossman.
Appoint Laura Franco French.
Appoint Lisette Flores.
Appoint Lucas Lindsey.

Education Subcommittee
Appoint Jesus Eduardo Gonzalez Fagoaga.
Appoint Jose Vaquera.
Appoint Julie Read.
Appoint Kevin Patterson.
Appoint Rosemarry Ybarra Hernandez.
Appoint Ruben Alonzo.

Equitable Outreach
Appoint Angela Florez.
Appoint Eduardo Sainz.
Appoint Joseph Razo.
Appoint Michael Fornelli.
Appoint Shannon McBride.
Appoint Stanford Prescott.
Appoint Viridiana Hernandez.

North Mountain Village Planning Committee
Reappoint Warren Whitney, for a third term to expire Nov. 19, 2020.

Phoenix Aviation Advisory Board
Reappoint Brian Foster, for his first full term to expire Dec. 15, 2022.

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

by the following voice vote:

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

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

Peter Meier - Ahwatukee Foothills Village Planning Committee;
Dawn Augusta, Daniel Sharaby, and Marc Scher - Camelback East Village Plannning Committee;
Ana Pereira, and Rebecca Stevens - Census Complete Count Committee, Media and Technology Subcommittee;
Anita Rangaswami - Census Complete Count Committee, Communities and Faith Subcommittee;
Carmen Jandacek, Joseph Grossman, and Laura Franco French - Census Complete Count Committee, Business and Finance Subcommittee;
Jesus Eduardo Gonzalez Fagoaga, Jose Vaquera, and Ruben Alonzo - Census Complete Count Committee, Education Subcommittee;
Angela Florez, Eduardo Sainz, Joseph Razo, Michael Fornelli, Shannon McBride, and Stanford Prescott - Census Complete Count Committee, Equitable Outreach Subcommittee.

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

2 Swearing in of Municipal Court Judge

Request to permit the swearing in of a Municipal Court Judge.

Summary

Administer the oath of office for Judge Cynthia Certa to a term expiring Jan. 19, 2023.

Concurrence/Previous Council Action

On Nov. 6, 2018 the Judicial Selection Advisory Board recommended approval to the Public Safety and Veterans Subcommittee.

On Dec. 12, 2018 the Public Safety and Veterans Subcommittee recommended approval to the City Council by a vote of 4-0.

Municipal Court Judge Cynthia Certa was sworn in.

Mayor Williams administered the oath of office to Muncipal Court Judge Cynthia Certa. She was invited to approach the dais so Council could extend their appreciation.

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

Vice Mayor Waring made a motion, seconded by Councilwoman Pastor, to take Item 66 out of order. The motion carried by the following voice vote:

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

No: 0

66 Entertainment District Exemption Application - 913, 915 and 917 N. Central Ave. (Resolution 21718)

Request to approve an exemption to the 300-foot distance restriction for consideration of a liquor license for the property located at 913, 915 and 917 N. Central Ave.

Summary

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

The applicant, Taylor C. Earl, with Earl, Curley and Lagarde, P.C., proposes to locate a bar, restaurant, and entertainment concept at 913, 915 and 917 N. Central Ave. The location is currently restricted from pursuing certain series of liquor licenses due to its proximity to the Roosevelt Community Church located at 924 N. 1st St. A use permit to allow alcohol sales and services within 300 feet of a church in an Entertainment District was approved on Dec. 20, 2018. There was no opposition in attendance at the Zoning Adjustment hearing (**Attachment A**).

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

Location
913, 915 and 917 N. Central Ave.
Council District: 7

Note: Comment cards were submitted for the record in favor of Item 66 by the following individuals:

Taylor Earl
Charles E. Duff

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

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

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

Note: Comment cards were submitted for the record in favor of the following Items:

Leo Horton - Applicant, Item 3
Bojo Shestich - Applicant, Item 7
Dusan Matic, Item 7
Lily Tomecuk, Item 7
Eduardo R. Gonzalez - Agent, Item 16
Michelle Pauley - Applicant, Item 17
Chris Young - Applicant, Item 19
Charles E. Duff, Item 20

A motion was made by Vice Mayor Waring, seconded by Councilwoman Stark, that Items 3-22 be recommended for approval. The motion carried by the following voice vote:

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

No: 0

3 **Liquor License - Special Event - W.R. Marksman Club, Inc.**

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

Summary

Applicant
Leo Horton

Location
4044 W. Black Canyon Blvd.
Council District: 1

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Feb. 20, 2019 - 5 p.m. to 11 p.m. / 400 attendees
Feb. 21, 2019 - 5 p.m. to 11 p.m. / 100 attendees
Feb. 22, 2019 - 5 p.m. to 11 p.m. / 250 attendees

Feb. 23, 2019 - 5 p.m. to 11 p.m. / 400 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

4 **Liquor License - Humble Pie Pizza Wine & Spirits**

Request for a liquor license. Arizona State License Application 39841.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
3890 W. Happy Valley Road, Ste. 169
Zoning Classification: C-2 PCD
Council District: 1

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 Feb. 2, 2019.

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

use for more than 180 days.

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

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

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Humble Pie Pizza, Wine & Spirits is a neighborhood restaurant featuring pizza, pasta, burgers, sandwiches, salads, and soup in a fun, family-friendly environment. Applicant would like to continue to offer guests 21 and over the opportunity to enjoy alcoholic beverages as an incident to the meals they enjoy."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Humble Pie Pizza Wine & Spirits
Liquor License Map - Humble Pie Pizza Wine & Spirits

This item was recommended for approval.

5 **Liquor License - Humble Pie Pizza Wine & Spirits**

Request for a liquor license. Arizona State License Application 39852.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
6501 E. Greenway Pkwy., Ste. 123
Zoning Classification: PSC PCD
Council District: 2

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 Feb. 2, 2019.

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

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

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

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Humble Pie Pizza, Wine & Spirits is a neighborhood restaurant featuring pizza, pasta, burgers, sandwiches, salads, and soup in a fun, family-friendly environment. Applicant would like to continue to offer guests 21 and over the opportunity to enjoy alcoholic beverages as an incident to the meals they enjoy."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Humble Pie Pizza Wine & Spirits
Liquor License Map - Humble Pie Pizza Wine & Spirits

This item was recommended for approval.

6 **Liquor License - Humble Pie Pizza Wine & Spirits**

Request for a liquor license. Arizona State License Application 39831.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
21050 N. Tatum Blvd., Ste. 110
Zoning Classification: C-2 DNS/WVR DRSP
Council District: 2

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 Feb. 2, 2019.

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

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

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

Applicant's Statement
The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are

shown exactly as written by the applicant on the City Questionnaire.

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Humble Pie Pizza, Wine & Spirits is a neighborhood restaurant featuring pizza, pasta, burgers, sandwiches, salads, and soup in a fun, family-friendly environment. Applicant would like to continue to offer guests 21 and over the opportunity to enjoy alcoholic beverages as an incident to the meals they enjoy."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Humble Pie Pizza & Spirits
Liquor License Map - Humble Pie Pizza & Spirits

This item was recommended for approval.

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

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

Summary

Applicant
Bojo Shestich

Location
11640 N. 16th Place
Council District: 3

Function
Dance

Date(s) - Time(s) / Expected Attendance
Feb. 2, 2019 - 5 p.m. to 12 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

8 **Liquor License - Ammaccapane's Restaurant & Bar**

Request for a liquor license. Arizona State License Application 06070349.

Summary

Applicant
Douglas Buss, Agent

License Type
Series 6 - Bar

Location
13470 N. 7th St.
Zoning Classification: PSC
Council District: 3

This request is for an ownership transfer of a liquor license for a bar. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a variance to allow a bar when located less than 300 feet of a residential zoning district.

The 60-day limit for processing this application is Jan. 26, 2019.

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have extensive business experience. I have a Bachelor of Business Administration Degree and have owned and operated several successful companies. I have expertise in accounting, financial analysis, personnel management, and management information systems. My business partner Joseph Bologna has over 24 years of Arizona restaurant and bar management experience."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
Eighty-Sixed LLC brings together 2 talented, hard-working and passionate professionals with a common objective of continuing the past success of Ammaccapane's Restaurant & Bar."

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 - Ammaccapane's Restaurant & Bar
Liquor License Map - Ammaccapane's Restaurant & Bar

This item was recommended for approval.

9 **Liquor License - Special Event - Arizona Craft Brewers Guild, Inc.**

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

Summary

Applicant
Robert Fullmer

Location
300 E. Indian School Road
Council District: 4

Function
Festival

Date(s) - Time(s) / Expected Attendance
Feb. 9, 2019 - 11 a.m. to 5 p.m. / 7,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

10 **Liquor License - Special Event - Orgazac, Inc.**

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

Summary

Applicant
Jesus Barraza

Location
4231 W. Thomas Road
Council District: 4

Function
Dance

Date(s) - Time(s) / Expected Attendance
March 9, 2019 - 8 p.m. to 2 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

11 **Liquor License - Special Event - Orgazac, Inc.**

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

Summary

Applicant
Jesus Barraza

Location
4231 W. Thomas Road
Council District: 4

Function
Dance

Date(s) - Time(s) / Expected Attendance
Feb. 15, 2019 - 8 p.m. to 2 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

12 **Liquor License - Special Event - Orgazac, Inc.**

Request for a Series 15 - Special Event liquor license for the temporary

sale of all liquors.

Summary

Applicant
Jesus Barraza

Location
4231 W. Thomas Road
Council District: 4

Function
Dance

Date(s) - Time(s) / Expected Attendance
Feb. 7, 2019 - 8 p.m. to 2 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

13 **Liquor License - Humble Pie Pizza Wine & Spirits**

Request for a liquor license. Arizona State License Application 39819.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
2331 & 2333 N. 7th St.
Zoning Classification: C-2 CNSPD
Council District: 4

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 Feb. 2, 2019.

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

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

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

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Humble Pie Pizza, Wine & Spirits is a neighborhood restaurant featuring

pizza, pasta, burgers, sandwiches, salads, and soup in a fun, family-friendly environment. Applicant would like to continue to offer guests 21 and over the opportunity to enjoy alcoholic beverages as an incident to the meals they enjoy."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Humble Pie Pizza Wine & Spirits
Liquor License Map - Humble Pie Pizza Wine & Spirits

This item was recommended for approval.

14 Liquor License - Special Event - Veterans Transportation

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

Summary

Applicant
Eric Morales

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

Function
Concert

Date(s) - Time(s) / Expected Attendance
Feb. 8, 2019 - 7 p.m. to 2 a.m. / 550 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - Big B's Market

Request for a liquor license. Arizona State License Application 35646.

Summary

Applicant
Vijaya Shetty, Agent

License Type
Series 10 - Beer and Wine Store

Location
4835 N. 37th Ave.
Zoning Classification: C-1
Council District: 5

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

The 60-day limit for processing this application was Dec. 21, 2018. However, the applicant submitted a written request for more time.

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

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

Public Opinion
One letter protesting the issuance of this license has been received and

is on file in the Office of the City Clerk. The letter is from the Sevilla Neighborhood Association. They are concerned with the applicant's business operations and the types of activities that take place at the location.

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:
"Have owned business in the past years. Am taking business back over. I will make sure my employee attends the basic and management title 4 liquor training."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I would like to continue to offer the customers the opportunity to purchase beer/wine if they choose."

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

Attachments
Liquor License Data - Big B's Market
Liquor License Map - Big B's Market

This item was recommended for approval.

16 **Liquor License - Stratus Event Center**

Request for a liquor license. Arizona State License Application 06070513.

Summary

Applicant

Eduardo Gonzalez Romero, Agent

License Type
Series 6 - Bar

Location
4344 W. Indian School Road, Ste. 32
Zoning Classification: A-1
Council District: 5

This request is for an ownership and location transfer of a liquor license for a bar. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in February 2019.

The 60-day limit for processing this application is Jan. 25, 2019.

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

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

Senor Sushi Restaurant (Series 12)
4324 W. Indian School Road, Ste. 102 & 104, Phoenix
Calls for police service: 10
Liquor license violations: None

Senor Sushi Mesa (Series 12)
1356 W. Southern Ave., Mesa
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 been in this type of business for. More then 40 year's holding more then 15 liquor license in the State of Arizona. Never had any problems."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I will operate this business to the. best of my knowledge using my 40 plus. year's of experiense. Including more then 10 yrs. operating with a number #6 License. Creating a clean & safe enviroment to the community."

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

Attachments
Liquor License Data - Stratus Event Center
Liquor License Map - Stratus Event Center

This item was recommended for approval.

17 **Liquor License - Special Event - Madison Heights Parent Teacher Organization**

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

Summary

Applicant
Michelle Pauley

Location
5601 N. 16th St.
Council District: 6

Function
School Event

Date(s) - Time(s) / Expected Attendance
March 8, 2019 - 6 p.m. to 9 p.m. / 160 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

18 **Liquor License - Special Event - Madison Traditional Academy Guild, Inc.**

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

Summary

Applicant
Mark Hiland

Location

5752 N. 2nd Ave.
Council District: 6

Function
Cornhole Tournament

Date(s) - Time(s) / Expected Attendance
Feb. 23, 2019 - Noon to 8 p.m. / 150 attendees

Staff Recommendation
Staff recommends approval of this application.
This item was recommended for approval.

19 Liquor License - Connect Brands

Request for a liquor license. Arizona State License Application 41611.
Summary

Applicant
Christopher Young, Agent

License Type
Series 4 - Wholesaler

Location
2440 W. Lincoln St., #170 BC
Zoning Classification: A-2
Council District: 7

This request is for a new liquor license for a wholesaler. 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 Feb. 4, 2019.

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

Other Active Liquor License Interest in Arizona

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Veteran and well organized business professional. Used to work under the Homeland Security umbrella."

Staff Recommendation
Staff recommends approval of this application.
This item was recommended for approval.

20 **Liquor License - Life**

Request for a liquor license. Arizona State License Application 06070553.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 6 - Bar

Location
915 N. Central Ave.
Zoning Classification: DTC Downtown Gateway HP
Council District: 7

This request is for an ownership and location transfer of a liquor license

for a bar. This location is currently licensed for liquor sales with a Series 12 - Restaurant liquor license and does not have an interim permit. This location requires an exemption to allow alcohol sales and service within 300 feet of a church in the Entertainment District.

The 60-day limit for processing this application is Feb. 5, 2019.

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

Other Active Liquor License Interest in Arizona

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

Cobra Arcade (Series 6)
801 N. 2nd St., Phoenix
Calls for police service: 42
Liquor license violations: None

Cobra Arcade (Series 6)
63 E. Congress St., Ste. 109, 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:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Life will develop a unique venue featuring live music in the historic DeSoto building. Applicant would like to offer alcoholic beverages to guests 21 and over."

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

Attachments
Liquor License Data - Life
Liquor License Map - Life

This item was recommended for approval.

21 Liquor License - Special Event - Jupiter Foundation

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

Summary

Applicant
Reno Scott

Location
22 E. Buchanan St.
Council District: 8

Function
Festival

Date(s) - Time(s) / Expected Attendance
Feb. 17, 2019 - 8 p.m. to 1 a.m. / 800 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

22 **Liquor License - Special Event - Phoenix Day**

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

Summary

Applicant
Jaclyn Boyes

Location
115 E. Tonto St.
Council District: 8

Function
Networking Event

Date(s) - Time(s) / Expected Attendance
Feb. 21, 2019 - 6 p.m. to 8 p.m. / 75 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Note: Comment cards were submitted for the record in opposition of the continuance of Items 79 and 80:

Tommie L. Mitchell
Donatus Agbakwu

Note: Councilman Nowakowski left the voting body.

Prior to her vote, Councilwoman Mendoza clarified the continuance of Items 79 and 80 to the Feb. 20, 2019 City Council formal meeting was requested by the applicant. She noted the applicant needed to develop a revised site plan that lowered the density, and to submit that to the neighbors, their attorney, and the office and staff of Councilwoman Mendoza. She mentioned staff would review the site plan to try and reach a compromise on this zoning case.

A motion was made by Vice Mayor Waring, seconded by Councilwoman Stark, that Items 23-81 be approved or adopted, except Items 24, 26-27, 44-45, 65, 74, and 81; and continuing Items 79-80 to Feb. 20, 2019. The motion carried by the following vote:

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

Items 23 and 25, Ordinance S-45312 were requests to authorize the City Controller to disburse funds up to amounts indicated, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some

items below require payment pursuant to Phoenix City Code section 42-13.

23 The Helmet Center, LLC

For $75,000.00 in payment authority for a new contract, entered on or about Feb. 1, 2019 for a term of five years, to purchase Police Motorcycle helmets with accessories for the Police Department. The helmets and the accessories are vital for Police Officers. The motor instructors from the Police Department attended a helmet training session and found that the upgraded Shoei Helmet, Neotec Lo-Rise Helmet Shield, with the communication device install, are a necessity for Police Officers. In addition, the communication device inside the Police helmets must be specified to avoid injuries and life-threatening events. This equipment is a critical part of the Police Department's effort to provide life safety services to the public and for use in critical incidents and complicated scenes.

This item was adopted.

25 Charlie Pepper, Inc. doing business as Salt Works

For $15,000.00 in additional payment authority for Contract 146987 for salt to be used in water softening systems for the Phoenix Convention Center Department (PCCD). PCCD will be added to the Water Services Department contract for salt through Feb. 28, 2023.

This item was adopted.

28 Proposed 91st Avenue and Broadway Road Annexation - Authorization to File

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

Summary

Signatures on the proposed annexation petition shall not be obtained for a waiting period of 30 days after filing the blank petition with the Maricopa County Recorder. Additionally, a public hearing will be scheduled within

the 30-day waiting period, permitting the City Council to gather community input regarding the annexation proposal. Formal adoption of this proposed annexation will be considered at a later date.

Location
The proposed annexation area includes parcels 101-30-006, 101-30-007A, 101-30-007B, 101-30-008B and 101-30-008C at 91st Avenue and Broadway Road (**Attachment A**). The annexation area is approximately 57.31 acres (0.0895 sq. mi.) and the population estimate is eight individuals.
Council District: 7

This item was approved.

