City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, October 3, 2018 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, October 3, 2018 at 2:33 p.m. in the Council Chambers.

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

Councilman DiCiccio and Councilman Nowakowski entered the Chambers and joined the voting body during Citizen Comments held at the beginning of the meeting.

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

CITIZEN COMMENTS

Dennis McGarry talked about Valley Metro, and mentioned they did not supervise correctly because they did not enforce the same rules from one city to another. He discussed his difficulties with purchasing a transit pass, and mentioned there were pedestrian issues in Phoenix. He said the pedestrian issues were because of buildings along Central Avenue that did not allow a large enough sidewalk, and suggested the City be more pedestrian-friendly.

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

Leonard Clark discussed the effects of global climate change on the environment, and talked about the benefits of alternative milk products. He

mentioned a potential drought at Lake Mead and Lake Powell, and the effects it could have on Phoenix.

The City Clerk affirmed that copies of the titles of Ordinances G-6507 through G-6514, S-44998 through S-44999 and S-45018 through S-45046, and Resolutions 21676 through 21681 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:

Environmental Quality and Sustainability Commission

Appoint Kimberly Ruht, replacing Jessica Garcia, for a term to expire Aug. 31, 2021

Reappoint Sarah Porter, for a second term to expire Aug. 31, 2021

Reappoint Spencer Scharff, for a second term to expire Aug. 31, 2021

Reappoint Colin Tetreault, for a second term to expire Aug. 31, 2018

Historic Preservation Commission and Heritage Commission

Appoint Meghan Grabel, serving as a representative on both commissions replacing Derek Horn, for a term to expire Dec. 14, 2019.

Human Relations Commission

Appoint Larry Carlson, replacing John Doran, for a term to expire June 30, 2021

Reappoint Halima Abdirazak, for a second term to expire June 30, 2021

Reappoint Jeremy Helfgot, for a third term to expire June 30, 2021
Reappoint Justin Owen, for a second term to expire June 30, 2021
Reappoint Reginald Walton, for a second term to expire June 30, 2021
Reappoint Michael Williams, serving as Chair, for a second term to expire June 30, 2021

License Appeals Board
Appoint Colin Proksel, for a term to expire June 30, 2022

North Mountain Village Planning Committee
Appoint Arick O'Hara, for a term to expire Nov. 19, 2019

Parks and Recreation Board
Appoint Peggy Neely, replacing Charlene Tarver, for a term to expire April 4, 2022

Phoenix Arts and Culture Commission
Appoint Cynthia Baiz, for a term to expire Sept. 30, 2021
Appoint Hillary Foose, for a term to expire Sept. 30, 2021
Appoint Ismael Morales, for a term to expire Sept. 30, 2021
Reappoint Lin Ling Lee, for a second term to expire Sept. 30, 2021
Reappoint Jenny Strickland, for a second term to expire Sept. 30, 2021
Reappoint Fred Ullrich, for a second term to expire Sept. 30, 2021

Phoenix Women's Commission
Appoint Heather Ross, for a term to expire June 30, 2021

South Central Transit Oriented District Steering Committee
Appoint Patricia Garcia Duarte, replacing Jordan Jacques, for a term to expire July 1, 2021

A motion was made by Vice Mayor Waring, seconded by Councilwoman Stark, that this item be approved as corrected. 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 appointees:

Jeremy Helfgot, Reginald Walton, and Michael Williams, Human Relations Commission; Colin Proksel, License Appeals Board; Arick O'Hara, North Mountain Village Planning Committee; Peggy Neely, Parks and Recreation Board; and Cynthia Baiz, Hillary Foose, and Lin Ling Lee, Phoenix Arts and Culture Commission.

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

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

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

Note: Alfonso Jorquera Sanza - Agent, submitted a comment card for the record in favor of Item 9.

A motion was made by Vice Mayor Waring, seconded by Councilwoman Pastor, that Items 2-25 be recommended for approval, except Items 2 and 25; Item 25 is requested to be continued to the Oct. 17, 2018 City Council Formal Meeting. 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 - Boys and Girls Clubs of Greater Scottsdale, Inc.

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

Summary

Applicant

Samuel Fowler

Location
21001 N. Tatum Blvd.
Council District: 2

Function
Food & Live Music

Date(s) - Time(s) / Expected Attendance
Nov. 11, 2018 - 6 p.m. to 11 p.m. / 1,800 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

4 Liquor License - Safeway #25

Request for a liquor license. Arizona State License Application 07070346.

Summary

Applicant
Nicholas Guttilla, Agent

License Type
Series 7 - Beer and Wine Bar

Location
21001 N. Tatum Blvd., Ste. 76
Zoning Classification: C-2 DRSP
Council District: 2

This request is for an ownership and location transfer of a liquor license for a bar. This location is currently licensed for liquor sales with a Series 9 - Liquor Store, liquor license.

The 60-day limit for processing this application is Oct. 15, 2018.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The Safeway, Inc. liquor licenses for this grocery store are managed by Albertson's for use in the existing Albertson's grocery store. The same successful operation and high compliance standards will continue to be followed at this store as it has for years. Albertsons and Safeway both strive to be good neighbors in every community they serve."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This grocery store has been operating at this location for many years.

The community has been accustomed to a complete shopping experience at this store, which includes alcohol, groceries and sundries. The successful operation of this store will not change, and it will continue to be a good neighbor and a vital part of its immediate community. The addition of the series 7 license is to enhance the shopping experience as is being enjoyed at other grocery stores in Arizona."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Safeway #25
Liquor License Map - Safeway #25

This item was recommended for approval.

5 Liquor License - Squarz Bakery & Cafe

Request for a liquor license. Arizona State License Application 28157.

Summary

Applicant
Steven Gerner, Agent

License Type
Series 12 - Restaurant

Location
13802 N. Scottsdale Road, Ste. 116
Zoning Classification: PSC
Council District: 2

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

The 60-day limit for processing this application is Oct. 7, 2018.

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:

"Squarz developed a robust and comprehensive training program for both managers and staff to maintain the highest standards for alcohol sales in full compliance with legal requirements. Our extensive procedures ensure, from the beginning, all employees are fully knowledgeable and comfortable implementing our policies, while continuous improvement processes ensure policies are remembered and their importance is understood throughout an employee's time with Squarz. We always strive to foster a safe and positive community for all our stakeholders, which requires a commitment to responsible service and setting expectations above and beyond the norm."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “Squarz is a small team of passionate chefs who value the vibrant local community of our neighborhood. The addition of alcohol, will allow us to extend our evening hours and create a unique and exciting space for community members to connect over. Moreover, our first location is well respected and known nationally amongst fans of gourmet pastries who visit to sample our unique culinary creations from across the United States. The addition of alcohol at our second location will allow us to broaden our appeal and offer a small, but meaningful, boost to tourism in the area.”

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

Attachments
Liquor License Data - Squarz Bakery & Cafe
Liquor License Map - Squarz Bakery & Cafe

This item was recommended for approval.

6 Liquor License - The Stir

Request for a liquor license. Arizona State License Application 28220.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
5415 E, High St., Ste. 103
Zoning Classification: C-2 DRSP
Council District: 2

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

The 60-day limit for processing this application is Oct. 7, 2018.

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.

Rick Bronson's House of Comedy (Series 12)
5350 E. High St., Ste. 105, Phoenix
Calls for police service: 7
Liquor license violations: In April 2016, a fine of $3,000 was paid for not having a manager's agreement on file, failure to derive 40% of income from food, and for purchasing from other than a primary source.