29 **Landfill Services - Requirements Contract - IFB 18-318 (Ordinance S-45314)**

Request to authorize the City Manager, or his designee, to enter into a contract with Calmat Co. dba Vulcan Material Co., Mountain West Division, to provide landfill services for the Aviation, Parks and Recreation, Street Transportation and Water Services departments. Further request the City Controller to disburse all funds related to this item. The five-year aggregate value of the contract will not exceed $1,465,000, with an annual estimated expenditure of $293,000.

Summary
This contract will provide the City with landfill services, to be used by the various departments, to dispose of specialized waste generated during the provision of City services. Specifically, departments accumulate spoils consisting of asphalt, concrete and dirt due to excavations, removal and replacement of damaged roads and sidewalks, and subgrade improvements to the right-of-way, throughout the Phoenix metropolitan area. These removed materials are not accepted by the City's waste service provider and must be sent to a private landfill.

Procurement Information
Invitation for Bid 18-318 was conducted in accordance with Administrative Regulation 3.10. There were three offers received by the Finance Department's Procurement Division on Aug. 31, 2018. Line Item 5 was not awarded because the lowest bid was approximately 69 miles one way from the Val Vista Water Treatment Plant (WTP), versus six

miles one way between Val Vista WTP and SR Landfill. The City will contract directly with SR Landfill for Val Vista WTP Sludge. Following are the lowest-priced offers that were received:

Calmat Co. dba Vulcan Material Co., Mountain West Division
Item 1: $4.00 per cubic yard
Item 2: $4.00 per cubic yard
Item 3: $4.00 per cubic yard
Item 4: $2.00 per cubic yard

Waste Management, Inc.
Item 1: $15.00 per cubic yard
Item 2: $15.00 per cubic yard
Item 3: $15.00 per cubic yard
Item 4: $5.00 per cubic yard

The Deputy Finance Director recommends that the offer by Calmat Co. dba Vulcan Material Co., Mountain West Division be accepted as the lowest-priced, responsive and responsible offer.

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

Financial Impact
The aggregate contract value will not exceed $1,465,000, with an estimated annual expenditure of $293,000. Funds are available in the Aviation, Parks and Recreation, Street Transportation and Water Services departments' operating budgets.

This item was adopted.

30 **Landfill Services (Water Services Department) - Requirements Contract - RFA 19-077 (Ordinance S-45319)**

Request to authorize the City Manager, or his designee, to enter into a contract with Salt River Landfill, a Division of Salt River Pima-Maricopa Indian Community, to provide landfill services for the Water Services Department in the East Valley. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $4,688,000, with an annual expenditure of

$937,600.

Summary

This contract will provide the Water Services Department with landfill services for disposal primarily of water treatment plant sludge and also green waste generated at the Val Vista Water Treatment Plant (WTP) located in Mesa. The Val Vista WTP treatment plant filters organic and inorganic particles from the water during the treatment process. The sludge is loaded into trailers and hauled to the landfill for disposal. A landfill near the WTP is required because of the volume of material and hauling costs associated with transportation for disposal.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved Determination Memo which stated that the proximity of the Salt River Landfill to the Val Vista Water Treatment Plant and the lack of alternate landfills near the area makes it the most cost effective solution for disposal of water treatment plant sludge. Also, during high volume production periods, a nearby disposal location is needed to minimize the turnaround time for hauling units to ensure production is not negatively impacted.

The Deputy Finance Director recommends that the contract with Salt River Landfill, a Division of Salt River Pima-Maricopa Indian Community, be accepted.

Contract Term

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

Financial Impact

The five-year contract value will not exceed $4,688,000, with an annual expenditure of $937,600. Funds are available in the Water Services Department's operating budget.

This item was adopted.

31 **Ballistic Helmets for Police Department - One-Time Purchase - RFA 19-081 (Ordinance S-45320)**

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

contract with FX Tactical, LLC to provide the Police Department with National Institute of Justice (NIJ) Level IIIA Ballistic Helmets for the replacement of helmets that are out of warranty and damaged. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $116,000.

Summary

The Phoenix Police Department's Tactical Response Units (TRU) and search warrant personnel utilize the NIJ Level IIIA Ballistic Helmet to provide a high level of protection for police officers during high-risk tactical deployments. The ballistic helmet is equipment with a detachable Paulson DK6-H150 riot face shield, adjustable crown net head harness, and includes a seven-year warranty. The current stock of ballistic helmets is approximately 14 years old. They have surpassed the warranty period and are experiencing structural integrity failure.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition Determination Memo citing FX Tactical, LLC as the supplier of the ballistic helmet that best meets the specification and performance standards of the Police Department's TRU. A Special Circumstance Without Competition Determination Memo was completed and approved by the Deputy Finance Director recommending the procurement with FX Tactical, LLC be accepted.

Contract Term

This is a one-time purchase to be issued on or about Dec. 13, 2018.

Financial Impact

The amount of the one-time purchase will not exceed $116,000 (including applicable taxes and shipping charges). Funds are available in the Police Department's budget.

This item was adopted.

32 **Public Safety and Emergency Preparedness Equipment and Related Services (Safety Gas Masks) - US Communities Cooperative Contract 2000002547 (Ordinance S-45321)**

Request to authorize the City Manager, or his designee, to access the US Communities Cooperative Contract 2000002547 with Mallory Safety and Supply, LLC for the supply of safety gas masks. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value is $2,000,000.

Summary

The Police Department Fiscal Management Bureau, Safety Unit has established a standard minimum requirement for the respiratory protection of Police Department employees to effectively manage or eliminate hazardous airborne exposures associated with their work environment. As part of this program, the Police Department issues all sworn and select civilians a full face air purifying respirator/gas mask. This mask is an essential piece of personal protective equipment to protect employees from airborne hazards and allows employees to serve and protect the citizens of Phoenix in hazardous environments. The items purchased under this contract allows the Police Department to remain in compliance with the Federal Occupational Safety and Health Administration (OSHA) Respiratory Protection Standard 29 Code of Federal Regulation (CFR) 1910.134 which requires employers to provide respirators to protect the health of its employees.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement process, as set forth in the Phoenix City Code, chapter 43. The US Communities contract covers the purchase of safety gas masks for the Police Department. The US Communities contract was awarded on Oct. 1, 2018. The use of this cooperative contract will provide the City national discounts on these products.

Contract Term

The contract term will begin on or about Jan. 15, 2019 and end on or about Jan. 14, 2024.

Financial Impact

The aggregate contract value will not exceed $2,000,000. Funds are available in the Police Department's budget.

This item was adopted.

33 **Parts, Installation, and Service for Direct Current Battery Plant - Requirements Contract - IFB 19-020 (Ordinance S-45326)**

Request to authorize the City Manager, or his designee, to enter into a contract with Power Product Services, Inc. to provide parts, battery installation, and general service to maintain the public safety radio systems for the Information Technology Services Department. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $1,250,000 (including applicable taxes), with an estimated annual expenditure of $250,000.

Summary
This contract will provide heavy duty batteries, preventative maintenance and repairs to direct current (DC) voltage battery backup systems at 65 remote radio and microwave communications sites. The DC battery backup systems provide power in critical situations to public safety radio systems in the event of power outages. The maintenance to the DC battery plant will result in reduced costs, increased efficiencies, uninterrupted operations, risk reduction, and improved customer service.

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

Procurement Information
IFB 19-020 Parts, Installation and Service for Direct Current (DC) Battery Plant was conducted in accordance with Administrative Regulation 3.10. One offer was received by the Procurement Division on Nov. 16, 2018. The offer was evaluated based on price, responsiveness, terms and conditions, and responsibility to provide required services. The offer submitted by Power Product Services, Inc. is deemed fair and reasonable based on market and previous contract pricing.

The Deputy Finance Director recommends Power Product Services, Inc.

for award.

Contract Term
The five-year contract term shall begin on or about Jan. 23, 2019.

Financial Impact
The aggregate contract value will not exceed $1,250,000 (including applicable taxes), with an estimated annual expenditure of $250,000. Funds are available in Information Technology Services budget.

This item was adopted.

34 **Acquisition of a Water Line Easement Located at 1515 E. Missouri Ave. (Ordinance S-45327)**

Request to authorize the City Manager, or his designee, to acquire a water line easement by donation, purchase within the City's appraised value, or by the power of eminent domain, for installation of a new water line. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
A water line easement is required to replace an existing water line that needs to be upgraded. Construction includes installation of a 6-inch water main and redesign of the City's water line system to improve water quality and flow. The property impacted by this project is located at 1515 E. Missouri Ave., identified by Maricopa County Assessor's Parcel Number (APN) 162-11-085.

Location
1515 E. Missouri Ave.
Council District: 6

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

This item was adopted.

35 **Fire Hose and Ladder Testing - City of Tempe Cooperative - #15-091 (Ordinance S-45332)**

Request to authorize the City Manager, or his designee, to access City of Tempe Cooperative Contract and to enter into a contract with Fire Catt, LLC. to provide the Fire Department with fire hose and ladder testing. Further request authorization for the City Controller to disburse all funds related to the item. The aggregate contract value will not exceed $134,000.

Summary

The Fire Department maintains a large fleet of specialized vehicles equipped with numerous ladders and approximately 200,000 linear feat of fire hose. Per the National Fire Protection Association Standards, NFPA 1962 and NFPA 1932, testing and inspections of fire hose and ladders must be performed annually by trained personnel. All testing and inspections shall be in accordance with applicable state and local fire codes, as well as the NFPA. Without proper testing and inspections the Fire Department would experience equipment failures and be subject to potential property loss and jeopardize firefighter and public safety.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement process, as set forth in the Phoenix City Code, chapter 43. Cooperative agreements allow the City to benefit from government pricing and volume discounts.

Contract Term

The four-year contract term will expire on Jan. 23, 2023.

Financial Impact

The aggregate contract value will not exceed $134,000. Funds are available in the Fire Department's budget.

This item was adopted.

36 **Acceptance and Dedication of Deeds and Easements for Multi-Use Trail, Sidewalk and Public Utility Purposes (Ordinance S-45334)**

Request for the City Council to accept and dedicate deeds and easements for multi-use trail, sidewalk and public utility purposes; further ordering the ordinance recorded.

Summary

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

Easement (a)
Applicant: LB 59th, LLC, its successor and assigns
Purpose: Multi-Use Trail
Location: SWC 59th Avenue and Baseline Road
File: FN 180109
Council District: 7

Deed (b)
Applicant: LB 59th, LLC, its successor and assigns
Purpose: Roadway
Location: SWC 59th Avenue and Baseline Road
File: FN 180109
Council District: 7

Deed (c)
Applicant: LB 59th, LLC, its successor and assigns
Purpose: Roadway
Location: SWC 59th Avenue and Baseline Road
File: FN 180109
Council District: 7

Easement (d)
Applicant: LB 59th, LLC, its successor and assigns
Purpose: Sidewalk
Location: SWC 59th Avenue and Baseline Road
File: FN 180109
Council District: 7

Easement (e)
Applicant: 2439 W. McDowell, LLC, its successor and assigns
Purpose: Sidewalk
Location: 2503 W. McDowell Road
File: FN 180122
Council District: 7

Easement (f)
Applicant: 2439 W. McDowell, LLC, its successor and assigns
Purpose: Public Utility
Location: 2503 W. McDowell Road
File: FN 180122
Council District: 7

This item was adopted.

37 **Acceptance and Dedication of a Deed and Easements for Sidewalk, Public Utility and Roadway Purposes (Ordinance S-45335)**

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

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

Easement (a)
Applicant: Mensanta Inc., its successor and assigns
Purpose: Public Utility
Location: 2645 E. Phelps Road
File: FN 180130
Council District: 2

Easement (b)
Applicant: Grand Canyon University, its successor and assigns
Purpose: Sidewalk
Location: 3300 W. Camelback Road

File: FN 180119
Council District: 5

Deed (c)
Applicant: Grand Canyon University, its successor and assigns
Purpose: Roadway
Location: 3300 W. Camelback Road
File: FN 180138
Council District: 5

Easement (d)
Applicant: Briggs B, LLC, its successor and assigns
Purpose: Sidewalk
Location: 4901 E. Indian School Road
File: FN 180118
Council District: 6

Easement (e)
Applicant: Jesus Manuel Felix, its successor and assigns
Purpose: Sidewalk
Location: 3626 S. Central Ave.
File: FN 180146
Council District: 7

Easement (f)
Applicant: RD Design Team Inc., its successor and assigns
Purpose: Public Utility
Location: 2313 N. 29th Place
File: FN 180133
Council District: 8

This item was adopted.

38 **Acceptance of an Easement for Water Purposes (Ordinance S-45336)**

Request for the City Council to accept an easement for water purposes; further ordering the ordinance recorded.

Summary
Accepting the property interests below will meet the Planning and

Development Department's Single Instrument Dedication Process requirement prior to releasing any permits to applicants.

Easement (a)
Applicant: Grand Canyon University, its successor and assigns
Purpose: Water
Location: 3300 W. Camelback Road
File: FN 180138
Council District: 5

This item was adopted.

39 **Traffic Signal Control Cabinets - Requirements Contract - IFB 18-265 (Ordinance S-45338)**

Request to authorize the City Manager, or his designee, to enter into a contract with Econolite Control Products, Inc. to purchase traffic signal control cabinets for the Street Transportation Department. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $6.3 million.

Summary
The contract will allow the Street Transportation Department to purchase traffic signal control cabinets as inventory for use in new installations of signals and High-Intensity Activated Crosswalks (HAWKS) associated with capital improvement and development projects. The cabinets will also be used to replace existing cabinets as they near end of life or are damaged. The cabinets house the components which operate the traffic signals and also serve as the main distribution of voltage to the field devices. The cabinets are a vital part of the traffic signal infrastructure throughout the City, thereby supporting the safe movement of vehicular/non-vehicular traffic and pedestrians.

Procurement Information
Invitation for Bid (IFB) 18-265 was conducted in accordance with Administrative Regulation 3.10. The solicitation notice was sent to 133 potential offerors registered in the City's eProcurement system and posted on the City's website. One offer was received by the Procurement Division on Nov. 14, 2018. The pricing from the offeror is deemed fair and reasonable based on similar contracts in the region.

It is recommended by the Deputy Finance Director that the bid from Econolite Control Products, Inc. be accepted as a responsive and responsible bidder.

Contract Term
The five-year contract term shall begin on or about March 1, 2019 and will end on Feb. 28, 2024.

Financial Impact
The aggregate contract value will not exceed $6.3 million. Funds are available in the Street Transportation Department's budget.

This item was adopted.

40 **Contract Extension with Envision, LLC for Additional Human Capital Management System Enhancements (Ordinance S-45344)**

This report requests City Council approval to amend the contract with Envision, LLC to provide IT professional services for additional enhancements to the City's human capital management system in an amount not to exceed $150,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
A 12-month contract extension is requested to provide ongoing professional technology services for additional enhancements to the City's PeopleSoft human capital management system.

In August 2017, the City contracted with Envision, LLC to provide benefits-related functional and technical PeopleSoft human capital management system support for the Information Technology and Human Resources departments. In January 2018, the City received Council approval to extend the contract to provide ongoing human capital management system enhancements related to benefits administration support for the annual open enrollment process and program changes; implementation of the Health and Safety self-service function; development of the initial phases of the employee onboarding process; support with application patch maintenance; and general day-to-day production support duties. This requested extension will allow the technology consultant to finalize and fully implement the employee onboarding process; develop and implement employee total

compensation statements; and develop the framework for additional enhancements such as human resources dashboards, electronic acknowledgements, and other critical strategic enhancements to the human capital management system that support the department's continuous service improvement initiatives.

Procurement Information
In August 2017, the Information Technology Services Department conducted a competitive procurement utilizing the Information Technology Professional Services Qualified Vendors List. Ten vendors responded, with Envision, LLC, being selected as the most qualified.

Contract Term
The contract extension term will be for 12 months beginning Jan. 1, 2019 through Dec. 31, 2019.

Financial Impact
On Aug. 30, 2017, City Council approved an initial contract amount of $100,000. On Jan. 10, 2018, City Council approved a contract extension and an additional $360,000 in payment authority. This request is to increase the contract by $150,000, for a total contract amount not to exceed $610,000. Funds for the new enhancements will be provided by the Human Resources Department operating budget.

Concurrence/Previous Council Action
City Council approved the original contract on Aug. 30, 2017. A subsequent contract amendment was approved by City Council on Jan. 10, 2018.

This item was adopted.

41 **Disaster Recovery Services Contract Extension (Ordinance S-45333)**

Request to authorize the City Manager, or his designee, to enter into a month-to-month contract extension with Sungard Availability Services, Inc. for disaster recovery services in an amount not to exceed $346,500. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Sungard Availability Services, Inc. is the City's current provider of disaster recovery services. This request is to extend the contract on a month-to-month basis while research is done into current disaster recovery technologies and a new competitive solicitation is released.

The City uses disaster recovery services to ensure that information technology systems supporting critical City processes and services can be recovered within a short period of time in the event of a disaster. Current services include: alternate locations; reserved computer systems; planning; and communication tools in North America from which to recover critical City business systems in the event that a disaster makes City-owned technology infrastructure inoperable. Examples of critical business systems include: the City's financial and payroll system; human resource system; customer care and billing system; and the court management system.

Procurement Information

In October 2018, the Information Technology Services Department released a Request for Proposals for a new disaster recovery service provider. Only one response was received, and it was deemed non-responsive, requiring a new solicitation. In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing the critical need of maintaining disaster recovery services while a new solicitation is conducted.

Contract Term

This request is for a month-to-month contract from March 1, 2019 to no later than Dec. 31, 2020.

Financial Impact

This request is for an amount not to exceed $346,500. Funds are available in the Information Technology Services Department's and Municipal Court's budgets.

This item was adopted.

42 **Resolution Authorizing Regional Wireless Cooperative Board of Directors to Manage Phoenix Regional Conventional Radio**

Network (Resolution 21707)

Request to authorize the City Manager, or his designee, to approve a Resolution on behalf of the Regional Wireless Cooperative (RWC) to formally establish the Phoenix Regional Conventional (VHF) radio network under RWC Board management. If approved, the Resolution will provide management oversight, expansion planning, and budgeting to the VHF radio network in the same way the RWC Board currently manages the RWC 700 trunked network. Authorization is also requested for the City Controller to disburse all funds related to this item.

Summary

The VHF radio network is a shared resource used by all Valley fire partners. It is a vital and life safety service used for hazard zone communications. The VHF radio network is completely independent from the existing RWC 700 MHz trunked network.

The Phoenix Fire Department (PFD) has considered merging the VHF radio network under RWC management for years. Currently, there is no governance or long-term planning for the VHF radio network, and current practices of the network are not sustainable. Although all Valley fire departments use the VHF radio network, it has been almost solely funded by the PFD.

The RWC Board of Directors approved formation of a VHF Working Group at the February 2018 Board meeting. The group conducted a full review of several key areas, including the current state of the VHF system and the technical requirements for the transition. The group also developed a five-year budgetary plan.

Financial Impact

Transition of the VHF radio network to RWC management and cost sharing with other Valley fire partners will result in a reduction in costs to the PFD. Estimated overall VHF five-year operations and maintenance costs is $4,000,032. Of this amount, the City of Phoenix's cost is approximately $2,000,040. PFD and RWC staff have consulted and developed the VHF FY 2019/2020 budget plan with the City of Phoenix Finance and Budget and Research departments.

This item was adopted.

43 **Authorization to Award Contract for Public Housing and Section 8 Housing Choice Voucher Program Management Software Application System (Ordinance S-45339)**

Request to authorize the City Manager, or his designee, to award and enter into a contract with Emphasys Software for an estimated $2 million over the life of the 10-year contract for a Public Housing and Section 8 Housing Choice Voucher (HCV) Program Management Software Application System. Further request authorization for the City Controller to disburse all funds over the life of the contract. There is no impact to the General Fund.

Summary

The City of Phoenix Housing Department implemented the Visual Homes software application in 2008/2009 to provide Housing Department customers (Section 8/Public Housing residents) U.S. Department of Housing and Urban Development (HUD) required services for the Public Housing and Section 8 programs. On Nov. 20, 2017, the Housing Department received notice from the current software vendor that Visual Homes would not be supported as of Jan. 1, 2019, meaning it would no longer be receiving modifications, enhancements and fixes necessary to remain compliant with HUD requirements. A comprehensive, up-to-date Public Housing and Section 8 HCV Program Management Software Application System is necessary to provide services to our customers and this application is critical to these programs, connecting the different components together so that the Housing Department can remain compliant with HUD requirements and deliver services to the residents.

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

Procurement Information

The Request for Proposal (RFP) was issued in accordance with Phoenix City Code § 43-14 for Competitive Sealed Proposals on June 15, 2018.

Three proposals were received. One of those proposals was determined to be non-responsive because the offeror did not submit several required submittal documents. An evaluation panel, comprised of two City staff

and one non-City staff, evaluated the remaining two proposals for the initial scoring. On Nov. 14, 2018, the procurement officer sent out the request for a Best and Final Offer (BAFO) to the remaining two proposers in accordance with Phoenix City Code 43-14 (J9). A review of the BAFOs was conducted and it was determined that one of the remaining two offerors took additional exceptions in their submitted BAFO. The offer was therefore determined non-responsive and the offeror was notified on Dec. 14, 2018.

The recommended contractor scored as follows:

Emphasys Software - 755 points out of 1,000 points possible.

Based on this score, the evaluation panel recommended that the City award the Public Housing and Section 8 HCV Program Management Software Application System contract to Emphasys Software. The Housing Department concurs with the evaluation panel's decision and recommends awarding the Software Application contract to Emphasys Software as the best value to the City based on the evaluation criteria.

Contract Term
The contract shall be effective for a period of five years, with options to renew for an additional five years in one-year increments.

Financial Impact
There is no impact to the General Fund. Funding is provided by HUD for all Public Housing and Section 8 programs.

This item was adopted.

46 **Authorization to Enter into Ground Lease with TR Phoenix Airport Industrial, LLC for Parking Lot Expansion on City-Owned Property (Ordinance S-45313)**

Request to authorize the City Manager, or his designee, to enter into a ground lease, and any other related documents, with TR Phoenix Airport Industrial, LLC to allow for parking lot expansion on City-owned land adjacent to 3333 S. 7th St. Further request authorization for the City Controller to accept funds related to this item. Annual revenue initially will

be $19,602 plus applicable taxes, and later adjusted to $94,090 plus applicable taxes at the stabilized rental rate.

Summary

TR Phoenix Airport Industrial, LLC (Lessee) owns the existing warehouse at 3333 S. 7th St. and is working with potential tenants to expand operations and bring new jobs to the site, resulting in a need for 500 additional parking spaces. The current footprint of the warehouse will only accommodate the addition of 150 vehicle parking spaces. Therefore, the owners approached the City regarding potential use of approximately nine acres of City-owned land adjacent to the east side of their property for the addition of 350 parking spaces, as well as the addition of an outside storage yard and trailer drop parking.

Base rent at commencement will be at the vacant/unimproved rental rate of $0.05 per square foot per year, or approximately $19,602 plus applicable taxes annually. Thereafter, base rent will be adjusted to the stabilized rental rate following the earlier of (1) Certificate of Completion issued by the City of Phoenix for the improvements proposed by the Lessee, (2) 30 days following receipt of a Refusal Notice from the City of Phoenix or (3) two years from the lease commencement date. The stabilized rental rate will be $0.24 per square foot per year, or approximately $94,090 plus applicable taxes annually, and will be adjusted annually by 2 percent on the lease anniversary date. This rate is within the range of market rents as determined by the Finance Department's Real Estate Division.

Lessee will develop, landscape, screen and maintain the leased area at its sole expense in accordance with all zoning, permitting and environmental requirements. Lessee shall provide insurance and indemnification acceptable to the City's Risk Management Division and Law Department. The lease may contain other terms and conditions deemed necessary by the City. The lease may be canceled pursuant to A.R.S. 38-511.

At the end of the ground lease, any improvements will become property of the City of Phoenix. Throughout the lease, the City will retain the right to access any City-owned water or wastewater infrastructure that may

exist on the site, as well as any landfill monitoring that may be required.

The land covered by this lease is part of the closed Del Rio Landfill. A Request for Proposals (RFP) for redevelopment of the landfill was issued by the Community and Economic Development Department, with a response deadline of April 24, 2018, and two proposals were received. Both proposers were deemed non-responsive, and the RFP was canceled. This transaction does not limit the ability to issue an RFP, or other transaction, to develop the Del Rio Landfill in the future.

Contract Term
The term of this contract is 20 years, with three 10-year options to extend at the City's discretion.

Financial Impact
Annual revenue initially will be $19,602 plus applicable taxes, and later adjusted to $94,090 plus applicable taxes at the stabilized rental rate.

Location
The ground lease is for a portion of two parcels (assessor parcel numbers 113-15-051 and 113-15-001T) near the northeast corner of 7th and Elwood streets.
Council District: 8

This item was adopted.

47 **Amend Ordinance S-45119 Authorizing Disposition and Development Agreement with Equus Group, Inc. for Sale and Redevelopment of City-Owned Property at 135 N. 2nd Ave. (Ordinance S-45340)**

Request to authorize the City Manager, or his designee, to amend terms pertaining to a proposed disposition and redevelopment agreement, and other agreements as necessary (Agreements), with Equus Group, Inc., or its City-approved designee (Developer), for the sale and redevelopment of the Ellis Building at 135 N. 2nd Ave. (Site).

Summary
In November 2018, City Council authorized business terms proposed by the Community and Economic Development Department (CEDD) to

enter into Agreements with the Developer to purchase and redevelop the Ellis Building. Following this authorization, the Developer commenced their due diligence work and notified the City that this work could not be completed by the original date to close escrow by Dec. 28, 2018. The Developer requested an extension to close escrow as well as an option to alter the proposed deed restriction for office use. It is CEDD's position that the Developer has acted in good faith and is making progress toward closing escrow and requests approval to amend the business terms as follows:

On or before Jan. 30, 2019, Developer will transfer to the City a non-refundable earnest money deposit of $25,000.
Escrow shall close on March 1, 2019.
Should Developer be unable to secure tenant leases for office use 36 months following the effective date of the development agreement, the City will amend the 10-year office use deed restriction to allow for a 40 percent reduction of required office use.

All other terms and conditions previously authorized under Ordinance S-45119, other than those amended above, shall remain in full force and effect.

Financial Impact
This action will not impact the General Fund and will require the Developer to provide a portion of the purchase price as an earnest money deposit.

Concurrence/Previous Council Action
The City Council originally approved Ordinance S-45119 on Nov. 7, 2018.

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

This item was adopted.

48 **Gamewell Fire Alarm System Testing, Inspection, Maintenance, Repair, Design and Modify - Requirements Contract - IFB 19-006**

(Ordinance S-45330)

Request to authorize the City Manager, or his designee, to enter into a contract with Metro Fire Equipment, Inc. to provide labor, equipment, tools, hardware, and reporting necessary to test, inspect, maintain, repair, design and modify the Phoenix Convention Center Department (PCCD) West and North Buildings' fire life safety system (FLSS). The five-year aggregate value of the contract will not exceed $750,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

PCCD will use services under this contract to provide labor, equipment, tools, hardware, and reporting necessary to test, inspect, maintain, repair, design and modify the West and North Buildings' fire life safety system (FLSS). This includes: fire alarm control equipment; field devices; networking hardware; PC graphical interface equipment; life safety cabling/fiber; sequence of events; and the integrated voice evacuation system up to and including full system replacement. As per the Phoenix Fire Code and National Fire Protection Association, a certified contractor is required in order to conduct work on the fire alarm system. The Contract will be for maintaining the Gamewell fire alarm system which monitors the West and North buildings.

Procurement Information

IFB 19-006 was conducted in accordance with Administrative Regulation 3.10. There was one offer received by the PCCD Financial and Procurement Services section on Nov. 27, 2018. The offer was evaluated on price, responsiveness to specifications and responsibility to provide the required services. The price was determined to be fair and reasonable. The solicitation notification was publicly posted and available for download from the City's website.

The vendor's offer is as follows: Metro Fire Equipment, Inc. - $120,000 annually.

Contract Term

The five-year contract term will begin on or about Jan. 23, 2019.

Financial Impact

The five-year aggregate value will not exceed $750,000, with an annual estimated expenditure of $150,000 including additional repair, design and modification services. Funds are available in the Phoenix Convention Center Department's budget.

This item was adopted.

49 **2018 Fire Prevention & Safety Grant Application (Ordinance S-45331)**

Request retroactive authorization for the City Manager, or his designee, to apply for and, if awarded, accept $79,020 in funding from the Federal Emergency Management Agency (FEMA) 2018 Fire Prevention & Safety (FP&S) Grant Program. The application closed on Dec. 21, 2018. This request for retroactive authorization is due to the extremely short grant application timeline. Further request authorization for the City Treasurer to accept and for the City Controller to disburse any grant monies awarded. If not approved, the grant, if awarded, would be turned down.

Summary

The purpose of FP&S grants is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards by assisting fire prevention programs, supporting firefighter health, safety, research and development. The Fire Department's grant application requests $79,020 to purchase 18 laptop computers to support the department's Fire Investigations Division. The Division is charged with investigating fires that occur in occupied structures or are of a suspicious nature. Investigators currently lack the ability to readily access law enforcement electronic databases while working in the field. Laptop computers would provide this capability and significantly improve operational efficiency.

Since 2008, the Fire Department has been awarded over $100,000 in FP&S funding for local grants. In previous years, the Fire Department has received FP&S funding for High Rise Floor Warden Training, tablets and printers for Fire Inspectors, and smoke detectors for community outreach.

This item has been reviewed and approved, as well as Business Investment Request #2924, by the Information Technology Services Department.

Procurement Information
If awarded, the Fire Department will administer the grant in accordance with Administrative Regulation 3.10.

Contract Term
Grants are anticipated to be awarded on or around June 1, 2019, and will have a one-year period of performance.

Financial Impact
If awarded, the City of Phoenix Fire Department would receive $75,258 in funding. A 5 percent cost share is required of all awardees. In-kind cost share is allowed in this grant program and will be utilized, in combination with a small hard match, to meet the required obligation. The Fire Department would be responsible for a matching cost share of $3,762.

Concurrence/Previous Council Action
The short grant application deadline did not allow time to take this item to the Public Safety and Veterans Subcommittee.

This item was adopted.

50 **Authorization to Enter into Agreements with United States Marshals Service to Accept Reimbursement for Police Services (Ordinance S-45341)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to enter into an agreement with the United States Marshals Service to accept funds for police services. Authorization is also requested to accept additional funds should they become available, up to a maximum of $500,000.

Summary
The Police Department partners annually with the United States Marshals Service (USMS) for the USMS Violent Offender Task Force (VOTF). The primary mission of the VOTF is to investigate and apprehend local, state

and federal fugitives to improve public safety and reduce violent crime. Targeted crimes primarily include: violent crimes against persons; weapons offenses; felony drug offenses; failure to register as a sex offender; and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. The initial agreement will reimburse up to $31,338 for Police overtime costs related to the Task Force investigations. The Police Department requests authorization to accept up to $500,000 should additional funding become available during the funding period.

Contract Term
The funding period is Oct. 1, 2018 through Sept. 30, 2019.

Financial Impact
The cost to the City is fringe-related benefits and in-kind resources.

Concurrence/Previous Council Action
This item was heard and approved unanimously at the Public Safety and Veterans Subcommittee meeting on Dec. 12, 2018.

This item was adopted.

51 **Aviation Civil Construction Job Order Contracting Services - 4108JOC171 (Ordinance S-45337)**

Request to authorize the City Manager, or his designee, to enter into a master agreement with Rummel Construction, Inc. to provide Aviation Civil Construction Job Order Contracting (JOC) services for the Aviation Department. 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 $30 million.

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

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

Summary

Rummel Construction, Inc.'s services will be used on an as-needed basis to provide Aviation Civil Construction JOC services for concrete paving and flat work, asphalt overlay and pavement rehabilitation, underground and above ground utilities, earthwork and dust stabilization, demolition, ADA modifications, bridge repairs, landscaping, grading and drainage, signage, airfield and landside maintenance, safety and security systems, roadway striping and markings, fence and gate installation and repairs, and minor design and engineering. Additionally, Rummel Construction, Inc. will be responsible for fulfilling Small Business Enterprise program requirements.

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. Five firms submitted proposals and are listed below.

Selected Firm

Rank 1: Rummel Construction, Inc.

Additional Proposers

Rank 2: Nesbitt Contracting Co., Inc.
Rank 3: Achen-Gardner Construction, LLC
Rank 4: Granite Construction Company
Rank 5: Combs Construction Co., Inc.

Contract Term

The term of the master agreement is for up to five years, or up to $30

million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact
The master agreement value for Rummel Construction, Inc. will not exceed $30 million including all subcontractor and reimbursable costs.

Request to authorize the City Manager, or his designee, to execute job order agreements performed under this master agreement for up to $2 million each. In no event will any job order agreement exceed this limit without Council approval to increase the limit.

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

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

This item was adopted.

52 **Pre-Encoded Smart Card Contract Extension (Ordinance S-45342)**

Request an ordinance authorizing the City Manager, or his designee, to enter into a month-to-month extension of Contract 137796 with Valid USA (Valid) to continue provision of Pre-Encoded Smart Card Fare Media to the Public Transit Department during the transition to the new contractor. Further request authorization for the City Controller to disburse funds in an amount not to exceed $70,000.

Summary

The Public Transit Department utilizes a Pre-Encoded Smart Card fare media for use on the regional Scheidt & Bachmann (S&B) fare collection system currently in use. The smart cards are used on the transit bus fare boxes and ticket vending machines and are encoded with the fare type, customer name, validity start date and validity end date. These cards must be compatible with the S&B fare collection system being utilized.

Contract 137796 was awarded to Valid USA in 2013 following a competitive process. The contract currently expires on Jan. 31, 2019. The Public Transit Department issued IFB PTD19-001 on Aug. 17, 2018 and, following recommended approval by the Aviation and Transportation subcommittee, the recommended award to ABCorp NA, Inc. (ABCorp) was authorized by Council on Dec. 12, 2018.

All of the current smart cards for bus transit use in the City of Phoenix were produced from the existing Valid contract. The new contractor ABCorp and the Department are working with S&B on the transition to production of the new smart cards encoded compatibly with the fare collection system. To ensure full due diligence is completed, the Department believes it prudent to seek authorization for extension of Valid's contract in the event additional time is needed. Therefore, the Department requests Council authorization to extend the current Valid contract on a month-to-month basis up to six months, to be exercised by the Public Transit Director if it is in the City's best interest to do so.

Contract Term
The extension will be on a month-to-month basis up to six months through July 31, 2019.

Financial Impact
The aggregate contract value for the extension, if needed, shall not exceed $70,000. Funds are available in the Public Transit Department operating budget Transportation 2050 fund.

This item was adopted.

53 **Radiator Repair and Re-Core Services - Contract Recommendation (Ordinance S-45328)**

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

contract with Colby Welding and Radiator, Inc. and Serck Services, Inc., dba Serck Radiator Mesa, to provide radiator repair and re-core services to the Public Works Department. This contract will have a total aggregate amount of $375,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Public Works is responsible for the safe and reliable operation of 7,300 vehicles and equipment. Radiators that are in good working order are crucial to the continuous operation of vehicles needed to provide Citywide services. Radiator malfunction may cause extensive damage to other aspects of a unit's engine compartment. The maintenance and repair services utilized under this contract will also allow the Public Works Department the flexibility to repair or re-core radiators rather than purchase expensive replacements, thereby creating significant cost savings to supported departments.

Procurement Information

Invitation for Bid 19-FSD-029 was conducted in accordance with Administrative Regulation 3.10. Four groups were included for bid with a grand total being used for bid evaluation: Group I - Equipment up to one and one-half tons; Group II - Equipment over one and one-half tons (solder and/or crimp process); Group III - Equipment over one and one half tons (bolt-on tanks and headers); and Group IV - Miscellaneous labor rate. Two bids were received for all four groups, with both bids being recommended due to volume of work requested.