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:
“Our employees will go through extensive training to ensure they comply with liquor laws.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“We would like to continue to offer our patrons some great coffee or an enjoyable meal. We feel the community will appreciate a new coffee shop/restaurant coming to the area.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - The Stir
Liquor License Map - The Stir

This item was recommended for approval.

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

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

Summary

Applicant
Brianna Magana

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

Function
Festival

Date(s) - Time(s) / Expected Attendance
Dec. 1, 2018 - 11 a.m. to 8 p.m. / 500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

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

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

Summary

Applicant
Maria Murphy-Fontes

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

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Nov. 2, 2018 - 6 p.m. to Midnight / 600 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - Kilkenny Wine Group

Request for a liquor license. Arizona State License Application 28010.

Summary

Applicant
Alfonso Jorquera Sanza, Agent

License Type
Series 4 - Wholesaler

Location
3020 N. 33rd Drive
Zoning Classification: A-2
Council District: 4

This request is for a new liquor license for a wholesaler. This location was not previously licensed for liquor sales and does not have an interim permit. This business has plans to open in Dec. 2018.

The 60-day limit for processing this application is Oct. 5, 2018.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have experience in wines of the world, specialty in spanish wines. I worked in two wineries in Spain and in a government office of spanish wines, and I think that I know this business. Since 4 years ago I'm selling spanish wines in California and would be good try it also in Arizona."

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

This item was recommended for approval.

10 Liquor License - Ringside Restaurant

Request for a liquor license. Arizona State License Application 28205.

Summary

Applicant
Jacqueline Viramontes, Agent

License Type
Series 12 - Restaurant

Location
2030 W. Camelback Road
Zoning Classification: C-2 TOD-1
Council District: 4

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption.

The 60-day limit for processing this application is Oct. 7, 2018.

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 was manager for Islas Catering for over 8 years succesfully. I would like to be able to cater to my customers wants. This is a sports themed restaurant & most customers enjoy & request an alcohol based beverage with their meals."

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 make sure that any beverages that contain alcohol are served with responsibillty. Anyone requesting a beverage with alcohol will be required to show an Arizona State issued ID/License. If we feel a customer has consumed to much, keys will be taken until customer is sober or has adequate transportation."

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 - Ringside Restaurant
Liquor License Map - Ringside Restaurant

This item was recommended for approval.

11 Liquor License - Salsitas Mexican Food

Request for a liquor license. Arizona State License Application 28261.

Summary

Applicant
Theresa Morse, Agent

License Type
Series 12 - Restaurant

Location
1501 N. 43rd Ave., Ste. 1
Zoning Classification: C-2
Council District: 4

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

The 60-day limit for processing this application is Oct. 8, 2018.

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 operated this family business since 2008. I am well educated and will abide by all city, state and county laws. Additionally, I have a consultant to assist me in keeping up with new laws as they become effective. My staff and I will be attending alcohol awareness training to ensure no sales of alcohol are made to underage or intoxicated patrons. My primary focus is to serve food to my customers. The alcoholic beverages is merely to enhance the food I serve. I also have experience in alcohol sales for approximately 2 yrs."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I have operated this franchise restaurant since 2008 and the community is familiar with me and my operation. They respect me and they are aware that I will uphold the laws to ensure the safety of my customers and the community. My primary focus is the service of food."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Salsitas Mexican Food
Liquor License Map - Salsitas Mexican Food

This item was recommended for approval.

12 Liquor License - Special Event - Arizona Roller Derby Organization

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

Summary

Applicant
Stephanie Wilhelm

Location
5031 E. Washington St.
Council District: 6

Function
Sporting Event

Date(s) - Time(s) / Expected Attendance
Oct. 13, 2018 - 5:30 p.m. to 10:30 p.m. / 499 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

13 Liquor License - Special Event - St. Thomas the Apostle Roman Catholic Parish Phoenix

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

Summary

Applicant
Janine Campo

Location
4510 N. 24th St.
Council District: 6

Function
Carnival

Date(s) - Time(s) / Expected Attendance
Nov. 10, 2018 - 10 a.m. to 3:30 p.m. / 1,500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

14 Liquor License - Special Event - The Phoenix Boys Choir Association

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

Summary

Applicant
Emanuel Garnica

Location
1131 E. Missouri Ave.
Council District: 6

Function
Choir Performance

Date(s) - Time(s) / Expected Attendance
Oct. 20, 2018 - 6:30 p.m. to 10:30 p.m. / 100 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - Camby

Request for a liquor license. Arizona State License Application 28532.

Summary

Applicant
Ryan Anderson, Agent

License Type
Series 11 - Hotel/Motel

Location
2401 E. Camelback Road
Zoning Classification: C-2 HR SP CEPCSP
Council District: 6

This request is for a new liquor license for a hotel. 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 Oct. 13, 2018.

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:
“DHC Food & Beverage Corporation is part of Davidson Hotel Company family of companies which is a well known, established and respected hotel management company operating numerous locations across the US. The Davidson Hotel Company family of companies has a stellar reputation for maintaining quality properties and it takes liquor compliance regulations very seriously. The management and staff strive to follow all liquor laws and have an outstanding record for compliance.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“The Davidson Hotel Company family of companies strive to be good neighbors in all of its communities. Properties are maintained impeccably and the noise level is typical of an upscale hotel property, not disruptive to the immediate community. This location is on the corner of Camelback Road and 24th Street and is in a highly commercial corridor and, since 1988, the immediate community as well as traveling guests have been able to enjoy the fine dining including alcohol service along with the other amenities the hotel offers.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Camby
Liquor License Map - Camby

This item was recommended for approval.

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

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

Summary

Applicant
Alison Sipes

Location
1 E. Washington St.
Council District: 7

Function
Cultural Celebration

Date(s) - Time(s) / Expected Attendance
Oct. 6, 2018 - 4 p.m. to 10 p.m. / 1,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

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

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

Summary

Applicant
Alison Sipes

Location
1 E. Washington St.
Council District: 7

Function
Community Event

Date(s) - Time(s) / Expected Attendance
Oct. 26, 2018 - 3 p.m. to Midnight / 1,500 attendees
Oct. 27, 2018 - 9 a.m. to Midnight / 2,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

18 Liquor License - Special Event - Hance Park Conservancy

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

Summary

Applicant
Alison Sipes

Location
67 W. Culver St.
Council District: 7

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Oct. 27, 2018 - 5 p.m. to 11 p.m. / 1,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

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

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

Summary

Applicant
Alison Sipes

Location
201 W. Washington St.
Council District: 7

Function
Community Event

Date(s) - Time(s) / Expected Attendance
Nov. 10, 2018 - Noon to 5 p.m. / 3,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

20 Liquor License - Special Event - Southwest Center for HIV/AIDS, Inc.

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

Summary

Applicant
Jonathan Brier

Location
1101 N. Central Ave.
Council District: 7

Function
Cocktail Party

Date(s) - Time(s) / Expected Attendance
Nov. 10, 2018 - 6 p.m. to 10 p.m. / 400 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

21 Liquor License - The In Betweens

Request for a liquor license. Arizona State License Application 28084.

Summary

Applicant
Sacha Levine, Agent

License Type
Series 12 - Restaurant

Location
514 N. 15th Ave.
Zoning Classification: C-2 HP
Council District: 7

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption. This business is currently being remodeled with plans to open in December 2018.

The 60-day limit for processing this application is Oct. 6, 2018.

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 taken the Title 4 management liquor law training course from Arizona Business Counsil for Alcohol Education and have a certificate of completion. In additon to this, I have over 15 years experience in the Phoenix Restaurant scene where I have gained hands on knowledge of the "Do's" and "Don'ts" of running a business not only in compliance of laws and regulations but also to help promote a healthy and safe working environment to staff.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“As a small chef owned and operated restaurant in the up and coming Grand Avenue Arts District I hope to fill the void of fresh, local farm to table dining. The goal is to bring community together by providing food and drink in a historic renovation as well as draw others from neighboring districts.”

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

Attachments
Liquor License Data - The In Between
Liquor License Map - The In Between

This item was recommended for approval.

22 Liquor License - 7-Eleven #25730J

Request for a liquor license. Arizona State License Application 28418.

Summary

Applicant
Nicholas Guttilla, Agent

License Type
Series 10 - Beer and Wine Store

Location
1601 E. Southern Ave.
Zoning Classification: C-2 BAOD
Council District: 8

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

The 60-day limit for processing this application is Oct. 12, 2018.

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:
"7-Eleven, Inc. is a major convenience store retailer in the U.S. with thousands of stores in many states, some of which are operated by corporate and some of which are operated by franchises. This store will operate as a corporate store. 7-Eleven, Inc. has a strict, comprehensive, and successful training program and record regarding alcohol sales both inside and outside of AZ. 7-Eleven, Inc. depends on its reputation regarding responsible operation of its stores and takes liquor compliance very seriously."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This store has operated with a series 10 liquor license for years. Its customers and neighbors have grown accustomed to the one-stop shopping experience, and 7-Eleven will now be operating this location as a corporate store with the intention of improving it and making it the best neighbor it can be."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - 7-Eleven #25730J
Liquor License Map - 7-Eleven #25730J

This item was recommended for approval.

23 Liquor License - Kory Market

Request for a liquor license. Arizona State License Application 28373.

Summary

Applicant
Melissa Garcia-Gonzalez, Agent

License Type
Series 10 - Beer and Wine Store

Location
1701 S. Central Ave.
Zoning Classification: C-3
Council District: 8

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

The 60-day limit for processing this application is Oct. 9, 2018.

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 know what it takes to run a business, Im responsible with our products and customers.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“By acquiring this license we can meet our customers demands, keep customers satisfied and happy as well as our community by supplyin their needs.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Kory Market
Liquor License Map - Kory Market

This item was recommended for approval.

24 Liquor License - Residence Inn Phoenix Airport

Request for a liquor license. Arizona State License Application 07070364.

Summary

Applicant
Lauren Merrett, Agent

License Type
Series 7 - Beer and Wine Bar

Location
801 N. 44th St.
Zoning Classification: C-2
Council District: 8

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.

The 60-day limit for processing this application is Oct. 5, 2018.

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.

Embassy Suites Flagstaff Arizona (Series 6)
706 S. Milton Road, Flagstaff
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:

"This is a continuation of the existing ownership. There is a transfer of assets internally. The operation is capable and qualified as it has not changed since last approved."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "The license has been in lace and is an expected convenience for the clientele Of this hotel."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Residence Inn Phoenix Airport
Liquor License Map - Residence Inn Phoenix Airport

This item was recommended for approval.

2 (CONTINUED FROM SEPT. 5, 2018) - Off-Track Pari-Mutuel Wagering Permit - Connolly's Sports Grill

Request for an Off-track Pari-mutuel Wagering Permit for a business that has a Series 6 liquor license.

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

Applicant
David Auther, Agent for Arizona Downs

Location
2605 W. Carefree Hwy., Ste. 140
Zoning Classification: C-2 NBCC PCD
Council District: 2

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

Staff Recommendation

Staff recommends approval of this application.

Attachments

Off-track Pari-mutuel Wagering Permit Data - Connolly's Sports Grill

Off-track Pari-mutuel Wagering Permit Map - Connolly's Sports Grill

Discussion

David Auther spoke in favor, and explained how an off-track betting parlor works to support horse racing in Arizona. He mentioned if someone wagered at an off-track betting parlor, 80 percent of the money went to the betters, and 7 percent of each bet goes to the horsemen that they use to pay for their winnings. He noted none of the income went to the bar or restaurant that hosted it. He asked the Council to deny the claim that there were too many off-track betting parlors within a mile.

Brian Cavender spoke in favor, and told the Council he was the owner of Conley Sports Grill. He said he grew up in District 2 and told the Council off-track betting would be a new amenity to his business to make it better. He stated this would give people the opportunity to choose where they would spend their money, and commented this would grow his business.

Mary Hultman spoke in opposition, and said she owned a business with her husband for 14 years on Carefree Highway and Interstate-17. She stated they had a longstanding relationship with Turf Paradise as an off-track betting site, and said to put an off-track betting site 0.9 miles away would go against the restrictions had by Turf Paradise within five miles. She mentioned this would be detrimental to the growth of their established business.

Mayor Williams commented there was no distance restriction, but that she had asked staff to look into whether there needed to be one in the future.

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

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

No: 0

25 **Liquor License - Speedo Business**

Request for a liquor license. Arizona State License Application 28037.

Summary

Applicant
Odette Odeh, Agent

License Type
Series 10 - Beer and Wine Store

Location
4150 N. 35th Ave.
Zoning Classification: C-2
Council District: 5

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

The 60-day limit for processing this application is Oct. 5, 2018.

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.

Gas & Food Mart (Series 10)
1902 W. Cactus Road, Phoenix
Calls for police service: 30
Liquor license violations: In January 2014, a fine of $375 was paid for delinquent taxes. In March 2017, a fine of $750 was paid for failure to request ID from an underage buyer and selling, giving, furnishing an underage person with alcohol.

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 feel the applicant has a pattern of problematic business practices including several tax liens, allowing intoxicated transients to loiter on their property, and failure to maintain their property free from weeds, trash and litter. They also feel the location, which is already challenged with high crime, requires a highly responsible operator with a proven track record. They believe the applicant does not meet this criteria. They do not support the issuance of this liquor license.

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I had a liquor license for the past 20 year and I had more than one

business with liquor licnese and I have been very sucessfull in running them."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "I service the community and I have a very good service with the community."

Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval and neighborhood protest. The Police Department disapproval is based on concerns with the applicants' capability, reliability and qualifications to hold and control a liquor license. The applicants provided inaccurate information on the application and have had numerous liquor license violations, blight violations and civil judgements levied against them. The applicants have not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments

Liquor License Data - Speedo Business
Liquor License Map - Speedo Business
Liquor License Police Department Recommendation - Speedo Business

Note: Odette Odeh - Agent, submitted a comment card for the record in favor of Item 25.

Detective Robin Gokool submitted a comment card for the record opposed to Item 25.

A motion was made by Councilwoman Guevara, seconded by Councilwoman Pastor, that this item be continued to the Oct. 17, 2018 City Council Formal Meeting. 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	

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

Note: Richard Jellies submitted a comment card for the record in favor of Item 40.

A motion was made by Vice Mayor Waring, seconded by Councilwoman Pastor, that Items 26-93 be approved or adopted, except Items 33, 36, 48, 51-53, 55, 57, 67, 89, and 91-93; noting Item 36 will be held and heard at the end of the agenda; and continuing Item 63 to the Oct. 17, 2018 City Council Formal Meeting. The motion carried by the following vote:

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

No: 0

Items 26-32, 34, Ordinance S-45018 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.

26 Hyatt Corporation as Agent of PCCP DCP Phoenix Hotel, LLC, a Delaware Limited Liability Company, doing business as Hyatt Regency Phoenix

For $36,375.00 in payment authority for a new contract, entered on or about Nov. 1, 2018, for a one-time agreement for all labor, materials, equipment, tools and operations necessary to provide food and venue services for the 2018 Navigator Appreciation Luncheon for the Aviation Department. The annual Navigator Appreciation Luncheon will recognize more than 400 volunteers who donate their time to provide customer service to Phoenix Sky Harbor International Airport. The Navigators have donated nearly 79,000 hours in the past year, saving the City of Phoenix an estimated $1.9 million in staffing costs. This item was approved by the Aviation and Transportation Subcommittee on September 25, 2018.