Serck Radiator Mesa
Group I - $175
Group II - $219
Group III - $319
Group IV - $35

Colby Welding and Radiator, Inc.
Group I - $305
Group II - $415
Group III - $470
Group IV - $55

Contract Term

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

Financial Impact

This contract will have an initial estimated annual expenditure of $80,000, with a total aggregate amount not to exceed $375,000 over the life of the contract. Funds are available in the Public Works Department's budget.

This item was adopted.

54 **23rd Avenue Wastewater Treatment Plant Grit Basin Replacement - Construction Manager at Risk Preconstruction Services - WS90200059 (Ordinance S-45323)**

Request to authorize the City Manager, or his designee, to enter into an agreement with McCarthy Building Companies, Inc. (McCarthy), to provide Construction Manager at Risk (CMAR) Preconstruction Services for the 23rd Avenue Wastewater Treatment Plant Grit Basin Replacement 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 $540,000.

Summary

The purpose of this project is to replace the grit basins and supporting facilities at the 23rd Avenue Wastewater Treatment Plant (WWTP). Grit removal systems take grit material (sand, stones, rocks, construction material, etc.) out of the wastewater treatment process to increase process capacity and reduce maintenance costs. The original WWTP grit basins were constructed in 1984. A recent assessment revealed the grit removal systems have reached the end of their useful operational life and rehabilitation is no longer cost effective. This project will include replacement of the grit removal basins, pumps, and other facilities.

McCarthy will begin in an agency support role for CMAR Preconstruction Services. McCarthy will assume the risk of delivering the project through

a Guaranteed Maximum Price agreement.

McCarthy's services include, but are not limited to: providing detailed cost estimating and identification of marketplace conditions; planning and scheduling project/construction phases to minimize interruption to City operations; evaluating alternate systems; providing constructability studies; advising on potential efficiencies in project delivery; performing and initiating long-lead studies and procurements; and assisting in permitting processes. A Small Business Enterprise goal will be established for this project upon substantial completion of Preconstruction Services and prior to the start of construction.

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: McCarthy Building Companies, Inc.

Additional Proposers
Rank 2: Archer Western Construction, LLC
Rank 3: Felix Construction Company
Rank 4: Hunter Contracting Company
Rank 5: Sundt Construction, Inc.
Rank 6: MGC Contractors, Inc.

Contract Term

The term of the agreement is 385 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for McCarthy Building Companies, Inc. will not exceed $540,000, including all subcontractor and reimbursable costs.

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

Location

22nd Avenue and Magnolia Street
Council District: 7

This item was adopted.

55 **24th Street and Grand Canal Bridge Replacement - Construction Manager at Risk Preconstruction Services - ST85110141 (Ordinance S-45325)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Hunter Contracting Co. to provide Construction Manager at Risk (CMAR) Preconstruction Services for the 24th Street and Grand Canal Bridge Replacement 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 $70,000.

Summary

The purpose of this project is to construct a new 24th Street and Grand Canal bridge to replace the existing bridge which has been identified as structurally deficient. This bridge is listed in the current Bridge Program 20-Year Plan designated for replacement.

Hunter Contracting Co. will begin in an agency support role for CMAR Preconstruction Services. Hunter Contracting Co. will assume the risk of delivering the project through a Guaranteed Maximum Price (GMP) agreement.

Hunter Contracting Co's services include but are not limited to: providing detailed cost estimates, construction phasing and scheduling, alternate system evaluation, and constructability studies. A Small Business Enterprise goal will be established for this project upon substantial completion of Preconstruction Services and prior to the start of construction.

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. Five firms submitted proposals and are listed below.

Selected Firm

Rank 1: Hunter Contracting Co.

Additional Proposers

Rank 2: FNF Construction, Inc.
Rank 3: Sundt Construction Inc.
Rank 4: Haydon Building Corp.
Rank 5: Kiewit Infrastructure West Co.

Contract Term

The term of the agreement is one year 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 Hunter Contracting Co. will not exceed $70,000, including all subcontractor and reimbursable costs.

Funding is available in the Street Transportation 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.

Location
24th Street south of Cambridge Avenue
Council District: 8

This item was adopted.

56 **Support for Formation of Green Gables Irrigation Water Delivery District (Resolution 21708)**

Request to authorize the City Manager, or his designee, to adopt a resolution to support formation of the Green Gables Irrigation Water Delivery District (IWDD) through Maricopa County. The proposed IWDD includes the single-family residential properties bounded by Hubbell Street to the south, Oak Street to the north, 24th Place to the west, and 25th Street to the east. This action has no financial impact to the City of Phoenix.

Summary
Under the provisions of Arizona Revised Statutes (A.R.S.) title 48, chapter 20, Irrigation Water Delivery Districts, when the majority of the lot or parcel owners entitled to or capable of receiving irrigation water from the same system want irrigation water delivered to their lands, they may propose the organization of an IWDD. Maricopa County requires that applicants for an IWDD within City of Phoenix boundaries obtain City Council support before the County will start the process of forming or re-establishing a district.

If approved by the City Council, landowning neighbors seeking an IWDD complete a special taxation impact statement, and submit this document to the Maricopa County Board of Supervisors. The Board of Supervisors, along with Salt River Project (SRP), will decide if a petition to organize an IWDD may be circulated. See **Attachment A** for the Consent from SRP to the Board of Supervisors.

This request has been reviewed by the Water Services Department.

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

Public Outreach
On Oct. 18, 2018, the City received a formal written request from City of Phoenix resident Laurence Karasek, representative for the Green Gables neighborhood, to pursue Council approval to form an IWDD with Maricopa County (**Attachment B**).

Location
The proposed IWDD includes the single-family residential properties bounded by Hubbell Street to the south, Oak Street to the north, 24th Place to the west, and 25th Street to the east.
Council District: 8

This item was adopted.

57 **Support for Formation of Nancy Kay Irrigation Water Delivery District (Resolution 21709)**

Request to authorize the City Manager, or his designee, to adopt a resolution to support formation of the Nancy Kay Irrigation Water Delivery District (IWDD) through Maricopa County. The proposed IWDD includes the single-family residential properties bounded by Sherran Lane to the south, Clarendon Avenue to the north, 28th Street to the west, and 30th Street to the east. This action has no financial impact to the City of Phoenix.

Summary
Under the provisions of Arizona Revised Statutes (A.R.S.) title 48, chapter 20, Irrigation Water Delivery Districts, when the majority of the lot or parcel owners entitled to or capable of receiving irrigation water from the same system want irrigation water delivered to their lands, they may propose the organization of an IWDD. Maricopa County requires that applicants for an IWDD within City of Phoenix boundaries obtain City Council support before the County will start the process of forming or re-establishing a district.

If approved by the City Council, landowning neighbors seeking an IWDD complete a special taxation impact statement, and submit this document

to the Maricopa County Board of Supervisors. The Board of Supervisors, along with Salt River Project (SRP), will decide if a petition to organize an IWDD may be circulated. See **Attachment A** for the Consent from SRP to the Board of Supervisors.

This request has been reviewed by the Water Services Department.

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

Public Outreach
On Oct. 18, 2018, the City received a formal written request from City of Phoenix resident Bill Callaway, representative for the Nancy Kay neighborhood, to pursue Council approval to form an IWDD with Maricopa County (**Attachment B**).

Location
The proposed IWDD includes the single-family residential properties bounded by Sherran Lane to the south, Clarendon Avenue to the north, 28th Street to the west, and 30th Street to the east.
Council District: 6

This item was adopted.

58 **Support for Formation of Seis Palmas Irrigation Water Delivery District (Resolution 21710)**

Request to authorize the City Manager, or his designee, to adopt a resolution to support formation of the Seis Palmas Irrigation Water Delivery District (IWDD) through Maricopa County. The proposed IWDD includes the single-family residential properties bounded by Vermont Avenue to the south, Missouri Avenue to the north, 13th Street to the west, and 15th Street to the east. This action has no financial impact to the City of Phoenix.

Summary
Under the provisions of Arizona Revised Statutes (A.R.S.) title 48, chapter 20, Irrigation Water Delivery Districts, when the majority of the lot or parcel owners entitled to or capable of receiving irrigation water from the same system want irrigation water delivered to their lands, they may

propose the organization of an IWDD. Maricopa County requires that applicants for an IWDD within City of Phoenix boundaries obtain City Council support before the County will start the process of forming or re-establishing a district.

If approved by the City Council, landowning neighbors seeking an IWDD complete a special taxation impact statement, and submit this document to the Maricopa County Board of Supervisors. The Board of Supervisors, along with Salt River Project (SRP), will decide if a petition to organize an IWDD may be circulated. See **Attachment A** for the Consent from SRP to the Board of Supervisors.

This request has been reviewed by the Water Services Department.

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

Public Outreach
On Nov. 26, 2018, the City received a formal written request from City of Phoenix resident Sylvia Devisme, representative for the Seis Palmas neighborhood, to pursue Council approval to form an IWDD with Maricopa County (**Attachment B**).

Location
The proposed IWDD includes the single-family residential properties bounded by Vermont Avenue to the south, Missouri Avenue to the north, 13th Street to the west, and 15th Street to the east.
Council District: 6

This item was adopted.

59 **Support for Formation of Squaw Peak Groves Irrigation Water Delivery District (Resolution 21711)**

Request to authorize the City Manager, or his designee, to adopt a resolution to support formation of the Squaw Peak Groves Irrigation Water Delivery District (IWDD) through Maricopa County. The proposed IWDD includes the single-family residential properties bounded by Nicolet Avenue to the south, Gardenia Drive to the north, 12th Street to

the west, and 12th Place to the east. This action has no financial impact to the City of Phoenix.

Summary

Under the provisions of Arizona Revised Statutes (A.R.S.) title 48, chapter 20, Irrigation Water Delivery Districts, when the majority of the lot or parcel owners entitled to or capable of receiving irrigation water from the same system want irrigation water delivered to their lands, they may propose the organization of an IWDD. Maricopa County requires that applicants for an IWDD within City of Phoenix boundaries obtain City Council support before the County will start the process of forming or re-establishing a district.

If approved by the City Council, landowning neighbors seeking an IWDD complete a special taxation impact statement, and submit this document to the Maricopa County Board of Supervisors. The Board of Supervisors, along with Salt River Project (SRP), will decide if a petition to organize an IWDD may be circulated. See **Attachment A** for the Consent from SRP to the Board of Supervisors.

This request has been reviewed by the Water Services Department.

Financial Impact

This action has no financial impact to the City of Phoenix.

Public Outreach

On Nov. 20, 2018, the City received a formal written request from City of Phoenix resident Nikki Lanford, representative for the Squaw Peak Groves neighborhood, to pursue Council approval to form an IWDD with Maricopa County (**Attachment B**).

Location

The proposed IWDD includes the single-family residential properties bounded by Nicolet Avenue to the south, Gardenia Drive to the north, 12th Street to the west, and 12th Place to the east.
Council District: 6

This item was adopted.

60 **Self-Cleaning Strainers Replacement Parts (Ordinance S-45316)**

Request to authorize the City Manager, or his designee, to enter into a contract with S.P. Kinney Engineers, Inc. to provide self-cleaning strainers and replacement parts for the Water Services Department. Expenditures are not to exceed $280,000 over the 10-year term of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The 91st Avenue Wastewater Treatment Plant has six strainers custom-built by S.P. Kinney Engineers, Inc. Automatic self-cleaning strainers continuously remove suspended particles from the reuse water system. Much of wastewater treatment plant equipment is cooled by reuse water. Removing particles from the system results in fewer line blockages and increases system productivity.

Procurement Information

In accordance with City of Phoenix Administrative Regulation 3.10, normal competition was waived as a result of a Determination Memo citing that there is only one source for these necessary parts which are custom built and are only available from S.P. Kinney Engineers, Inc.

Contract Term

The contract term will be for 10 years, effective on or about Feb. 1, 2019, with an end date of Jan. 31, 2029. There are no options to extend the contract.

Financial Impact

Expenditures are not to exceed $280,000 over the 10-year term of the contract. Funds are available in the Water Services Department's operating budget.

Location

91st Avenue Wastewater Treatment Plant, 5616 S. 91st Ave.
Council District: 7

This item was adopted.

61 **Cathodic Protection Inspection and Testing Services (Ordinance S-45317)**

Request to authorize the City Manager, or his designee, to enter into contracts with Coffman Engineers, Inc. and Corrpro Companies, Inc. to provide cathodic protection inspection and testing services for the Water Services Department for a five-year term. Coffman Engineers, Inc. will provide these services for water distribution facilities for an expenditure not to exceed $700,000. Corrpro Companies, Inc. will provide these services for water storage and water production facilities for an expenditure not to exceed $693,500. The total expenditure for the two companies will not exceed $1,393,500. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Water Services Department will use these contracts for inspection, maintenance, and repair of cathodic protection systems within the City's water production and distribution system. Cathodic protection is used to mitigate corrosion damage to metal surfaces including water pipelines, water treatment plant infrastructure, and storage tanks. Cathodic protection systems must be inspected and maintained on a regular basis to extend the service life of the infrastructure and to prevent service disruption.

Procurement Information

Request for Proposals (RFP)1819-WEC-137, Cathodic Protection Inspection and Testing Services was conducted in accordance with Administrative Regulation 3.10. The RFP included language informing offerors that the City anticipated two contract awards. Eight offers were received and all were determined to be responsive to the solicitation requirements. The maximum possible score was 1,000 points.

The proposals were scored by a three-member evaluation panel, based on the following criteria:

Method of Approach: 500 points
Experience and Qualifications: 400 points
Fee Schedule: 100 points

The top three responsive and responsible offerors and their scores are

as follows:

Coffman Engineers: 820
Corrpro Companies: 783
Peak Corrosion Control: 707

The evaluation panel recommended acceptance of the offers from Coffman Engineers, Inc. and Corrpro Companies, Inc. as the highest scoring, responsive, and responsible offerors that are the most advantageous to the City.

Contract Term
The contract term will be for five years, effective on Feb. 1, 2019, with an end date of Jan. 31, 2024. There are no options to extend the contracts.

Financial Impact
Expenditures will not exceed $1,393,500 over the five-year term of the contracts. Funds are available in the Water Services Department's operating budget.

This item was adopted.

62 **Low/Medium Voltage Electrical Equipment Testing, Calibration and Repair Services Contract (Ordinance S-45318)**

Request to authorize the City Manager, or his designee, to enter into contracts with Electric Power Systems International, Inc.; Southwest Energy Systems, LLC; Corbins Service Electric, LLC; Western Electrical Services, Inc.; and ABM Electrical Power Services, LLC to provide preventative maintenance testing and repair work for the Aviation, Public Works and Water Services departments. Expenditures are not to exceed $7.9 million over the six-year terms of the contracts. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The contracts will allow the departments to provide electrical preventative maintenance and testing services to ensure all electrical equipment is operational and within industry and manufacturer tolerances. These services reduce life and property hazards that can result from failure or malfunction of electrical equipment.

Procurement Information
A Request for Qualifications (RFQu) solicitation was completed in accordance with City of Phoenix Administrative Regulation 3.10. The Water Services Department received five offers, which were determined to be responsive to the solicitation requirements. The criteria were evaluated as a "meet or not meet," and all offers from the following vendors met the criteria for acceptance.

Electric Power Systems International, Inc.
Southwest Energy Systems, LLC
Corbins Service Electric, LLC
Western Electrical Services, Inc.
ABM Electrical Power Services, LLC

Contract Term
The contract term will be for six years effective March 1, 2019, through Feb. 28, 2025.

Financial Impact
Expenditures are not to exceed $7.9 million over the life of the contracts. Funds are available in the Public Works, Aviation, and Water Services departments' operating budgets.

This item was adopted.

63 **Portable Pumps Rental - Professional Services Agreement (Ordinance S-45322)**

Request to authorize the City Manager, or his designee, to add funds in the amount of $110,000 to Contract 137813 with Mobile Mini Tank & Pump Solutions to provide 24-hour portable pump rental services to the Water Services Department. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
This is both a funding increase for this fiscal year to continue providing 24-hour portable pump rental services, with services commencing on or about Feb. 1, 2019, and a contract extension for an additional five-month performance period. This extension is needed to allow enough time to complete a new competitive process.

Contract Term
The extended contract term is from Feb. 1, 2019, through June 30, 2019.

Financial Impact
With the one-time addition of $110,000, the revised aggregate contract value is now $905,000. Funds are available in the Water Services Department's operating budget.

Concurrence/Previous Council Action
This is a contract extension for services currently provided under City Contract # 137813, awarded by City Council Payment Ordinance S-40559 for $575,000 on Feb. 5, 2014, and Payment Ordinance S-44745-0061 for $220,000 on June 20, 2018.

This item was adopted.

64 **Boiler System Chemical Treatment and Testing Services Contract (Ordinance S-45324)**

Request to authorize the City Manager, or his designee, to enter into a contract with International Chemtex Corporation to provide boiler chemical treatment and testing services for the Water Services Department. Expenditures are not to exceed $75,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Water Services Department wastewater treatment plants use closed-looped boiler systems in the cooling towers. The systems must be free from biological growth, scaling, and corrosion on all water surfaces to ensure that boilers remain in optimal working condition. International Chemtex Corporation will provide boiler system testing and treatment for clean water circulation through all system passages, storage tanks, basins, and heat exchanges.

Procurement Information
A solicitation was completed in accordance with City of Phoenix Administrative Regulation 3.10. The Water Services Department received two bids, which were determined to be responsive to the solicitation requirements.

International Chemtex Corporation: $11,880
Western Waters Technologies Inc.: $15,540

Contract Term
The contract term is for five years effective March 1, 2019, through Feb. 28, 2024.

Financial Impact
Expenditures are not to exceed $75,000 over the life of the contract. Funding for the contract is available in the Water Services Department's operating budget.