This item was adopted.

27 Siemens Healthcare Diagnostics, Inc.

For $40,000.00 in payment authority for a new contract, entered on or about Sept. 1, 2018 for a term of five years, to purchase Siemens Reagent Kits for the Police Department's Laboratory Services Bureau. The kits are vital to the Laboratory Services Bureau and Police Officer blood and urine samples, driving under the influence of drugs, sexual assault and homicide case suspect testing. In addition, the kits offer evidence collection tools, containers that provide verifiable chain of custody, security against tampering, provable security of different types of evidence related to cases. 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.

28 Rosendin Electric Inc.

For $48,000.00 in payment authority for a new contract, entered into on or about Oct. 1, 2018, for a five-year period, for preventative maintenance and repair services for the solar power system at the Parks and Recreation Department's Camp Colley location. Services include inspection, monitoring and maintenance of all electrical interconnections including hook up or taps and metering equipment required to determine the quantity of electricity produced and transmitted by the solar power system. Repair and/or replacement of solar equipment and related hardware including, but not limited to: solar panels, batteries, charge controllers, inverters and wiring, along with necessary system alterations, upgrades and corrections.

This item was adopted.

29 Various Vendors for Field Equipment Repair and Maintenance

For $75,000.00 in additional payment authority for field equipment repair and maintenance services for the Parks and Recreation Department, and to extend the contract term on a month-to-month basis as needed for no more than five months to allow additional time for completion of a new solicitation. The new solicitation will support strategic procurement efforts to combine similar product needs into a single procurement for efficiency and cost reduction. This requests contract extensions on 134875

(Arizona Machinery, LLC doing business as Stotz Equipment), 134872 (E-Z Go Textron), 134874 (Simpson Norton Corporation), 134873 (Textron, Inc. doing business as Jacobsen West).

This item was adopted.

30 Jackson White PC in Trust for Gunnison Properties II, LLC & American Truck Salvage, Inc. and Richard J. Herbert in Trust for Clairmore, LLC

For $227,244.49 to pay a court order entered against the City for judgment, plus statutory interest and taxable costs, in *City of Phoenix v. Gunnison Properties II LLC, et al. and Clairmore LLC Case CV2014-012453*, a condemnation case for land acquisition for the Avenida Rio Salado/Broadway Road Street Improvement Project, for the Finance Department, pursuant to Phoenix City Code Chapter 42.

This item was adopted.

31 DataBank IMX, LLC

For $45,000.00 in additional payment authority for Contract 146238 for additional software licenses and maintenance services for the Arizona Supreme Court standard OnBase Electronic Document Management System for the Phoenix Municipal Court. Additional funding is required to provide licensing necessary to enable features as the Phoenix Municipal Court prepares to transition to electronic files.

This item was adopted.

32 Eaton Sales & Services, LLC

For $17,085.00 in payment authority to purchase a custom manufactured fuel tank located in the Municipal Court building for the Public Works Department. The fuel tank feeds a generator used to energize the building sprinkler system in a fire emergency. The existing tank has reached the end of its lifecycle.

This item was adopted.

34 Korem Corporation

For $32,000.00 in additional payment authority for Contract 136029 to continue to provide End User Software License Agreements for the Water Services Department. This contract was recently extended through 2020, and additional funding is needed to fund services through the end

of the contract term. The software provides mapping data that is integrated with Oracle software applications to efficiently route staff driving to conduct service calls.

This item was adopted.

35 Appointment of Municipal Court Judges

This item requests to appoint the following individuals as judges of the Municipal Court: Tina Solomon to a term expiring on June 29, 2022; Ana M. Sanchez to a term expiring on Dec. 19, 2021; and Thomas Parascandola to a term expiring on Dec. 19, 2021.

Summary

On July 27, 2018, the Judicial Selection Advisory Board recommended these individuals be interviewed by the Public Safety and Veterans Subcommittee.

On Sept. 13, 2018, the Public Safety and Veterans Subcommittee unanimously recommended Tina Solomon, Ana M. Sanchez, and Thomas Parascandola each to be appointed as judge of the Municipal Court.

This item was approved.

37 (CONTINUED FROM SEPT. 19, 2018) - Small Wireless Facilities Master License Agreement to NewPath Networks, LLC (Ordinance S-44998)

Request to authorize the City Manager, or his designee, to grant a Small Wireless Facilities Master License Agreement ("Master License") to NewPath Networks, LLC ("Licensee") to install, operate, and maintain small wireless facilities in the local public rights-of-way subject to the terms and conditions contained in the license and Phoenix City Code. Further request the City Treasurer to accept all funds related to this item. Also request that the Licensee sign the Master License within 60 days of Council action or this authorization will expire. Licensee will pay applicable rates and fees. There is no cost to the City of Phoenix.

Summary

NewPath Networks, LLC executed a City of Phoenix Agreement for Telecommunication Equipment in Right-Of-Way (City Contract 135134) effective Dec. 20, 2012, to install, use, and maintain wireless telecommunications equipment within the City right-of-way as required

under Phoenix City Code section 5C-4. The Master License contains appropriate insurance and indemnification provisions, requires a standby irrevocable letter of credit, provides for terms of transfer and revocation, and sets applicable rates and fees for use of local rights-of-way as provided by law. The Master License permits Licensee to install, operate, and maintain small wireless facilities at individual sites through site license agreements, which are subject to the terms and conditions of this Master License.

Contract Term

The Master License term begins on the date the City Clerk signs the Master License and expires after 10 years unless automatically renewed for an additional 10-year term as provided by law.

Financial Impact

Licensee will pay applicable rates and fees to install, operate, and maintain small wireless facilities in local public rights-of-way by law. There is no cost to the City of Phoenix.

This item was adopted.

38 (CONTINUED FROM SEPT. 19, 2018) - Small Wireless Facilities Master License Agreement to Cox Communications Arizona, LLC (Ordinance S-44999)

Request to authorize the City Manager, or his designee, to grant a Small Wireless Facilities Master License Agreement ("Master License") to Cox Communications Arizona, LLC ("Licensee") to install, operate, and maintain small wireless facilities in the local public rights-of-way subject to the terms and conditions contained in the license and Phoenix City Code. Further request the City Treasurer to accept all funds related to this item. Also request that the Licensee sign the Master License within 60 days of Council action or this authorization will expire. Licensee will pay applicable rates and fees. There is no cost to the City of Phoenix.

Summary

The Master License permits Licensee to install, operate, and maintain small wireless facilities at individual sites through site license agreements, which are subject to the terms and conditions of this Master

License. The Master License contains appropriate insurance and indemnification provisions, requires a standby irrevocable letter of credit, provides for terms of transfer and revocation, and sets applicable rates and fees for use of local public rights-of-way as provided by law. Cox Communications Arizona, LLC has executed a City of Phoenix Cable Television License (City Contract 147444) effective Jan. 1, 2018 to allow them to continue to engage in the business of operating a cable television system in the City of Phoenix as required under Phoenix City Code section 5C-4.

Contract Term

The Master License term begins on the date the City Clerk signs the Master License and expires after 10 years unless automatically renewed for an additional 10-year term as provided by law.

Financial Impact

Licensee will pay applicable rates and fees to install, operate, and maintain small wireless facilities in local public rights-of-way by law. There is no cost to the City of Phoenix.

This item was adopted.