Location
23rd Avenue Wastewater Treatment Plant, located at 2470 S. 22nd Ave.
91st Avenue Wastewater Treatment Plant, located at 5615 S. 91st Ave.
Council District: 7

This item was adopted.

67 **Modification of Stipulation Request for Ratification of Dec. 19, 2018 Planning Hearing Officer Action - Z-130-95-2(3)**

Request to approve Planning Hearing Officer's recommendation to modify stipulations on Z-130-95-2(3) without further hearing by the City Council on matters heard by the Planning Hearing Officer on Dec. 19, 2018. This ratification requires formal action only.

Summary
Application: PHO-7-18--Z-130-95-2(3)
Existing Zoning: C-2
Acreage: 15.42
Owner: Winco Foods, LLC
Applicant/Representative: Rod Jarvis - Earl, Curley & Lagarde, PC

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan dated June 3, 2016.

Location
Northwest corner of 3rd Avenue and Bell Road.

Council District: 3
Parcel Address: N/A

Concurrence
Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee heard this case on Dec. 13, 2018, and recommended approval by a 6-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification on Dec. 19, 2018.

This item was approved.

68 **Modification of Stipulation Request for Ratification of Dec. 19, 2018 Planning Hearing Officer Action - Z-35-06-7(4)**

Request to approve Planning Hearing Officer's recommendation to modify stipulations on Z-35-06-7(4) without further hearing by the City Council on matters heard by the Planning Hearing Officer on Dec. 19, 2018. This ratification requires formal action only.

Summary
Application: PHO-3-18--Z-35-06-7(4)
Existing Zoning: C-2 HRI HGT/WVR TOD-1
Acreage: 4.04
Applicant: Wendy Riddell, Esq - Berry Riddell, LLC
Owner: 31 E Thomas Road LLC
Representative: Wendy Riddell, Esq - Berry Riddell, LLC

Proposal:
1. Modification of Stipulation 1 regarding the maximum building height and general conformance to the elevations and site plan date stamped Dec. 20, 2017.

Location
Approximately 200 feet east of the southeast corner of Central Avenue and Thomas Road.
Council District: 4
Parcel Address: N/A

Concurrence

Village Planning Committee (VPC) Recommendation: The Encanto Village Planning Committee heard this case on Dec. 3, 2018, and recommended approval by a 11-2 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval on Dec. 19, 2018.

This item was approved.

69 **Modification of Stipulation Request for Ratification of Dec. 19, 2018 Planning Hearing Officer Action - Z-208-86-8(7)**

Request to approve Planning Hearing Officer's recommendation to modify stipulations on Z-208-86-8(7) without further hearing by the City Council on matters heard by the Planning Hearing Officer on Dec. 19, 2018. This ratification requires formal action only.

Summary
Application: PHO-3-18--Z-208-86-8(7)
Existing Zoning: R-4A BAOD
Acreage: 4.16
Owner: DJE Investments LLC
Applicant/Representative: Wendy Riddell - Berry Riddell LLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan and elevations date stamped Dec. 5, 2007.
2. Deletion of Stipulation 3 regarding future signalization of Jesse Owens Parkway with Central Avenue and Baseline Road at the expense of the developer.

Location
Approximately 805 feet east of the southeast corner of Central Avenue and Jesse Owens Parkway.
Council District: 7
Parcel Address: N/A

Concurrence
Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this case on Dec. 11, 2018, and recommended approval by a 10-5 vote.

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with an additional stipulation on Dec. 19, 2018.

This item was approved.

70 **Modification of Stipulation Request for Ratification of Dec. 19, 2018 Planning Hearing Officer Action - Z-103-04-7(8)**

Request to approve Planning Hearing Officer's recommendation to modify stipulations on Z-103-04-7(8) without further hearing by the City Council on matters heard by the Planning Hearing Officer on Dec. 19, 2018. This ratification requires formal action only.

Summary

Application: PHO-1-18--Z-103-04-7(8)
Existing Zoning: S-1 (Approved R1-18)
Acreage: 19.7
Owner: Lexin Tristanos, LLC
Applicant/Representative: Mark Doerflein - Mak Construction

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped Nov. 23, 2004.
2. Deletion of Stipulation 2 regarding maximum number of residential lots.
3. Modification of Stipulation 5 regarding fence themes, building materials and color.
4. Modification of Stipulation 6 regarding internal subdivision sidewalks and landscape strip.
5. Modification of Stipulation 10 regarding a bus bay.
6. Deletion of Stipulation 13 regarding contribution to an escrow account for improvements to a 69KV line along the north side of Dobbins Road.
7. Modification of Stipulation 15 regarding dedications and improvements along Dobbins Road.
8. Modification of Stipulation 18 regarding contact information for the MAG Transportation Improvement Program.
9. Technical corrections to Stipulations 4, 7, 8 and 12.

Location

Northeast corner of 27th Avenue and Dobbins Road.
Council District: 8

Parcel Address: N/A

Concurrence

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this case on Nov. 13, 2018, and recommended approval with an additional stipulation by a 13-1 vote. Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approved with modifications and an additional stipulation on Dec. 19, 2018.

This item was approved.

71 **Final Plat - NEC 55th Ave & Happy Valley - 180080 - North of Happy Valley Road East of 55th Avenue**

Plat: 180080
Project: 16-887
Name of Plat: NEC 55th Ave & Happy Valley
Owner(s): Armstrong Happy Valley 55, LLC
Engineer(s): Bauer Land Surveying, LLC
Request: A 2 Lot Commercial Plat
Reviewed by Staff: Dec. 21, 2018
Final Plat requires Formal Action Only

Summary

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

Location

Generally located north of Happy Valley Road, east of 55th Avenue.
Council District: 1

This item was approved.

72 **Final Plat - Sky Crossing - Parcel 1B - 180052 - North of Deer Valley Drive West of Cave Butte Street**

Plat: 180052
Project: 16-1029
Name of Plat: Sky Crossing - Parcel 1B

Owner(s): Cave Buttes Development Partners, LLC
Engineer(s): HilgartWilson, LLC
Request: A 13 Lot Residential Subdivision Plat
Reviewed by Staff: Dec. 20, 2018
Final Plat requires Formal Action Only

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

Location
Generally located north of Deer Valley Drive, west of Cave Butte Street.
Council District: 2

This item was approved.

73 **Final Plat - SEC 43rd Avenue & Fillmore Street - 180053 - Southeast Corner of Fillmore Street and 43rd Avenue**

Plat: 180053
Project: 17-3402
Name of Plat: SEC 43rd Avenue & Fillmore Street
Owner(s): Copper Sky Holding, Inc.
Engineer(s): EPS Group, Inc.
Request: A 14 Lot Residential Plat
Reviewed by Staff: Dec. 18, 2018
Final Plat requires Formal Action Only

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

Location
Generally located at the southeast corner of Fillmore Street and 43rd Avenue.
Council District: 4

This item was approved.

75 **Abandonment of Right-of-Way - V180004A - 1940 E. Monte Vista Road (Resolution 21706)**

Abandonment: V180004A
Project: 02-4733
Applicant: Alma P Cruz Martinez
Request: to abandon the north 7-foot of Monte Vista Road right-of-way adjacent to the parcel addressed 1940 E. Monte Vista Road; APN 117-14-150.
Date of Hearing: March 27, 2018

Location
1940 East Monte Vista Road
Council District: 4

Financial Impact
A fee was also collected as part of this abandonment in the amount of $1,974.

This item was adopted.

76 **Amend City Code - Official Supplementary Zoning Map 1181 (Ordinance G-6551)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1181. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-27-01-7 and the entitlements are fully vested.

Summary
To rezone a parcel located on the northeast corner of Broadway Road and 83rd Avenue.
Z-27-01-7
Zoning: R1-6 PCD, R1-8 PCD, and R1-10 PCD
Owner: Jacquelynn C. Accomazzo and Melvin Young
Acreage: Approximately 359 acres

Location
Northeast corner of Broadway Road and 83rd Avenue.
Council District: 7

This item was adopted.

77 **Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-18--Z-36-08-6- Northeast Corner of Loop 202 and Washington Street (Ordinance G-6552)**

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Dec. 19, 2018.

Summary
Application: PHO-1-18--Z-36-08-6
Acreage: 6.82
Applicant: Stephen C. Earl - Earl, Curley and Lagarde
Representative: Stephen C. Earl - Earl, Curley and Lagarde
Owner: Dan Richards - Cabana Washington LLC

Proposal:
1. Modification of Stipulation 2 regarding tree caliper size and locations.
2. Technical corrections to Stipulations 1, 3, 4, 5, 6 and 7.

Location
Northeast corner of Loop 202 and Washington Street.
Council District: 6
Parcel Address: N/A

Concurrence
VPC Action: The Camelback East Village Planning Committee chose not to review this case.
PHO Action: The Planning Hearing Officer heard this case on Dec. 19, 2018 and recommended approval with additional stipulations.

This item was adopted.

78 **Amend City Code - Ordinance Adoption - Rezoning Application PHO-2-18--Z-3-07-6- Approximately 238 Feet South of the Southeast Corner of 48th Street and Culver Street (Ordinance G-6553)**

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

19, 2018.

Summary

Application: PHO-2-18--Z-3-07-6
Acreage: 2.08
Applicant: Benjamin W. Graff - Quarles & Brady LLP
Representative: Benjamin W. Graff - Quarles & Brady LLP
Owner: 19PIN LLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan and elevations date stamped Dec. 3, 2014.
2. Modification of Stipulation 4 regarding the maximum number of dwelling units.

Location

Approximately 238 feet south of the southeast corner of 48th Street and Culver Street.
Council District: 6
Parcel Address: N/A

Concurrence

VPC Action: The Camelback East Village Planning Committee chose not to review this case.
PHO Action: The Planning Hearing Officer heard this case on Dec. 19, 2018 and recommended approval with a modification.

This item was adopted.

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

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

Summary

Application: GPA-SM-1-18-8 (Companion Case Z-8-18-8)
Current General Plan Land Use Map Designation: Residential 1 to 2 dwelling units per acre

Proposed General Plan Land Use Map Designation: Residential 2 to 3.5 dwelling units per acre
Acreage: 20.74
Proposed Use: Single-Family Residential at 2 to 3.5 dwelling units per acre

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

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

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

This item was continued to the Feb. 20, 2019 City Council Formal Meeting with direction for the applicant to develop a revised site plan that lowers the density and submit it to neighbors, the neighbor's attorney, Council District 8 office and staff no later than Feb. 10, 2019. The Council District 8 office will set up a meeting with the applicant, neighbors and staff to review the site plan to reach a compromise.

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

Request to hold a public hearing on the request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application rezoning application Z-8-18-8 and rezone the site from S-1 (Approved R1-8) to R1-10 for single-family residential. This item requires a 3/4 vote.

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

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

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

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

This item was continued to the Feb. 20, 2019 City Council Formal Meeting with direction for the applicant to develop a revised height plan that lowers the density and submit it to neighbors, the neighbor's attorney, Council District 8 office and staff no later than Feb. 10, 2019. The Council District 8 office will set up a meeting with the applicant, neighbors and staff to review the site plan to reach a compromise.

Item 24, Ordinance S-45312 was a request to authorize the City Controller to disburse funds up to amounts indicated, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts,

contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 42-13.

24 National Association of Housing and Redevelopment Officials

For $17,000.00 in payment authority for National Association of Housing and Redevelopment Officials (NAHRO) annual membership for the Housing Department. NAHRO provides important support through advocacy, connections, publications, training and outreach. Membership also ensures the City is informed about proposed regulatory changes that may impact the financial and operational sustainability of the City's Housing Department, as well as legislative updates to keep staff informed in advance of action being taken. This item was approved by the Planning and Economic Development Subcommittee on Jan. 8, 2019 and will be paid by federal funds with no impact to the General Fund.

Note: Councilman Nowakowski returned to the voting body.

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

Yes:	6 -	Councilwoman Guevara, Councilwoman Mendoza, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark and Mayor Williams
No:	2 -	Councilman DiCiccio and Vice Mayor Waring

45 Amend Operating Agreement with Canyon Golf, LLC (Ordinance S-45315)

Request to authorize the City Manager, or his designee, to amend Operating Agreement 139707 with Canyon Golf, LLC, a subsidiary of Grand Canyon University (GCU), to increase the green fee to $44 for Phoenix Card Holders and $115 for the public at the GCU Golf Course.

Summary

On Nov. 24, 2014, the City entered into an operating agreement with GCU for the improvement, operation and management of the Maryvale Golf Course. GCU further agreed to assume the green fee model that was in place at that time; the green fee model applied to all City-operated golf courses. Since entering into the operating agreement, GCU has invested $11.2 million into a complete renovation of the golf course

including tees; fairways; bunkers; cart paths; green complexes; a new clubhouse; restaurant; and additional facility renovations and improvements.

As a result of the investment into the facilities and improved golf experience, GCU has requested to increase the green fee rate structure at the golf course to align with the green fee rate structure that was approved by City Council for the Papago Golf Course on Dec. 19, 2007. The Council-approved rate structure was developed by the National Golf Foundation (NGF) after conducting a comprehensive analysis, which included fee recommendations for all City-owned or operated golf courses. The Papago Golf Course rate model was based on golf course improvements, future clubhouse and restaurant capital investments, similar to the improvements recently made by GCU.

The requested rates are the maximum in-season (winter/spring) green fees that may be charged and are the same rates currently being used by the Papago Golf Course. Since the Phoenix golf market and direct local market competition will be key factors in determining competitive rates, the new rate structure will allow GCU flexibility to respond quickly and adjust the green fees daily, weekly, monthly and seasonally, based on weather, course conditions, demand and competitor rates. **Attachment A** identifies the proposed in-season maximum green fees, compared to current rates.

Contract Term

GCU entered into a 30-year operating agreement on Nov. 24, 2014. Provisions of this contract include an option to extend the term up to five years, which may be exercised by the City Manager, or his designee. The requested action does not change the existing term of this contract.

Location

GCU Golf Course, 5902 W. Indian School Road
Council Districts: District 5

Note: Comment cards were submitted for the record in favor of Item 45 by the following individuals:

Taylor Earl

Jesse Mueller

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

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

No: 1 - Vice Mayor Waring

26 (CONTINUED FROM DEC. 12, 2018) City-Owned Downtown Arena Renovation (Ordinance S-45266)

Request to authorize the City Manager, or designee, to amend, and/or enter into related agreements with Phoenix Arena Development Limited Partnership, Suns Legacy Partners, LLC (Phoenix Suns) and/or their affiliates or City-approved designees, to facilitate the renovation and extend the useful life of the City-owned downtown arena. The source of funds is the Sports Facilities Fund, which comes from earmarked excise taxes on tourism-related activities. Further requesting authorization for the City Controller to disburse, and for the City Treasurer to accept, funds related to this item pursuant to the agreements, and to authorize a procurement process for an owner's representative to oversee the City investment in the renovation.

Summary

In 1989, the City executed a development agreement, operating agreement, assurance agreement and related contracts with Phoenix Arena Development Limited Partnership (PADLP) and the Phoenix Suns, of which PADLP is an affiliate. The contracts outlined how the City and PADLP would partner to construct a new downtown arena, how it would be operated, and requiring the Suns to play their home games at the facility, which opened in 1992 as America West Arena (the "Arena").

Now known as Talking Stick Resort Arena, the multipurpose facility hosts concerts, family shows, conventions and professional sports events that occur every three days on average. The City-owned facility is among the smallest and is now the oldest NBA arena that is not in the process of being replaced or significantly refurbished. The nearly 30-year-old

facility's infrastructure is experiencing deterioration, and systems and components are reaching end of life cycle. The operating agreement, whereby PADLP pays 100 percent of the Arena's operating, maintenance and event expenses and pays operating fees (rent) to the City, along with the contract requiring the Suns to play their home games at the facility, could expire as soon as 2022. The Suns can invoke an obsolescence clause as soon as July 1, 2019, to initiate arbitration that determines the binding commitments the City must make to render the Arena not obsolete.

In order to repair the infrastructure issues, remain competitive to attract major events to Phoenix, leverage private investment, and provide certainty for businesses, residents and investors that this cornerstone of downtown will remain viable long-term, the following business terms (**Attachment A**) are proposed:

1. The Arena will undergo a $230 million renovation between 2019 and 2021. The City's Sports Facilities Fund will contribute $150 million and the Suns will fund $80 million. Any costs over $230 million will be funded by the Suns, not the City. The renovation will include significant repair and replacement of mechanical, electrical and plumbing infrastructure.

2. The term of the agreements will be extended to 2037 (15 years beyond the current term), with an additional five-year option at PADLP's discretion.

3. The Suns will build a practice facility off-site (estimated at $25 to $50 million), in Phoenix, to free up space in the Arena for other necessary program components. All development, operating and other expenses associated with the practice facility will be paid by the Suns, with no City contribution or liability.

4. Financial formulas that determine fees (rent) paid to the City will be amended to produce additional City General Fund revenue. This currently represents approximately $1.5 million per year to the General Fund. After the renovation is completed, this is anticipated to grow to an estimated $4 million annually, resulting in approximately $60 million in fees/rent from the Suns to the City over the term.

5. Commencing one year after the completion of the renovation, the Suns and the City will each contribute to a Renewal and Replacement Account to help ensure the Arena's infrastructure remains reliable and the Arena remains competitive throughout the term. The City will contribute $2 million annually from the Sports Facilities Fund, up to a maximum of $25 million. The Suns will contribute $1 million annually, up to a maximum of $12.5 million.

6. As in the current agreement, PADLP will continue to pay 100 percent of all operations, event and maintenance expenses for the Arena.

7. PADLP and the Suns will waive all previously accrued fees associated with the Arena, forever discharging the City from any unpaid monies pursuant to the Arena operating and related agreements.

8. The City will procure an independent expert ("owner's representative") to facilitate the City's oversight of the renovation and to monitor the expenditure of City funds. The project budget will reimburse the City up to $500,000 toward the cost of the owner's representative.

9. The Suns agree to amend the current assurance agreement to pay the City up to $200 million in liquidated damages should the team relocate prior to the term expiration.