39 Small Wireless Facilities Master License Agreement to Verizon Wireless (VAW) LLC (Ordinance S-45041)

Request to authorize the City Manager, or his designee, to grant a Small Wireless Facilities Master License Agreement ("Master License") to Verizon Wireless (VAW) LLC ("Licensee") to install, operate, and maintain small wireless facilities in the local public rights-of-way subject to the terms and conditions contained in the license and Phoenix City Code. Further request the City Treasurer to accept all funds related to this item. Also request that the Licensee sign the Master License within 60 days of Council action or this authorization will expire. Licensee will pay applicable rates and fees. There is no cost to the City of Phoenix.

Summary

Verizon Wireless (VAW) LLC has executed a City of Phoenix Agreement for Telecommunication Equipment in Right-Of-Way (City Contract 138316) effective May 14, 2014, to install, use, and maintain wireless telecommunication equipment within the City right-of-way as required

under Phoenix City Code section 5C-4. The Master License contains appropriate insurance and indemnification provisions, requires a standby irrevocable letter of credit, provides for terms of transfer and revocation, and sets applicable rates and fees for use of local public rights-of-way as provided by law. The Master License permits Licensee to install, operate, and maintain small wireless facilities at individual sites through site license agreements, which are subject to the terms and conditions of this Master License.

Contract Term

The Master License term begins on the date the City Clerk signs the Master License and expires after 10 years unless automatically renewed for an additional 10-year term as provided by law.

Financial Impact

Licensee will pay applicable rates and fees to install, operate, and maintain small wireless facilities in local public rights-of-way by law. There is no cost to the City of Phoenix.

This item was adopted.

40 Proposed 107th Avenue and Broadway Road Annexation (Ordinance S-45035)

An ordinance extending and increasing the corporate limits of the City of Phoenix, Arizona, by annexing an area not within the present limits of the City of Phoenix, designated as the 107th Avenue and Broadway Road Annexation. The ordinance also authorizes current county zoning to continue in effect until municipal zoning is applied to the annexed territory.

Summary

This annexation was requested by Rick Jellies, with AMED Partners, LLC 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. The City Clerk Department received signed petitions representing 100 percent of the assessed value and 100 percent of the owners, excluding utilities, within the proposed annexation area.

Public Outreach

A public hearing was conducted on June 27, 2018 to allow the City Council to gather community comment regarding the annexation proposal. Notification of the public hearing was published in the *Arizona Business Gazette* newspaper, and was posted in at least three conspicuous places in the territory proposed to be annexed. Also, notice by first-class mail was sent to each property owner in the area proposed to be annexed.

Location

The proposed annexation area includes parcels 101-39-005D, 101-39-007C, 101-39-007D, 101-39-009B, 101-39-009E and 101-39-009G, located east of 107th Avenue and south of Broadway Road (**Attachment A**). The annexation area is approximately 102.65 acres (0.160 square miles) and the population estimate is zero.
Council District: 7

This item was adopted.

41 Acceptance and Dedication of Easements for Sidewalk and Public Utility Purposes (Ordinance S-45045)

Request for the City Council to accept and dedicate easements for 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: ASJ Group, LLC, its successor and assigns
Purpose: Public Utilities
Location: 2112 W. Melinda Lane
File: FN 180086
Council District: 1

Easement (b)
Applicant: Taratsas Development Company, LLC, its successor and assigns
Purpose: Sidewalk and Public Utilities

Location: 135 E. Missouri Ave.
File: FN 180071
Council District: 4

Easement (c)
Applicant: 2831 Indian School, LLC, its successor and assigns
Purpose: Sidewalk
Location: 2831 E. Indian School Road
File: FN 180067
Council District: 6

Easement (d)
Applicant: Done Deal Investments, LLC, its successor and assigns
Purpose: Public Utilities
Location: 6301 N. 20th St.
File: FN 180093
Council District: 6

This item was adopted.

42 Landis Cyclery, Inc. - Requirements Contract - IFB 18-174 (Ordinance S-45023)

Request to authorize the City Manager, or his designee, to enter into a contract with Landis Cyclery, Inc. for bicycles, parts, accessories, repair, and maintenance for departments citywide. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $100,000.

Summary
This contract will provide the City of Phoenix with bicycles, parts, accessories, repair, and maintenance for various bicycle brands to be utilized citywide with primary usage by the Fire, Police, and Phoenix Convention Center departments. This contract is necessary to allow departments to purchase and maintain bicycles in optimal working condition for the safety and well-being of the employees who use the bicycles as part of their daily responsibilities.

Procurement Information
Invitation for Bid (IFB) 18-174 was conducted in accordance with

Administrative Regulation 3.10. The solicitation was emailed to 137 vendors and was posted on the City's website. There were two offers received by the Procurement Division on June 8, 2018.

One vendor was deemed non-responsive as their offer did not include all of the required items. The Deputy Finance Director recommends that the offer from Landis Cyclery, Inc. be accepted as a responsive and responsible offer.

Contract Term
The five-year contract term shall begin on or about Oct. 1, 2018.

Financial Impact
The aggregate contract value will not exceed $100,000. The appropriate funding is available in the various department budgets listed above.

This item was adopted.

43 Lawnmower, Landscape and Agriculture Equipment Parts (Ordinance S-45026)

Request to authorize the City Manager, or his designee, to extend Contracts 135787 with Simpson Norton Corporation, 135791 with Construction Tool, 135794 with A & G Turf Equipment, 135793 with A to Z Equipment Rentals & Sales, 135792 with Bingham Equipment Company, 135790 with Horizon, Inc., 135789 with Jacobsen West, 135788 with Quality Equipment & Spray, 136721 with R&R Products, Inc., and 136722 with Stotz Equipment for a month to month extension, up to six months through March 30, 2019 while a new procurement is completed. Further request authorization for the City Controller to disburse all funds in an amount not to exceed $300,000 related to this item.

Summary
Contractors will continue to provide a broad range of landscaping, agricultural parts and equipment, all on an as-needed basis for various City of Phoenix departments. The primary departments that use this contract are Fire, Parks, Water, Street Transportation, and Public Works. Through the strategic procuring process, there were several individual

contracts identified throughout the city with similar parts and equipment. This extension will allow Central Procurement to complete a thorough procurement process to consolidate these contracts and make them available for citywide use. The strategic efforts will result in efficiencies throughout the city.

Financial Impact

The estimated expenditure for the month-to-month extension through March 30, 2019 will not exceed $300,000. Funds are available in various departments' budgets.

Concurrence/Previous Council Action

These contracts are a result of IFB 13-025, awarded by Formal Council Action on April 1, 2013.

Responsible Department

This item is submitted by City Manager Ed Zuercher and the Finance Department.

This item was adopted.

44 Increase Expenditure Authority for Personnel Lifts Maintenance and Repair Requirements Contract (Ordinance S-45027)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 143943 with Miner LTD, dba Miner Material Handling, for maintenance and repair of personnel lifts. An additional amount of $105,000 is needed, and the revised aggregate value will not exceed $205,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This contract provides personnel lift maintenance and repair services to ensure safe and efficient operations of various lift equipment used throughout the City. These lifts are required to operate according to federal, local and state guidelines, including Occupational Safety and Health Administration (OSHA) guidelines. Additional funds are needed to add the Parks and Recreation Department as an authorized user. Funds are also needed due to usage that has been higher than originally

anticipated. The departments currently utilizing these contract services include the Phoenix Convention Center, Public Works and Water Services departments.

Financial Impact

Upon approval of $105,000 in additional funds, the revised aggregate value of the contract will not exceed $205,000. Funds are available in the Parks and Recreation and Phoenix Convention Center departments' budgets.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Nov. 2, 2016.