10. The amended agreements may contain other terms and conditions necessary to conform to the intent of the term sheet.

Additional information on this item may be found in the corresponding back-up report
(**Attachment B**) and a related action item regarding financing (Item 30 of the 12/12/2018 agenda).

Contract Term
New contract expiration will be June 30, 2037, with an additional five-year extension at PADLP's discretion.

Financial Impact

All City financial obligations pursuant to the authorization will be paid from the Sports Facilities Fund.

Location
201 E. Jefferson Street
Council District: 7

Discussion
City Manager Ed Zuercher introduced Community and Economic Development Director Christine Mackay, Deputy City Manager Deanna Jonovich, and Chief Financial Officer Denise Olsen.

Ms. Mackay gave a presentation on the proposed renovation of Talking Stick Resort Arena. She discussed the history of the arena, and noted the Council in 1989 created the opportunity to build the arena by creating a tourism tax that was two percent on rental cars and one percent on hotel rooms. She said the arena opened in 1992 and the lease expires in 2032. She pointed out when the lease was constructed in 1989, there was an obsolescence clause in the lease and the anchor tenant, Phoenix Suns, could claim obsolescence on July 1, 2019. She stated if the Phoenix Suns and the City could not come to terms on the obsolescence, they could leave the arena in 2022. She acknowledged the City had owned the arena since it opened, and added it had been funded by tourists since day one. Ms. Mackay mentioned the tourism tax covered the City's portion of the debt service on the arena, renovations, capital improvements, as well as renovation for Maryvale Baseball Park and land for the bioscience campus.

Ms. Mackay cited the sales tax generated from the arena was $12.8 million annually that went into the General Fund. She noted there were about 130 ticketed events held at the arena annually, and listed the different events that had been hosted at the arena. She stated the economic impact from the building was $182 million, and mentioned the amount of full-time and part-time jobs at the arena. She noted the facility was getting old, and displayed pictures of areas of the building that needed to be worked on. She mentioned when the building was built in 1992, a traditional concert needed 90,000 pounds of rigging, whereas today there needed to be close to 225,000 pounds to attract concerts and events. She talked about the internet capabilities of the arena that would

need to be updated, as well as, accessibility updates to meet additional Americans with Disabilities Act requirements. She said the cost estimate once completed was approximately $235 million, and listed what was included for renovations in the arena. She noted there needed to be mechanical, electrical and plumbing that would need to be replaced, and added the investment by the City proposed for Council consideration must be used on capital repairs and replacements, as well as the facilities infrastructure that was outlined in section 2 of the terms sheet.

Ms. Mackay mentioned the City's investment would include: mechanical, electrical and plumbing, air conditioning, heating, the roof, elevators, and escalators and concourse circulation. She noted the City would not pay for: suites, bars, locker rooms, club space, press conference space, team store and other enhanced NBA-specific experiences. She discussed the staff direction made by Council to conduct five community meetings and listed where those meetings were held. She mentioned the attendance at those meetings, and acknowledged they were invited to three additional community presentation that they attended. She talked about the City arena website that was created for citizens to find information regarding original public documents, an overview of the arena, and frequently asked questions. She said there was just over 2,200 visits to the website and added there were 71 emails received with 49 that were positive in support and 17 that were against the proposal as well as 3 who requested the City consider hockey and 2 that had technical questions about the transaction. She listed the most clicked on frequently asked questions, and stated the transaction staff proposed was for $150 million on the City side for infrastructure in the City-owned building that was capped and would be paid for by the tourism tax.

Ms. Mackay noted there would be $2 million put into a renewal and replacement account to ensure the building was well maintained and managed, and added the Phoenix Suns would pay $80 million plus any cost overruns. She said the Phoenix Suns would contribute $1 million into the reserve and replacement account, and they would extend their term in the building to remain as a tenant until 2037. She mentioned the Phoenix Suns had paid the City just over $30 million in rent to date, and over the next 15 years the City would receive approximately $60 million. She discussed the Phoenix Suns would build a practice facility that would

open up days for the building to be used to allow for more paying events, and added there would be locker rooms built for women at the arena. She noted 100 percent of the operation and maintenance of the building would remain with the Phoenix Suns, and said the Phoenix Suns had paid approximately $300 million to operate the building. She summarized her presentation that this has been a City-owned building since it was built, has always been paid for by tourism tax, about $182 million in economic impact yearly, puts about $13 million into the General fund, approximately $14 million in taxes to State and Maricopa County, and drives jobs in the community. She announced staff would be happy to take any questions the Council had.

Councilman DiCiccio asked if the money for the renovations could be used for anything around the city of Phoenix.

Ms. Mackay responded the money could be programmed by the Council because they had jurisdiction over Council funds.

Councilman DiCiccio thanked Ms. Mackay for being direct with her response, and expressed appreciation for the presentation she gave.

Councilwoman Pastor asked what the sports facilities fund could be used for.

Ms. Mackay replied that when the fund was created by Council in 1989 the intention, taken from the minutes, was to create a revenue source to pay for debt service, and any renovations or improvements to the City-owned arena. She added the fund was to pay for the revitalization of downtown, and mentioned there was debt service already pledged against the sports facilities fund for other projects throughout the City.

Councilwoman Pastor questioned what was currently being used out of the sports facilities fund.

Chief Financial Officer Denise Olson answered the City used the sports facilities fund to repay bonds associated with the arena, and pointed out the City would make the last payment at the end of 2019. She mentioned there were other bonds related to projects in the downtown area with

bonds running through 2037. She said there were general operating expenses downtown that were associated with the arena for about $30 million a year, and added there was also the Maryvale Baseball Park improvements and the remaining balance of a hotel loan that needed to be paid off.

Councilwoman Pastor asked about the biomedical campus and if that was programmed with the sports facilities fund.

Ms. Olson replied that was programmed with the sports facilities fund and the revenues from the biomedical campus came in to offset the debt service.

Councilwoman Stark discussed the obsolescence clause, and asked if the clause would include just infrastructure or other parts of the arena that could make the cost more expensive than the $150 million proposed.

Ms. Mackay answered there was no room to negotiate the obsolescence clause, and described the process the City would go through if the Phoenix Suns called for obsolescence. She stated it could be more than $150 million because after the arbitrators review the arena, it would not be limited to the infrastructure but the entire building and would be covered by the City would then need to cover 100 percent of costs.

Councilwoman Stark questioned if the Council were to say no to the renovations after the review by arbitrators, could the Phoenix Suns leave in 2022.

Ms. Mackay confirmed that was correct.

Councilwoman Stark asked if the City would demolish the property or leave the arena remaining as it stood.

Ms. Mackay responded the Talking Stick Resort Arena was a City-owned facility, and the determination for what to do with the building would be made by Council in 2022 if the Phoenix Suns chose not to be in the building.

Councilwoman Mendoza inquired if the Phoenix Suns left, what would happen to downtown Phoenix and how that would impact the City budget.

Ms. Mackay described how downtown Phoenix was before the arena, and talked about how the arena and other investments revitalized the downtown area. She discussed how national broadcasts of Phoenix Suns games help show how the downtown area is vibrant and can attract people looking to do business.

Councilman Nowakowski asked if the Council could hear from those who submitted speaker comment cards.

Note: Ralph Werletta submitted speaker comment cards in favor of Items 26 and 27 and donated their time to speak to Jason Rowley.

Jason Rowley spoke in favor, and noted he was the President and Chief Executive Officer for the Phoenix Suns. He thanked the Council, Mayor, and City staff for the hard work they put into the process, and specifically Councilman Nowakowski for his leadership in setting up the five public meetings. He stated it was critical to hear from constituents, and said the discussion was positive and let people walk away with a better understanding. He commented the 30-year partnership with the City has set a standard for public-private partnerships, and added the citizens of Phoenix, the City, and the Phoenix Suns have benefited from the relationship. He talked about how the Phoenix Suns were a community asset, and pointed out that there are over 200 community events hosted at the Talking Stick Resort Arena at minimal or no cost to the organizations that use it.

Mr. Rowley discussed how the Phoenix Suns gave back to the community, and noted the investment in the community would continue. He mentioned the Council in 1989 had a vision for what downtown Phoenix could mean, and stated the Phoenix Suns were proud to have been a catalyst for what downtown Phoenix had become. He talked about the economic impact of the arena, the jobs the arena provided, and the revenue generated. He pointed out that 70 percent of tickets sold to people are from outside of Phoenix, and said the renovation of Talking Stick Resort Arena would grow the profile of Phoenix for hosting major

events. He expressed appreciation for those who came to speak, and thanked the Council, Mayor, staff, for a position to move forward with the partnership into the future.

Councilman DiCiccio stated he did not agree on the deal, but agreed that Mr. Rowley was a fantastic partner for the City and for downtown. He expressed appreciation for the 30-year relationship between the City and the Phoenix Suns, and said he did not want to see them leave. He mentioned he wanted to work with Mr. Rowley to make sure he was successful downtown, and talked about how the Phoenix Suns were an important part of the community. He commented he looked forward to working with Mr. Rowley for the benefit of everyone in the audience and in the city of Phoenix.

Don Brandt spoke in favor, and stated he served as Chairman of the Board for Greater Phoenix Leadership (GPL) and Downtown Phoenix Incorporated (DPI) as well as Chairman and Chief Executive Officer of Arizona Public Service (APS). He announced he spoke on behalf of 300 businesses that were members of DPI as well as subsidiaries, Phoenix Community Alliance, and Downtown Phoenix Partnership, the 110 businesses represented by GPL, and 6,300 men and women who work for APS. He spoke about his time in St. Louis where he suggested they faced the consequences of a poorly-maintained sports facility. He cited Time Magazine that said the sports facility in St. Louis was the seventh worst of any kind in the United States, and added two years ago the St. Louis Rams professional football team relocated to Los Angeles after exercising an obsolescence clause. He talked about how professional sports franchises project an image of attractiveness and vibrancy, and commented the events that are held at arenas were important to a thriving business economy. He asked Council to vote in favor of the proposal.

Todd Sanders spoke in favor, and acknowledged he was President and Chief Executive Officer of the Greater Phoenix Chamber of Commerce. He talked about how the Phoenix Suns organization had created jobs and businesses, and noted the Phoenix Suns won the Chamber's Economic Driver award. He said renovating Talking Stick Resort Arena was a critical step in the revitalization of downtown Phoenix, and discussed how much the Phoenix Suns had invested in improvements on the arena. He

mentioned the arena and the team contributed more than $160 million in annual tax revenues, and told the Council the developments in downtown Phoenix would not be possible without the arena. He asked for the Council to support the proposal.

Glenn Hamer spoke in favor, and mentioned he was President and Chief Executive Officer of the Arizona Chamber of Commerce and Industry. He stated the Arizona Chamber of Commerce strongly supported the downtown arena modernization project, and suggested the terms presented were a good deal for taxpayers. He noted the arena was owned by the City, and said regardless of who the tenets of the building were at the time, the facility should be brought up to standards that befitted a world-class city. He talked about the benefits of cost-sharing between the City and the Phoenix Suns, and said the 41 regular season Phoenix Suns games were just one-third of the arena activities. He listed the different kind of events that are hosted at Talking Stick Resort Arena, and told the Council the Phoenix Suns played an important role in the record-breaking year for airport passenger volumes at Sky Harbor International Airport. He concluded the arena needed to be updated because it was great for the economy, and asked Council on behalf of the Arizona Chamber of Commerce and Industry to approve the modernization.

Bruce Reynolds spoke in opposition, and asked why there could not be a surcharge added on the tickets sold at the arena. He stated there was no reason why the arena should not support itself, and commented he did not see why tax dollars needed to be put into this deal.

Chris Nickle spoke in favor, and said he was a huge Phoenix Suns fan. He noted that losing the Phoenix Suns as well as other events would be a huge hit to Phoenix and the downtown area. He stated that as an employee of a national contractor it is difficult to attract and retain employees, and losing the Phoenix Suns would be a hit. He suggested the renovation did not include a new tax because it was funded by the tourism tax. He asked for the Council to support this investment.

Todd Vigil spoke in favor, and stated government must strategically invest in infrastructure needed to make sure Phoenix had the assets to

thrive economically. He talked about how reasonable fiscal support for stadiums, arenas, parks, and arts were critical to local cultural economy. He commented the Phoenix Suns organization delivered for the community every day and every year. He noted he was the head of marketing for Phoenix Symphony, and said the Phoenix Suns leadership and charities were partners with the Phoenix Symphony for nearly 30 years. He asked Council to take his comments into consideration.

Michael Pierce spoke in opposition, and discussed how Phoenix was more than just the downtown area. He noted there were neighborhoods in despair, and talked about different types of economies. He added he volunteered his time helping people who were hopeless.

Brian Madden spoke in favor, and told the Council he was the Chief Executive Officer and President of the Valley of the Sun YMCA. He mentioned the YMCA had been in Phoenix for over 127 years, and added their responsibilities were to build a better community. He talked about their youth sports program, and how it increased confidence and self-esteem to create positive relationships. He said some of the individuals who were part of the youth sports program were lucky enough to play at the Talking Stick Resort Arena, and commented the responsibility of the YMCA was to create strong people. He asked Council to vote yes and move the progress forward.

Mary Rose Wilcox spoke in favor, and acknowledged she served on the Council when the arena was brought up along with the Phoenix Suns. She mentioned it was a difficult thing to do because there needed to be talk on taxes and the needs of citizens, and noted the Council at the time felt the downtown area needed the arena. She discussed why the tourism tax was established and said it would be used by the citizens and for the citizens of Phoenix for the arena. She stated the Phoenix Suns were tremendous partners for the downtown area and for nonprofit organizations throughout Phoenix. Ms. Wilcox talked about how her husband and herself were in a public-private partnership with Grant Park at 2nd Avenue and Grant Street, and suggested it would have not survived without the Phoenix Suns. She gave examples of how the Phoenix Suns helped the park, and suggested they were good corporate

citizens. She stated if the City did not renovate the arena, they would not keep the promise that was voted in when she served on Council.

Richard Rea spoke in favor, and commented this was a difficult situation for the City. He expressed appreciation for the effort by staff, and complimented the Phoenix Suns for their public relations program on television. He stated he did not want to see the Phoenix Suns leave, and mentioned that was not in their best interest. He asked for staff to renegotiate a fair offer for the citizens of Phoenix and the Phoenix Suns.

Chris Coffman spoke in favor, and stated he was with one of the charities that the Phoenix Suns donated money to Helping Hands for Single Moms. He said they helped low income single mothers go to college, and discussed the difficulties those mothers faced. He stated the organization had been partners with the Phoenix Suns for the past 10 years, and listed the different ways they helped his organization. He cited the success of the organization in helping single moms graduate, and acknowledged they were just one of many nonprofit organizations that were helped by the Phoenix Suns. He asked Council to consider how much the Phoenix Suns help nonprofit organizations and vote yes to keep the Phoenix Suns in Phoenix.

Larry Naman spoke in opposition, and announced the public must be allowed to vote on this item. He suggested if Council went ahead and passed this item, then they were crossing a line that was equivalent of an act of violence against the public. He announced he shot Mary Rose Wilcox over the baseball stadium tax in 1997, and commented he did that to stop a political dictatorship. He repeated the public must vote on this item, and said if they could not then it was equivalent to a bloody act of violence. He talked about his experience in prison after committing that crime, and repeated why the public must vote on the item.

Councilman Nowakowski apologized to Ms. Wilcox for her having to listen to Mr. Naman speak. He stated she did what she thought was right and added as elected officials that had to vote on tough issues, they should not be threatened.

Steve Zabilski spoke in favor, and noted he was the Executive Director of

St. Vincent de Paul but was present speaking as a citizen. He mentioned the Phoenix Suns had been involved with their organization for more than 22 years, and talked about times when the team and executives would come volunteer. He said the Phoenix Suns had financially supported St. Vincent de Paul for 25 years along with other charities, and talked about his favorite memory with the Phoenix Suns volunteering during Thanksgiving in 2015. He commented the Phoenix Suns were a fine organization and added they were blessed to have them in the community.

Art Hamilton spoke in favor, and expressed his pleasure to speak because he was native to Phoenix before the arena was built. He said he was there to support what the Council would do not just for the Phoenix Suns but the residents of the community. He suggested it was a forward-looking approach for what the Council considered to do, and added he was proud that Phoenix would still have an asset in the Phoenix Suns.

Boaz Witbeck spoke in opposition, and mentioned he served as Deputy State Director for the Arizona chapter of Americans for Prosperity. He suggested this proposal was a perfect example of corporate welfare and government picking winners and losers in the marketplace. He talked about how this would not stimulate the economy, and advocated for local businesses. He commented this proposal was bad policy, and asked Council to find alternatives without using taxpayer funds.

Neil Giuliano spoke in favor, and stated he was President and Chief Executive Officer of Greater Phoenix Leadership. He declared the organization was in strong support, and talked about his time in school learning about public-private partnerships. He commented public support had been aligned with this project from the beginning, and talked about how there are no public-private partnerships with 100 percent public support. He mentioned the Phoenix Suns and the other events held at Talking Stick Resort Arena and how they impact not just downtown but the greater Phoenix region. He asked Council to support this project.

Mike Ebert spoke in favor, and talked about how Robert Sarver impacted CityScape in the downtown area during the economic downturn in spring

of 2009. He mentioned there were many things he wanted to say about Mr. Sarver that had not been broadcasted, and discussed how he helped bring the Fry's grocery store downtown that would open up later in the year. He acknowledged the hard work City Manager Ed Zuercher had done over the years related to the agreement, and asked Council for their support.

Mike Dwyer spoke in opposition, and stated this had turned into an emotional debate on if the Phoenix Suns should be here rather than a business decision. He asked if the City should be involved in the arena, and mentioned the arena made about $3.5 million annually in direct revenue and not $12.8 million. He took issue with people believing the tourism tax was not their money, and added the tourism fund value was about $19 million on average. He commented from a business standpoint, this was not the best deal.

Bo Larsen spoke in favor, and mentioned he worked for the Civitan Foundation that worked with children and adults with developmental disabilities. He said the Phoenix Suns provided a grant to help expand their free and reduced lunch program over the summer where they provided meals to children. He stated through support of organization like the Phoenix Suns and their charities, they were able to expand their program. He commented he loved to visit downtown Phoenix to see the Phoenix Suns and Arizona Diamondbacks, and added they were part of being a resident in the community.