This item was adopted.

45 Paper Products - Requirements Contract - IFB 19-004 (Ordinance S-45029)

Request to authorize the City Manager, or his designee, to enter into contracts with Spicers Paper, Inc. and Veritiv Operating Company for the supply of paper for the City Clerk Department for the printing of information materials as needed for all City departments. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $1,000,000 over the five-year period.

Summary

This contract will provide a large variety of paper types used by the Print, Design, and Mail Services section of the City Clerk Department to produce community awareness, training and other critical business communications for all City departments. Examples of common projects include flyers, brochures, postcards and other media used to inform the public about City events, programs and services, as well as legal forms, statements, licenses and invoices for the Police, Fire, City Clerk, Municipal Court and Law departments.

Procurement Information

Invitation for Bid (IFB) 19-004 was conducted in accordance with Administrative Regulation 3.10. There were two offers received by the

Finance Department Procurement Division on July 20, 2018. The offers were evaluated on price, responsiveness to specifications and responsibility to provide the required goods and/or services. Both offers are recommended for award, according to the lowest-priced offer per line item. The notice of bid was sent to more than 200 registered vendors and was publicly posted and available for download on the City website.

The Deputy Finance Director recommends that the offers from Spicers Paper, Inc. and Veritiv Operating Company be accepted as the lowest-priced, responsive and responsible offers.

Contract Term
The five-year contract term will begin on or about Oct. 4, 2018.

Financial Impact
The aggregate contract value will not exceed $1,000,000, with an estimated annual expenditure of $200,000. Funds are available in the City Clerk Department's budget.

This item was adopted.

46 Acquisition of Water Line Easement from Camelback Colonnade SPE, LLC (Ordinance S-45030)

Request to authorize the City Manager, or his designee, to acquire a water line easement from Camelback Colonnade SPE, LLC for reactivation of a fire sprinkler system at the Century Public Library by donation, purchase within the City's appraised value, or by the power of eminent domain. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The acquisition of a water line easement is required to reactivate a fire sprinkler system at the Century Public Library located at 1750 E. Highland Ave. The property impacted by the acquisition is located at 4724 N. 20th St., identified by Maricopa County Assessor Parcel Number 163-24-002.

Financial Impact

Funding for this project is available in the Public Works Department's General Fund budget.

Location
4724 N. 20th St.
Council District: 6

This item was adopted.

47 Robotic Camera System Operator - RFA 19-021 - Requirements Contract (Ordinance S-45033)

Request to authorize the City Manager, or his designee, to enter into a contract with Skyline Productions, Inc. to provide robotic camera system operator services for the Communications Office. Further request authorization for the City Controller to disburse all funds related to this item. The five-year aggregate value of this contract will not exceed $100,000.

Summary
This contract will provide highly technical, trained and skilled multi-robotics camera operator services for the robotic camera system located in the PHXTV studios, which provides live-broadcast capability for meetings in the City Council Chambers and City Hall Assembly Rooms, both on-air and online.

The use of robotic cameras in the City Council Chambers and Assembly Rooms provides the city cost savings and staffing efficiencies, as fewer people are required to produce meeting coverage for broadcast.

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

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing the technical nature of the system and the support necessary for continuous operation of the system as part of PHXTV’s critical day-to-day business requirements.

The Deputy Finance Director recommends that the contract with Skyline Productions, Inc. be accepted.

Contract Term
The five-year contract term shall begin on or about Oct. 1, 2018.

Financial Impact
The aggregate contract value will not exceed $100,000 (including applicable taxes), with an estimated annual expenditure of $20,000. Funds are available in department budgets for this request.

This item was adopted.

49 Phoenix Public Library's Annual Application for Arizona State Library's State Grants-In-Aid Funds (Ordinance S-45039)

Request to authorize the City Manager, or his designee, to approve the Library Department's application for 2019 State Grants-in-Aid (SGIA) money. The amount allocated for Phoenix Public Library this year is $74,899 and will be utilized to assist Phoenix Public Library with its efforts in the areas of Workforce Assistance and Early Literacy Outreach. Further request authorization for the City Treasurer to accept, and the City Controller to disburse all funds related to this item.

Summary
State Grants-in-Aid (SGIA) are allocated annually to the Library based on a per capita distribution of funds by the Arizona State Legislature through the Arizona State Library, Archives and Public Records. The amount allocated for Phoenix Public Library this year is $74,899.

For the fifth year running, the above funds will be utilized to assist Phoenix Public Library with its efforts in the areas of Workforce Assistance and Early Literacy Outreach. On the Workforce Assistance front, $23,000 of the funds will be used for continued funding of a part-time employee to assist with the implementation of workforce literacy classes and drop-in workforce assistance at the Ocotillo Library and Workforce Literacy Center and $48,000 of the funds will be used to continue to fund two part-time Early Literacy Outreach employees to

conduct outreach into the communities of the Harmon, Cesar Chavez, Palo Verde, Ocotillo and Desert Sage (7602 W. Encanto Blvd.) libraries. The remaining $3,899 will be used to provide outreach supplies, children's books for outreach visits, and to pay for employee mileage.

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

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

Financial Impact
The amount allocated for Phoenix Public Library this year is $74,899.

Concurrence/Previous Council Action
This item was not heard at the Sept. 26, 2018 Parks, Arts, Libraries and Education Subcommittee due to the meeting being canceled.

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

This item was adopted.

50 Senior Services Entertainers and Instructors Qualified Vendor List (Ordinance S-45042)

Request to authorize the City Manager, or his designee, to approve adding responsive offerors to the existing Qualified Vendor List (QVL) for Senior Services entertainers and instructors. Further request authorization to enter into contracts with responsive offerors and authorize the City Controller to disburse all funds related to this item for

the life of the QVL. The aggregate value of all contracts will not exceed $300,000 over the life of the QVL.

Summary

The Parks and Recreation and Human Services departments issued a Recreation Entertainers and Instructors QVL (HSDPKS02012017) on Feb. 1, 2017. Human Services Department (HSD) entered into Recreational Services Contracts with 53 service providers.

The Parks and Recreation and Human Services departments issued RFQu HSDPKS05102017 Recreational Services QVL on May 10, 2017 to add additional entertainers and instructors to the QVL. HSD contracted with six additional service providers.

HSD staff expressed that additional qualified instructors and entertainers would expand HSD's offering of recreation events and programs which would help to continue increasing attendance in Senior Centers. As a result, the QVL opportunity was re-solicited for a third time.

Procurement Information

Request for Qualifications, RFQu-18-CSSD-22, was conducted in accordance with City of Phoenix Administrative Regulation 3.10. The Human Services Department received a total of 23 offers on Aug. 22, 2018. Thirteen offers were determined to be responsive and responsible to the solicitation requirements.

The Procurement Officer evaluated all offers for Pass/Fail criterion on the following minimum qualifications: Two years of verifiable instruction experience and/or certification for all services being submitted.

The following offerors met all solicitation criteria and are recommended to be added to the existing QVL:

Four Seasons Orchestra
Al Jones Corporation
ArtiSands, LLC
Crystal Clear Results Life Coaching, LLC
Playback Theatre of Arizona
Dirt Yoga, LLC

Ruben Gonzales
Marjory Boyer
Trisha Burrough: Creating Wisdom Through Art, LLC
Dave Swaim
Jay Farris
Flamenco Por La Vida
Michael Brace

Contract Term
The resulting Recreational Services Contracts will be in effect on or about Nov. 1, 2018 through June 30, 2020, with no options to extend.

Financial Impact
The total cost of the Recreational Services Contracts will not exceed $300,000 over the life of the QVL. Funding is available in HSD's General Fund operating budget.

Concurrence/Previous Council Action
Ordinance S-43569 was adopted on May 31, 2017 to award the initial QVL. Ordinance S-43838 was adopted on Aug. 30, 2017 to add vendors to the existing QVL.

This item was adopted.

54 Agreement with Phoenix Suns Marketing Limited Partnership for Fire Department Technical Rescue and Special Operations Training (Ordinance S-45044)

Request authorization for the City Manager, or his designee, to enter into an agreement with Phoenix Suns Marketing Limited Partnership for access to a vacant structure for the purpose of Technical Rescue and Special Operations training.

Summary
The purpose of this agreement is to allow the Phoenix Fire Department (PFD) to utilize a vacant structure to simulate a structural collapse. PFD technical rescue teams require training in various rescue techniques, including structural collapse rescue. Structural collapse rescue is the use of advanced techniques to locate, extricate, and stabilize victims within collapsed structures or other confined spaces.

In the event of a manmade or natural disaster, a coordinated response of technical rescue will be initiated from local, state, and federal levels. Once technical rescue teams are activated they will deploy to the disaster and conduct rescue operations until they are relieved or demobilize. Allowing PFD to utilize a vacant structure provides an opportunity to train, in order to maintain skills in structural collapse rescue.

Contract Term

This agreement is effective when ratified by all signatories, and terminates March 31, 2019.

Financial Impact

There is no financial impact to the City to authorize the agreement.

Location

The structure is located at 1 E. Madison St.
Council District: 7

This item was adopted.

56 Request Authorization to Accept Donation of Vehicle from Phoenix Police Foundation (Ordinance S-45043)

Request authorization for the City Manager, or his designee, to accept a donation of a 2008 Chevrolet van from the Phoenix Police Foundation valued at $55,000.

Summary

The donated van will support community outreach and neighborhood connectivity efforts. The Police Department plans to use the vehicle at community events to distribute packaged ice cream and frozen desserts, which will be donated by the Phoenix Police Foundation at the time of the event. Courtesy Chevrolet has offered to donate a 2008 Chevrolet Express 3500 van with 33,326 miles to the Phoenix Police Foundation. They will also wrap the vehicle with approved Phoenix Police Department graphics, Phoenix Police Foundation logos, as well as Courtesy Chevrolet logos. This vehicle will be driven and displayed at community events occurring throughout the City to support the Police Department's community engagement efforts. This type of community policing initiative has been utilized successfully in other cities across the country to cultivate positive interactions between police officers and the

communities they serve.

The Phoenix Police Foundation is a 501(c) (3) charitable organization that was founded in late 2001. The purpose of the Foundation is to address unmet capital needs of the Phoenix Police Department and to provide financial assistance in crisis situations.

Financial Impact

Cost to the City will include expenditures for fuel to operate the vehicle and insurance against liability and property damage. Funds for these expenses are available in the Police Department's budget.

Concurrence/Previous Council Action

This item was approved at the Public Safety and Veterans Subcommittee meeting on Sept. 12, 2018, by a vote of 4-0.

This item was adopted.

58 Aviation Department Multi-Disciplinary Training Services Qualified Vendor List - AVN RFQu 18-017 (Ordinance S-45020)

Request to authorize the City Manager, or his designee, to enter into separate contracts with each qualified proposer of the Request for Qualifications (RFQu) 18-017 to provide multi-disciplinary training services on an as-needed basis to the Aviation Department in an amount not to exceed $2.5 million for the five-year aggregate contract term. Further request for the City Controller to disburse all funds related to this item.

Summary

The Aviation Department issued a RFQu to establish a Qualified Vendor List (QVL) for multi-disciplinary training services to comply with Federal Aviation Administration (FAA) mandatory training requirements and other specific on-the-job training needs at Phoenix Sky Harbor International Airport (PHX). The qualified proposers will provide training services on an as-needed basis to enhance the Aviation Department's training program. Each contract usage will be based on actual training needs and quotes will be obtained for each training service requested to select the qualified vendor offering the lowest cost to the City.

The RFQu required six specific training areas:
Group 1 - Safety and Occupational Safety and Health Administration (OSHA) Compliance.
Group 2 - Environmental, Environmental Protection Agency (EPA), Wildlife, and OSHA Compliance.
Group 3 - Airport Security, Transportation Security Administration (TSA), and FAA Compliance.
Group 4 - Human Resources, Project Management and general soft-skills development.
Group 5 - Aviation/Airport related skill and compliance training.
Group 6 - Facilities maintenance technical skill and equipment operations related training.

Procurement Information
Fifteen companies were chosen using a qualifications-based selection process in accordance with Administrative Regulation 3.10. The proposals were evaluated by a five-member evaluation committee based on the following criteria:
Qualifications and Experience.
Statement of Work.
Sample Course Curriculum.
References.

The proposers could propose for one or more of the six training areas. The following recommended qualified vendors for the six specific training areas are:

Group 1 - Safety and Occupational Safety and Health Administration (OSHA) Compliance
Banda Group International, LLC
DFW Airport Fire Training Research Center
e-Hazard
ETC Compliance Solutions, Inc.
Telgian/NFPA
Workplace Safety Specialists

Group 2 - Environmental, EPA, Wildlife, and OSHA Compliance
ETC Compliance Solutions, Inc.
SSI, Inc.
Workplace Safety Specialists

Group 3 - Airport Security, TSA and FAA Compliance
American Association of Airport Executives
DFW Airport Fire Training Research Center
ETC Compliance Specialists, Inc.
SSI, Inc.

Group 4 - Human Resources, Project Management and General Soft-Skills Development
AGTS, Inc.
AVID Consulting, Inc.
Business Works
The Center for Change Excellence
Denise Meridith Consultants, Inc.
Embry-Riddle Aeronautical University
Franklin Covey Co.
SSI, Inc.

Group 5 - Aviation/Airport Related Skill and Compliance Training
American Association of Airport Executives
DFW Airport Fire Training Research Center
Embry-Riddle Aeronautical University
SSI, Inc.
Telgian/NFPA

Group 6 - Facilities Maintenance Technical Skill and Equipment Operations Related Training
ETC Compliance Solutions, Inc.
SSI, Inc.
Telgian/NFPA
Workplace Safety Specialists

Contract Term
The term of each contract will begin on or about Oct. 1, 2018 for a

five-year aggregate contract term with no options to extend.

Financial Impact
The combined value for all contracts will not exceed $2.5 million for the five-year aggregate contract term. Funds are available in the Aviation Department's budget.

Concurrence/Previous Council Action
This item was recommended for approval at the Aviation and Transportation Subcommittee meeting on Sept. 25, 2018 by a vote of 3-0.

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

This item was adopted.

59 Custodial Services Contracts Award (Ordinance S-45021)

Request to authorize the City Manager, or his designee, to enter into two separate contracts with Flagship Airport Services, Inc. (Flagship) and Bio Janitorial Service, Inc. (Bio Janitorial) to provide custodial services at Phoenix Sky Harbor International Airport, Deer Valley Airport and Goodyear Airport (collectively referred to as "Airports") in a combined amount not to exceed $77,421,442 for the seven-year aggregate contract term. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
On Dec. 13, 2017, the Phoenix City Council authorized the issuance of a Request for Proposal (RFP) for two contracting opportunities under the Custodial Services RFP, large and small company categories. The small company category opportunity was reserved for small businesses, including local small businesses, with gross income less than $20.5 million over the past three years. Both contractors will provide staff, equipment, supplies and supervision necessary to furnish custodial cleaning services for 1.7 million square feet of airport facilities. Each contract will include an Employee Retention Policy, which will require the

successful Offeror to hire current custodial services contract employees and retain those employees for at least 90 days.