Gary Fuchs spoke in opposition, and stated he could not believe the Council would consider giving the Phoenix Suns money when there were other people who were in need of more funding. He said he would file a court action lawsuit to make sure this deal would not go through, and mentioned the City of Glendale and their situation with the Arizona Coyotes.

Franklyn Olivieri spoke in favor, and mentioned he took light rail to the games downtown. He commented he looked forward to when the facility would be renovated.

Mayor Williams thanked Mr. Olivieri for attending every public hearing on

the Talking Stick Resort Arena.

Greta Rogers spoke in opposition, and noted she was not disaffected by the Phoenix Suns or any other professional sports team in Phoenix. She said she objected to City Manager Ed Zuercher and Mr. Sarver meeting behind closed doors. She talked about the original contract provided to her by Mr. Zuercher, and took issue with the City not going through competitive bidding for a construction engineer or engineering company to analyze the building.

Maggie Harvey spoke in favor, and noted she was a member of the Phoenix Suns Golden Grannies who were a group of seniors that performed at the arena and for local charities. She talked about how she started working at the arena as an usher in 1993, and that lead to her becoming an events manager for the arena. She discussed the opportunities the arena provided, and mentioned the various events that are held at the arena. She asked Council to maintain the arena so it could continue to provide opportunities to employees and guests.

Molly Weiss spoke in favor, and said she was a Phoenix Suns season ticket holder. She noted she attended two of the public meetings at the arena and in District 8. She stated people changed their mind once they knew there was no new sales tax, and added the Talking Stick Resort Arena was not owned by the Suns. She listed the events held downtown, and said the arena served as overflow space for the Convention Center. She mentioned the support the Phoenix Suns provided for public housing residents, and she urged the Council to think long term and make the renovations.

Mark Carduss spoke in opposition, and mentioned his family immigrated here from Mexico in the 1970s. He said when he served 12 months overseas in Iraq, he brought a Phoenix Suns flag and a Steve Nash jersey with him. He talked about how the streets he took to get to the Chambers were filled with potholes, and commented they were supposed to be repaved from Proposition 104. He talked about a veteran's event downtown that had trouble providing services, and pointed out the money could be used to fix crucial problems that exist. He asked Council to vote no on the proposal and invest in Phoenix residents.

Councilwoman Stark mentioned there was $200 million that was passed in a bonding proposal to help Phoenix streets. She noted there would be construction in March.

Councilman DiCiccio talked about a study done by the City that showed in the next five years there would need to be $1.6 billion to bring the streets up to a normal condition. He commented that was not acceptable and said the $200 million that Council appropriated needed to come from other funds. He stated the road system in Phoenix was bad and was dangerous to the public. He mentioned it was good for the City to move incrementally, but it did not solve the problem with the streets in Phoenix.

Councilwoman Mendoza stated Phoenix was the only city that spent millions of dollars on homeless, and added she wanted to make sure that was put out there to show the City did more than other cities around Phoenix.

Rick Powell spoke in opposition, and commented the arena was a valuable asset for the City. He said the arena needed to be maintained and renovated periodically, and he added he was happy the City was looking to spend money to renovate the arena. He took issue with the City paying too much money in the deal and the Phoenix Suns received too many benefits. He asked for a deal to be renegotiated, and noted it was a horrible deal to have an obsolescence clause built into the contract. He asked Council to vote against the deal.

Ginger Brandt spoke in favor, and stated she was with the Phoenix Children's Hospital Foundation. She talked about how the Phoenix Children's Hospital cared for children and their families, and mentioned the different ways the Phoenix Suns and Phoenix Suns charities provided support as partners with the Phoenix Children's Hospital. She provided an example of how the Phoenix Suns help by providing tickets to families and children and for those who are not able to attend a game the Phoenix Suns players and cheerleaders visit the hospital. She noted that was just a few examples of how the Phoenix Suns help their organization, and added the Phoenix Suns presence in downtown Phoenix strengthened their ability to give back to the community.

Gus Lazur spoke in favor, and talked about his experience at the YMCA and St. Joseph Hospital's rehabilitation area with the Phoenix Suns. He said the Phoenix Suns players and coaches come to campus for people who are unable to leave, and pointed out during the presentation earlier that he appreciated their work with Ability360 that was a nonprofit that supported advocacy for people with disabilities. He mentioned the support Phoenix Suns had provided to wheelchair basketball programs in the community was tremendous, and he looked forward to the renovations being completed.

Walter Gray was neutral on the deal, and commented he agreed with most of what had been said previously. He noted the City owned the arena and there needed to be improvements. He said the arena benefited the whole region, and suggested the Phoenix Suns move to Glendale to revitalize that area. He made a few suggestions as to where a new sports complex could be built, and acknowledged the Phoenix Suns charities were good.

Dawn Trapp spoke in favor, and said she was the Executive Director for the Civitan Foundation. She pointed out their organization started at the same time as the Phoenix Suns, and talked about the City support for homelessness. She said with partnerships like the Phoenix Suns charities, they are able to provide help and expand their services that are needed in Phoenix. She asked the Council to vote yes and to continue their support.

Michael Johnson commented that he was appalled someone would come to a Council meeting and admit to shooting an elected official because they made a decision they were against. He encouraged the Council to have the Police Department review the video and see what that person said to determine if a threat was made. He spoke in favor, and acknowledged as a former councilmember he helped lead the resurgence of the downtown area and that would have not been done without the help of the Phoenix Suns and the arena. He mentioned the small businesses that had benefited from the arena, and stated CityScape would not have been built without the arena being there. Mr. Johnson noted the first area to rebound after the recession was the

downtown area, and talked about the investments made in the area. He listed the events that had been held in the arena and the surrounding area, and noted the arena was the anchor to downtown and that it must be supported.

Councilman Nowakowski asked Mr. Johnson if he could tell everyone what the slogan was for District 8.

Mr. Johnson stated I love District 8, and added he loved the City and all it stands for. He mentioned the logo of the Phoenix bird rising from the ashes, and added the arena was great for Phoenix and the citizens.

Jacob Adams spoke in favor, and stated he was the Chief Development Officer at Southwest Human Development. He said the organization was the largest early childhood nonprofit in the nation, and complimented the Phoenix Suns as wonderful supporters of the birth to five help line over the past five years. He mentioned the Phoenix Suns had contributed to their services for children with disabilities and they had been great partners on that. He added the Phoenix Suns gave thousands of tickets for families who would not be able to see a professional sporting event, and thanked the Phoenix Suns for their help.

Note: The following individuals submitted speaker comment cards opposed to Items 26 and 27 and have donated their time to Bramley Paulin:

Erick Baer
Karen Baer
Lynn Watson
Gina Doerge

Mr. Paulin spoke in opposition, and suggested the portion that the City proposed in financing the deal was closer to $250 million and not $150 million. He said the money used came from collected public funds, not just tourism fund and that would cause the money source to be used on the arena instead of other necessary services. He commented the alternative to raise money was to raise user fees and raise taxes, and stated the citizens of Phoenix would end up paying one way or another. He suggested the Phoenix Suns had failed to properly maintain the building,

and added the same failure to maintain caused the Burton Barr Library to flood. He suggested the Council was forbidden from obtaining a copy of the study and only allowed to read excerpts in closed door sessions. He mentioned the process was broken, and he said the Council failed their fiduciary responsibility to negotiate the best terms possible for taxpayers. He asked Council to say no to the proposal so that it would send a clear message to staff. Mr. Paulin said the negotiation process started under the pretext that the Phoenix Suns would leave, and added the Phoenix Suns would not leave and the arena would not disappear. He concluded there was no legal obligation for the City to pay for any part of the renovation, and noted the City would not receive more benefit form the renovation than if it was invested into other needed services.

Joel Nathanson spoke in opposition, and stated he was a huge Phoenix Suns fan. He noted he was against the deal because the math did not make sense to him, and asked what would happen after the 15 years if the Phoenix Suns would be looking for more money. He suggested everyone that came up to support the deal was paid by the Phoenix Suns and took issue with having to pay to go to games knowing the tax dollars went towards the arena.

Mark Watson spoke in favor, and said he worked for a national contractor that had been involved in many projects downtown. He mentioned he regularly attended games and events at the arena, and talked about how his experience living in Denver allowed him to see growth there because of the arenas and stadiums. He commented that was something that needed to be learned from what other cities had done, and urged the Council to vote yes.

Steve Moore spoke in favor, and stated he was the President of Visit Phoenix. He mentioned the Talking Stick Resort Arena was home to the Phoenix Suns and other professional teams and events, and listed different games and events that had taken place there. He said the arena brought thousands of people to downtown which benefited local restaurants, attractions and performing arts. He discussed how the Convention Center further strengthened the attractiveness for large meetings, trade shows and events. He noted the renovations of Talking Stick Resort Arena would not raise any new taxes, and he asked for the

support of Council to renovate the arena.

Councilman Nowakowski asked Mr. Moore about the bids for conventions that the Convention Center was able to win.

Mr. Moore answered there was the upcoming American Legion convention and Assemblies of God convention that were bidding. He mentioned there were others and added they were excited about the construction of the new practice facility to free up dates at Talking Stick Resort Arena.

Councilman Nowakowski asked how much square footage the Convention Center had for rental space.

Mr. Moore replied there was about 900,000 square-feet if the south hall was included with 315,000 downstairs and 189,000 upstairs. He noted the proximity of the arena made for a great package downtown along with the hotels and vibrancy of what was built.

Chris Camacho spoke in favor, and mentioned he was the Chief Executive Officer of the Greater Phoenix Economic Council. He talked about how his job was to travel the world and tell how great Phoenix was and the transition of the downtown area over the past 10 years. He talked about his dinner with a New York Times reporter that referenced the vibrancy and the change he experienced from growing up in Phoenix to visiting from New York. He mentioned the arena was a catalyst for opening up a new view of how companies evaluate markets. He continued to discuss his conversation with a New York Times reporter and highlighted Arizona State University, arts and culture, and local restaurants as contributing to the new image of downtown Phoenix. He asked Council to support this project.

Michael Cantor spoke in opposition, and suggested Council could not use City Code chapter 27 and just put the word new in front of the word construction. He stated there needed to be a vote on this project, and added the word new was not in the proposed ordinance. He said this was construction because the project involved bids, plans, drawings, etc. He talked about an article in the Arizona Republic that suggested this project was a bad deal.

Mayor Williams mentioned there were additional comment cards in favor of Items 26 and 27, and she asked to put those names in for the record.

Kim Sabow spoke in favor, and stated she was the President and Chief Executive Officer of the Arizona Lodging and Tourism Association. She mentioned they were the premier advocate for the lodging and tourism industry in Arizona, and added they represented numerous resorts, hotels, tourist attractions, marketing organizations, arts organizations, airlines and professional sports teams. She talked about the history of the tourism tax, and commented their organization believed that should continue to maintain the arena. She noted her support for the proposal, and said the bottom line was that Talking Stick Resort Arena is the premier downtown Phoenix destination for entertainment and other events. She said the arena hosted more than 300 events a year that generated $182 million in direct economic impact for Phoenix, and encouraged Council to approve the proposal.

Councilwoman Guevara made a motion to adopt Items 26 and 27 with the following changes. Add to section 2.7, the owner's representative will also monitor the execution of the improvements to ensure the improvements outlined in Exhibit A term sheet project are completed. Those program improvements must be completed as described by current estimates, and when implemented are estimated to equal approximately $235 million. Additional language added to section 6 to read, the Community Benefits program will have the Suns commit to a minimum of $10 million in community benefits in 2019, including $2.6 million over the first two years to offset cuts to the City Head Start program. Change the wording in section 2.1 to read, City of Phoenix will hire and add that an expenditures report from the City comes directly to Council on a monthly basis. Eighty percent of the revenue generated will go towards public safety with $1.5 million of revenue generated dedicated to homelessness and public safety issues in neighborhoods, and the Phoenix Suns and Phoenix Mercury will continue to use Phoenix in their team names.

Councilwoman Pastor seconded the motion, and asked if the motion included the City apprenticeships.

Councilwoman Guevara responded yes.

Councilman Nowakowski thanked Ms. Mackay and her staff for going into the community and explaining what the responsibility of the City was. He noted people did not understand the City owned the building, and he asked for clarification on the contract that section 2.1 where the procurement aspect was that it said Phoenix may hire their own representative to monitor the expenses. He added the word may should be taken out and replace that with Phoenix will hire. He mentioned this was important to make sure money is spent the way it should be, and asked for a friendly amendment that section 2.1 be changed from the wording of may to will, and asked that a report of expenditures that would come to the Council on a monthly basis.

Councilwoman Guevara agreed to add the friendly motion, and Councilwoman Pastor who seconded the motion, agreed.

Councilman Nowakowski asked if staff could explain how the $12.8 million in revenue was broken down.

Ms. Mackay answered the $12.8 million was made up of a few numbers, and listed them as: $1.5 million in rent to the City from the arena; $2.3 million in direct taxes attributable to that address; $5.5 million in hospitality tax and related taxes to the arena. She explained the hospitality tax and related taxes to the arena number was calculated by using an analysis done by Berkley Data Science that included averaging out the cost per attendance to $81.25 per attendee. She mentioned they multiplied that number by the number of attendees according to ESPN, and did the same analysis for the Phoenix Mercury and Arizona Rattlers. She talked about the analysis including an average ticket price for a concert including that everyone in attendance would spend $11 and a dinner for two that would cost $56. She included one percent of those attending an event would stay in a hotel downtown, and for concerts it would be five percent. Ms. Mackay talked about using the average hotel rent and adding up the taxes based on that to come up with the $5.5 million. She added there was $3.5 million that the City received in taxes from businesses that support the arena.

She concluded she would rather under-promise and over-deliver, which was why it was a conservative estimate that had been fact checked and deemed to be accurate.

Councilman Nowakowski stated he had heard from the community at the public meetings that there was a concern about public safety especially for police officers in the downtown area. He asked Councilwoman Guevara if the motion could include 80 percent of the revenue generated goes toward public safety throughout the City.

Mayor Williams said there were open positions that were fully funded, but the problem was the City could not hire people.

Mr. Zuercher explained the $12.8 million went into the General Fund which was 80 percent allocated to public safety efforts.

Councilman Nowakowski asked to make sure it continued to go for public safety and 80 percent of the revenue went towards public safety.

Mr. Zuercher replied the public safety portion included fleet, equipment, municipal court prosecutors, and public defenders.

Councilwoman Pastor asked for clarification on what supported the $12.8 million that went into Police and Fire departments.

Mr. Zuercher answered it was between 75 and 80 percent that would include Police, Fire, Homeland Security, Municipal Court, prosecutors, and public defenders as well as the equipment and materials.

Councilwoman Pastor asked if that could be sustainable.

Councilman Nowakowski asked to make sure that 80 percent of revenue that went back into the General Fund was secure for public safety.

Councilwoman Pastor clarified her question if the City had the capacity and budget because the $12.8 million already went into the General Fund and if 80 percent of that $12.8 would go into public safety.

Mr. Zuercher answered the calculation was done by Ms. Mackay based on this year. He explained the General Fund accounted for between 70 and 80 percent once vehicles are added. He noted going forward there could be incremental revenue.

Councilwoman Pastor asked for clarification that there would be additional dollars at 80 percent.

Councilman Nowakowski stated he wanted to secure 80 percent of the revenue went towards the Police Department, and did not want the number to go down to 50 or 40 percent.

Councilwoman Pastor said she understood the request was to maintain 80 percent of the public safety budget continuously if there was a recession.

Mr. Zuercher responded there could be an accounting of the incremental revenue from the arena to show consistency with the request to have 80 percent to public safety. He clarified that public safety would be defined broadly to include Police, Fire, Homeland Security, Municipal Court, prosecutors and vehicles.

Councilwoman Pastor commented her understanding was once the City went through paying the debt service, everything else that went with the $12.8 million was really $2.6 million.

Ms. Olson answered the debt service paid out of the sports facilities fund was $20 million a year. She clarified from an accounting perspective the one thing that was going up was the rent portion from $1.5 million to $3-$4 million. She noted there would be an incremental difference that they could track going into the General Fund. She added the taxes that had been mentioned was already allocated through the budget process, and they would need to figure out how to track those taxes. She said the incremental rent could be defined.

Councilman Nowakowski inquired about the $1.5 million of income coming to the City annually. He noted this was the only way to negotiate and talk to all of the members of the Council due to open meeting laws.

He talked about the homeless problem in neighborhoods, and asked if there was extra revenue to help out the homeless and public safety issues within City parks. He asked for that to be included as a friendly amendment to the motion.

Mr. Zuercher clarified the $12.8 million accounted for what happened at the time, and added there could be an accounting done for the Council each year about how the base was applied to public safety efforts in the General Fund. He said the money described by Ms. Olson was about $1.5 million of new rent revenue because of the agreement negotiated. He clarified the question asked by Councilman Nowakowski was if the $1.5 million increment could be specifically dedicated to homelessness and public safety within the neighborhoods. He added if that was what Council wanted to do, there could be an accounting for the new incremental revenue and it could be brought forward as part of the budget process for the new arena revenue dedicated to the issue Councilman Nowakowski mentioned.

Councilman Nowakowski responded that was correct in what he was asking. He mentioned those issues were concerns of residents at the public meetings. He said this was to make sure the revenue generated would account for monies in public safety, and that it could help out the homeless situation. He noted there was concern for securing neighborhoods in parks and open space, and suggested the City could look into hiring more park rangers.

Mr. Zuercher clarified what Councilman Nowakowski asked for, and said the negotiated deal would increase revenue by $1.5 million and that would be put into homelessness and public safety issues in neighborhoods. He added that could be part of the budget process and demonstrated to Council as part of the adopted budget.

Councilwoman Guevara asked if the amendment could be dedicated to the Neighborhood Services Department.

Mr. Zuercher responded yes, and noted that public safety could include Parks, Neighborhood Services, Human Services, and Police departments at a minimum.

Councilman Nowakowski asked if the contract should be changed where the naming rights of the Phoenix Suns stay Phoenix. He asked for clarification on issues with a ledger that he was not able to get, and talked about a two-hour conversation he had with Mr. Sarver. He mentioned it was eye-opening to view the auditing reports and stated he had a better understanding of the document.

Robert Sarver stated he was the Managing Partner for the Phoenix Suns, Phoenix Mercury, and the Talking Stick Resort Arena. He agreed to the naming rights, and noted there was no idea of changing the team name. He talked about putting a number on community committment, and said that was something they did because it was something their employees believed in. He agreed to the funding for Head Start, and said the amendments were good for the community and for them as well.

Mayor Williams asked for clarification on the motion.

Councilwoman Guevara answered the section should be 2.1 and not 2.7 with the additional amendments.

Councilman DiCiccio thanked Mr. Sarver and everyone else in his organization for the phenomenal job they did in Arizona. He talked about those involved in the organization that had volunteered their time, and noted that showed the support they had. He said he did not support the agreement because it did not make financial sense for the City. He mentioned there would be a debt load of about $13.7 million per year, and asked what the additional amount would be for additional police and for the homeless. He stated the City would lose money because of the agreement. He thanked Councilman Nowakowski for including public safety, and thanked police officers. Councilman DiCiccio added there was a level of focus he had not seen in years from the City, and asked for a focus on streets and police. He talked about the City recruiting at military bases around the country to bring in an additional 500 officers. He congratulated the Phoenix Suns leadership, and said they did a great job to pull people together.

Councilman Nowakowski thanked the individuals who went to all five

public meetings, and added that was very important to hear from them. He talked about the concerns from some residents at the meetings regarding public safety and homelessness, and compared the homeless situation in Phoenix to Los Angeles. He noted Phoenix did a great job taking care of homeless for the whole region, and talked about the neighboring cities becoming partners in helping the homeless. He asked Ms. Olson if in the future she could look for an extra $5 million in the sports fund to lower the public safety pension debt because it was increasing.

Councilwoman Stark thanked everyone and agreed with Councilman Nowakowski that it was difficult to talk to other councilmembers because of Open Meeting Law. She thanked Councilman Nowakowski for the suggestion of having additional public meetings.

Councilwoman Pastor thanked Mayor Williams and Mr. Zuercher for their leadership. She talked about the executive sessions she attended about the Phoenix Suns, and thanked former Mayor Greg Stanton. She gave thanks to the women who had the courage and leadership to start and move the conversation forward.

Councilwoman Mendoza said this was a difficult process for her because she was appointed to the Council a few months prior and had to catch up on information. She noted she asked questions in different ways, and talked about her meeting with the Phoenix Suns where they allowed her to tour the arena and look at the different areas that needed renovation. She thanked the Phoenix Suns and everyone that attended the community meetings.

Mayor Williams gave thanks to staff for a remarkable job, and thanked Mr. Sarver for answering their questions and calls. She thanked the Council for honoring contracts, and said it proved Phoenix was an honorable city. She mentioned her conversation with friends that the deal would not make much money, but acknowledged not everything was about money because this was for the community. She individually thanked the councilmembers because it was a challenge and a long process.

Prior to her vote, Councilwoman Guevara explained her vote. She thanked staff for doing their due diligence and putting in effort to make sure residents understood the deal. She noted she was not supportive of the deal about a month and a half prior, because at that time she would have rather seen investment in residents and early childhood education in west Phoenix. She talked about how she learned the City would have had to cut spots available in Head Start preschool programs due to budgetary reasons, and asked why there could not be investments in both the arena and Head Start. She described the preschool programs in District 5, and said District 5 had 25 percent of all Head Start program slots in Phoenix. She said this would bring an additional $7.5 million investment into communities this year. She mentioned the deal was not perfect, but added she was happy to have a deal that invested in education, the community, and City infrastructure. She commented as public officials they should not be afraid to change their mind or admit they were wrong initially and noted her concern was always acting in the best interest of constituents. She concluded thousands of families would not lose access to preschool for their children as well as thousands of employees and hundreds of businesses that supported the arena was why she would vote yes.

Prior to his vote, Vice Mayor Waring explained his vote. He stated he would be a no on this vote because he did not think this was the proper role of government, and said he understood this was a City-owned building with a high profile anchor tenant that meant a lot to the community. He commented he did not feel obligated to ratify a decision that he would have disagreed with if he was on the Council in 1989, and mentioned three years ago he told the Suns he would not be there for them on the vote but they were gracious ever since. He thanked former Councilwoman Maria Baier who worked for the Suns, and expressed appreciation for the Phoenix Suns investments in District 2. He talked about the Phoenix Suns inviting him to several charitable activities which he declined, and thanked the Phoenix Suns for the way they handled this. He said he may disagree with the end result, but added he could see it from the other side and congratulated the Mayor for passing the item.

Prior to her vote, Mayor Williams said whether it was the community meetings, negotiations or advice, she appreciated it.

Note: The following individuals submitted comment cards for the record in favor of Items 26 and 27:

Ross Simon
Terry Burke
Charles Levy
Alisa Lyons
Jeremy Wilhide
Amanda Nance Paige
Lund Courtney Nush
Gina Marie Scarpa
Jeff Moloznik
RJ Price
Luis A. Enriquez
Dianne Haller
Charles E. Duff
Michael Medici
Jim Pitman
Lauren Potter
Erika Rubio
Jennifer Wiener
Fara Illich
Claude Mattox
Priscilla Krucko
Rhonda Bannard
Yvette Koebke
Amilyn Pierce
Taylor Earl
Billy Cundiff
Mark Mettes
Damian Serafine
Dan Klocke
Leticia Avalos
Cyndy Gaughan
Garthanne de Ocampo

Laura Capello
Karen Callahan Steve Hamel
Steve Betts
Marcia Mintz
Carla Landwerth
Jeremy Wood
Brian Cassidy
Devney Preuss
Larry Lazarus
Mo Stein
Joni Saquilayan Maling
Steven Maling
Margaret Mullen
Diane Barker
Mark Goldstein
Emilio Gaynor
Jim Brewer
Tim Sprague
Karl Gentles
Kym D. Hornbeak
Catrina Kahler
Holly Eslinger
Channel Powe

Note: Luis Acosta submitted a comment card for the record as neutral on Items 26 and 27.

Note: Don Brown submitted a comment card for the record opposed to Items 26 and 27.

A motion was made by Councilwoman Guevara, seconded by Councilwoman Pastor, that this item be adopted with the following amendments: add to section 2.1, "the owner's representative will also monitor the execution of the improvements to ensure the improvements outlined in Exhibit A term sheet project are completed."; those program improvements must be completed as described by current estimates, and when implemented are estimated to equal approximately $235 million; add additional language to section 6 to read, "The Community Benefits program will have the Suns commit to a minimum of $10 million in community benefits in 2019, including $2.6 million over the first two years to offset cuts to the City Head Start program."; change the wording in section 2.1 to read, "City of Phoenix will hire" and add that an expenditures report from the City comes directly to Council on a monthly basis; 80 percent of the revenue generated goes towards public safety; $1.5 million of revenue generated will be dedicated to homelessness and public safety issues in neighborhoods; and the Phoenix Suns and Phoenix Mercury will continue to use "Phoenix" in their team names. The motion carried by the following vote:

Yes:	6 -	Councilwoman Guevara, Councilwoman Mendoza, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark and Mayor Williams
No:	2 -	Councilman DiCiccio and Vice Mayor Waring

27 **(CONTINUED FROM DEC. 12, 2018) An Ordinance Authorizing the Issuance of Obligations for City-Owned Arena Renovations (Ordinance S-45265)**

An ordinance authorizing the City Manager, or his designee, to cause the City to issue obligations of or by a municipal property corporation, including authorization, execution and delivery of one or more ground leases, leases, purchase agreements, any official statements and bond purchase agreements and certificates necessary or appropriate for the financing and associated financing costs. Further authorizing the City Manager to take any and all other actions in connection with such bonds including taking any and all actions necessary or appropriate to finance or reimburse a principal amount not exceeding $150,000,000 of costs for

repairing, renovating and updating a previously constructed City-owned multi-purpose arena for the City of Phoenix plus related financing costs; authorizing a pledge, if deemed appropriate, of excise taxes or other lawfully available funds; and authorizing the City Controller to expend all necessary funds.

Summary
This ordinance provides authorization to issue obligations to fund the Arena renovations. The expenditures and indebtedness authorized do not require voter approval under Chapter XXVII of the City Charter.

Financial Impact
This ordinance provides authorization to issue obligations up to $150,000,000 principal amount plus related financing costs to fund the Arena renovations. The City will pledge excise taxes or other lawfully available funds to the repayment of the obligations.The Sports Facilities Fund will be the source of funds for the payments.

Location
The address of the Arena is 201 E. Jefferson St., located in City Council District 7.

Note: For discussion on Item 27, refer to Item 26.

A motion was made by Councilwoman Guevara, seconded by Councilwoman Pastor, that this item be adopted with the following amendments: add to section 2.1, "the owner's representative will also monitor the execution of the improvements to ensure the improvements outlined in Exhibit A term sheet project are completed."; those program improvements must be completed as described by current estimates, and when implemented are estimated to equal approximately $235 million; add additional language to section 6 to read, "The Community Benefits program will have the Suns commit to a minimum of $10 million in community benefits in 2019, including $2.6 million over the first two years to offset cuts to the City Head Start program."; change the wording in section 2.1 to read, "City of Phoenix will hire" and add that an expenditures report from the City comes directly to Council on a monthly basis; 80 percent of the revenue generated goes towards public safety; $1.5 million of revenue

generated will be dedicated to homelessness and public safety issues in neighborhoods; and the Phoenix Suns and Phoenix Mercury will continue to use "Phoenix" in their team names. The motion carried by the following vote:

Yes:	6 -	Councilwoman Guevara, Councilwoman Mendoza, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark and Mayor Williams
No:	2 -	Councilman DiCiccio and Vice Mayor Waring

Note: Councilman DiCiccio left the Chambers and the voting body.

44 Amend Ordinance S-45262 to Allow Contract with Salt River Project for Additional Solar Energy (Ordinance S-45343)

Request to amend Ordinance S-45262 authorizing the City Manager, or his designee, to enter into a 15-year contract with Salt River Project (SRP) to provide up to 30 percent of the City's total SRP electricity use from a new solar farm as part of the SRP Sustainable Energy Offering.

Summary

In Ordinance S-45262 (December 12, 2018), City Council provided approval for the City to enter into a 15-year agreement with SRP to provide up to 15 percent of the City's total SRP electricity use with renewable solar energy. SRP had approached its largest customers to participate in the purchase of renewable energy at a fixed price of 2.73 cents per kilowatt hour (kWh) as part of a proposed 100 megawatt (MW) solar farm being constructed in southern Arizona. The initial offering to the City was for seven percent of the City's annual electricity load; however, subsequent to Council approval, SRP offered to increase that share from seven percent to as high as 30 percent, or in other words, up to 22 MW or 60,000,000 kWh.

The offering is quite unique, in that, the volume contracted from SRP will be decoupled from current and future rates, and instead, be reflected as a separate line item on the SRP bill as a bill credit based on the difference between SRP rates at the time and a fixed contract price of 2.73 cents per kWh. Currently, SRP rates for the commodity portion of the bill average close to three cents per kWh. At the increased amount of up to 30 percent, in the first year the contract would likely result in a credit of approximately $75,000. If commodity prices rise for renewable

electricity over the next 15 years, then the credit would increase; however, if the price of renewable energy falls, the credit would decrease.

After consultation with SRP, staff report that the offering has a strong upside of an immediate credit on the annual SRP energy bill. Even if SRP rates were to fall below the 2.73 cent contract price, the total energy bill from SRP would still fall because the majority of the City's energy use would benefit from the lower price.

In addition to financial considerations, there are several other benefits to increasing the share of renewables in the contract:

The additional renewable energy attributes purchased through this amendment would accrue to the City. The City could claim a percent increase in renewables in its portfolio once the project becomes active.

The offering supports and contributes to the Council-adopted goal to reduce carbon pollution from operations by 40 percent by 2025.

SRP indicated that customer participation in this offering would encourage it to provide similar offerings in the future. Recently, SRP announced plans to grow this initial 100MW solar investment to 1,000MW of renewable solar by 2025.

Financial Impact

The initial impact of the contract, not to take effect until 2020, would likely be an annual bill reduction in the range of $75,000. Over the 15-year life of the contract, however, that annual credit may rise or fall depending on SRP rates in the future. Given the most likely scenario is an ongoing bill credit, staff recommend applying the credit specifically to General Fund electricity accounts.

Concurrence/Previous Council Action

The previous ordinance allowing up to 15 percent renewables was recommended for City Council approval by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on Dec. 5, 2018 by a vote of 3-0, and also unanimously approved by City Council on Dec. 12, 2018.

Discussion

Leonard Clark spoke in favor, and advocated for more solar power in Arizona. He talked about how climate change could end civilization, and noted independent scientific reports were not wrong.

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

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

65 **Intergovernmental Agreement for Water Service Infrastructure Between the City of Phoenix and Town of Cave Creek (Ordinance S-45329)**

Request to authorize the City Manager, or his designee, to execute an Intergovernmental Agreement (IGA) between the City of Phoenix (Phoenix) and the Town of Cave Creek (Cave Creek) for water service infrastructure within Phoenix's water service area that is also within Cave Creek's town limits (Phoenix's Cave Creek Service Area). Cave Creek may pay up to $600,000 towards infrastructure costs to Phoenix and will transfer ownership of some of its infrastructure to Phoenix. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

In 1987, Phoenix purchased the water service area between Carefree Highway and Peak View Road, from 40th Street to 56th Street. This area was in an unincorporated area of Maricopa County. Since 1987, Cave Creek has annexed several land parcels within this area between Carefree Highway to just south of Tapekim Road. Cave Creek temporarily provides domestic water service and/or fire flow water service to selected commercial businesses within Phoenix's Cave Creek Service Area until necessary infrastructure improvements can be completed. Cave Creek will pay up to $600,000 towards infrastructure improvements. These costs may be offset by credits provided by Phoenix to Cave Creek equal to in-lieu development fees received by

Phoenix from new development within Phoenix's Cave Creek Service Area during the first five years of the IGA. Cave Creek will transfer ownership of some of its existing infrastructure to Phoenix that currently provides temporary water service. Customers receiving temporary water service from Cave Creek will be transferred to Phoenix upon completion of the improvements.

Contract Term

This IGA contract term is for a period of five years, with an option to extend the term an additional two years, which may be exercised by the City Manager or his designee.

Financial Impact

Cave Creek will pay Phoenix an amount up to $600,000.

Location

In the area between Carefree Highway to south of Tapekim Road, from 40th to 56th Streets.
Council District: Out of City

Discussion

Leonard Clark spoke in favor, and asked for the Council to support this item. He mentioned the Town of Cave Creek was working with the City of Carefree, and thanked City leaders for working together to solve the water situation.

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

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

74 **Final Plat - Pro Lux Subdivision - 170045 - 2250 E. South Mountain Ave.**

Plat: 170045
Project: 16-3548

Name of Plat: Pro Lux Subdivision
Owner(s): Pro Lux Builders, LLC
Engineer(s): Starlink Surveying, Inc.
Request: A 4 Lot Residential Plat
Reviewed by Staff: Dec. 5, 2018
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at 2250 E. South Mountain Ave.
Council District: 8
Note: Leonard Clark submitted a comment card noting he was neutral on Item 74.

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

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

81 **Consideration of Citizen Petition Related to Referral of Bond Issue for Renovations to Talking Stick Arena at Election on March 12, 2019**

This report provides the City Council with information in response to a citizen petition submitted by Mr. Michael Pierce at the Jan. 9, 2019 Formal City Council meeting regarding the referral of a bond issue for renovations to Talking Stick Arena at the March 12, 2019 election **(Attachment A)**.

Summary

The petition requests that the Mayor and City Council set aside any future vote to approve $150 million of bond funding to renovate Talking Stick

Arena. Instead, the petition requests that the Mayor and City Council refer approval of the bond issue to City of Phoenix voters at the next election scheduled for March 12, 2019. The deadline for submitting measures to be placed on the March 12, 2019 ballot has passed. The City Council called the election and adopted the form of the ballot for the March 2019 election on Dec. 5, 2018. Voter approval of the $150 million in bond funding is not legally required. Chapter XXVII, section A of the City Charter requires voter approval for amounts greater than $3 million for new construction of a sports complex or arena. The funding currently being discussed is to be used for renovation of an existing sports facility, not the construction of an entirely new sports arena. In addition, the arena renovations will be funded through the City's Sports Facilities Fund, designated by the City Council through an ordinance comprised primarily of tax revenue from tourists on rental cars and hotels.

Discussion

City Manager Ed Zuercher clarified there was not a request to approve or do anything with Item 81 because it was on the agenda as a petition.

Mayor Williams stated because it was a petition the Council did not have to act on it.

Mr. Zuercher stated having the item on the agenda filled the requirement for Council.

Michael Pierce spoke in favor, and commented his intention of this petition was to make sure citizens had input into the decision. He said he learned so much about what the Phoenix Suns do, and that helped change his mind on the issue.

Mayor Williams thanked Mr. Pierce for his kind words.

Note: Leonard Clark submitted a comment card as neutral on Item 81.

Note: Joel Nathanson submitted a comment card opposed to Item 81.

This item was heard.

Note: Councilwoman Pastor left the Chambers and the voting body.

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

CITIZEN COMMENTS

John Mendibles greeted and thanked the Council, and thanked the Police Department for arresting the suspect in the Hacienda Health Care case. He noted many Apache nations were grateful to the Council, and expressed thanks.

Mayor Williams thanked Mr. Mendibles for his kind words.

ADJOURN

There being no further business to come before the Council, Mayor Williams declared the meeting adjourned at 6:02 p.m.

MAYOR

ATTEST:

CITY CLERK

TS

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 23rd day of January, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 28th day of August, 2019.

CITY CLERK