Procurement Information
Request for Proposal (RFP) 18-006 was conducted in accordance with Administrative Regulation 3.10. Nine proposals were received and reviewed for minimum qualifications; one proposal within the small company category was deemed non-responsive.

The proposals were evaluated and scored by a five-member evaluation committee, and interviews were conducted on March 7, 2018 with the three companies in the competitive range within the large company category. The proposals were evaluated based on the following criteria (1,000 points possible):

Operations Plan: 0-250 points.
Qualifications and Experience: 0-200 points.
Quality Assurance Program: 0-200 points.
Recruitment and Retention Plan: 0-200 points.
Pricing: 0-150 points.

The Large Company Category award recommendation is for Flagship Airport Services,Inc. based on the following consensus scoring:

Large Company Category:
Flagship Airport Services, Inc.: 932.13
ISS Facility Services, Inc.: 869.58
C&W Services: 829.05
ABM Aviation Inc.: 748.34
Triangle Services: 714.54
UBM Enterprise, Inc.: 705

The Small Company Category award recommendation is for Bio-Janitorial Services, Inc. based on the following consensus scoring:

Small Company Category:
Bio Janitorial Services, Inc.: 888
Absolute Janitorial Services: 572

The Large Company Category award recommendation was protested by an unsuccessful proposer, ISS Facility Services, Inc., on April 11, 2018. Based on the recommendation from the Judge in the Office of Administrative Hearings, the City Manager's Office denied the protest and appeal on June 28, 2018.

Contract Term

The initial five-year contract term for both the large and small company contracts will begin on or about Oct. 1, 2018. Contract provisions include two, one-year extension options which shall be exercised at the sole discretion of the Aviation Director, for a seven-year aggregate term.

Financial Impact

The total combined contract value will not exceed $77,421,442 for the seven-year aggregate contract term. Funds are available in the Aviation Department's budget.

Concurrence/Previous Council Action

On Aug. 2, 2018 the Business and Development Subcommittee (BDSC) of the Phoenix Aviation Advisory Board (PAAB) recommended approval of contract awards to Flagship Airport Services, Inc. and Bio Janitorial Services, Inc to PAAB.

On Aug. 16, 2018 PAAB recommended approval of contract awards to Flagship Airport Services, Inc. and Bio Janitorial Services, Inc. to the Downtown, Aviation, Economy and Innovation Subcommittee.

This item was recommended for approval at the Aviation and Transportation Subcommittee meeting on Sept. 25, 2018 by a vote of 3-0.

Public Outreach

A public Business Engagement Meeting was held on Nov. 30, 2017 for all interested service providers and a small company Business Engagement Meeting was held on Dec. 7, 2017 for small companies who wanted information about this business opportunity. A pre-proposal meeting with a tour was held on Dec. 20, 2017.

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

This item was adopted.

60 Airport Marking Paint - AVN IFB 18-061 (Ordinance S-45024)

Request to authorize the City Manager, or his designee, to enter into a contract with Ennis-Flint, Inc. to provide airport marking paint for the Aviation Department in an amount not to exceed $1.5 million for a five-year aggregate contract term. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
Ennis-Flint, Inc. will provide airport marking paint on an as-needed basis for the runways, taxiways, and roadways at Phoenix Sky Harbor International Airport, Deer Valley Airport and Goodyear Airport (Airports). The paint utilized by the Airports is approved by the Federal Aviation Administration for use in Airport Operating Areas (AOA) and roadway systems.

Procurement Information
Solicitation AVN IFB 18-061 was conducted in accordance with Administrative Regulation 3.10. Four offers were received on July 27, 2018. The offers were evaluated based on price, responsiveness, terms and conditions, and responsibility to provide the required goods. One offer was determined to be non-responsive. Ennis-Flint, Inc.'s offer was deemed to be fair and reasonable based on the market and previous contract pricing.

Contract Term
The contract will begin on or about Oct. 1, 2018 for a five-year aggregate contract term with no options to extend.

Financial Impact

The total contract value will not exceed $1.5 million for the five-year aggregate term. Funds are available in the Aviation Department's budget.

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

This item was adopted.

61 Parking Management Services Contract Extension (Ordinance S-45028)

Request to authorize the City Manager, or his designee, to amend Contract 129773 (Contract) with Ace Parking Management, Inc. (Ace Parking) to extend the term of the Contract on a month-to-month basis, not to exceed Oct. 31, 2019. Further request authorization for the City Controller to disburse all funds related to this item. The additional cost of the Contract will not exceed $773,715 per month.

Summary
Phoenix Sky Harbor International Airport provides parking services for the traveling public and employees of airport businesses. The Aviation Department (Department) uses Ace Parking, a parking management services company, to provide day-to-day operations and maintenance of the program, including operation of an online reservation system; staffing cashier positions; and collecting, depositing, and reporting revenue. The Contract with ACE Parking will expire Oct. 7, 2018.

On Feb. 21, 2018, the City Council authorized the Department to issue a request for proposals (RFP) for a new parking management services contract. The RFP was issued on March 9, 2018, and the evaluation panel completed its evaluation on June 28, 2018. After posting the public notice of award recommendation, the Department received one protest.

The Department needs to extend the term and authorize payment for the current Contract with ACE Parking on a month-to-month basis to allow time for the administrative process to be completed.

Contract Term
The term will be extended on a month-to-month basis not to exceed Oct. 31, 2019.

Financial Impact
The fees paid to Ace Parking during the extended term will not exceed $773,715 per month. Funds are available in the Department's operating budget.

Concurrence/Previous Council Action
This item was recommended for approval at the Aviation and Transportation Subcommittee meeting on Sept. 25, 2018 by a vote of 3-0.

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

This item was adopted.

62 Fleet Vehicle Accessories and Installation Services (Ordinance S-45025)

Request to authorize the City Manager, or his designee, to enter into a contract with Arizona Emergency Products, Inc. (AEP), Hyper Customs, LLC dba Arizona Truck Pros, Creative Communications, Drake Equipment of AZ, Inc., Kenco OR, LLC dba LSH Lights, Don Chalmers Ford dba MHQ of Arizona, Pride Group, LLC dba Pride Outfitting, and Jar Capital Group dba Quality Vans and Specialty Vehicles to provide fleet vehicle accessories and installation, as well as vehicle up-fitting for Police vehicles. This contract will have a $3 million estimated annual expenditure. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Public Works Department is responsible for maintaining a fleet of 7,300 vehicles and pieces of equipment. The Public Works Department up-fits vehicles for departments Citywide and this contract will provide the

ability to purchase and install accessories. These contracts provide for essential up-fitting and vehicle installations for City fleet including tool boxes, bed liners, lift gates, auxiliary lighting, prisoner cages, etc. Due to the volume and variety of up-fitting requirements, an outside provider has been used historically to manage these services.

Procurement Information

Invitation for Bid (IFB) 19-FSD-014 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department, Procurement Section received eight bids over the various eight groups: Group I - Police Up-fitting; Group II - Lighting; Group III - Push Bumpers and Various Specialty Products; Group IV - Truck Accessories; Group V - Cargo Management Systems; Group VI - Lift Gates; Group VII - Truck Cranes; Group VIII - Bed Covers. Group I - Police Up-fitting was based on a total cost of seven Police vehicle up-fits, with Groups II-VIII having vendors provide a percentage discount or mark-up on accessories. Due to the high volume of fleet vehicles needing accessories and up-fitting, it is recommended that all bids received be awarded to manage the volume and expedite service for customers. Groups are awarded as follows:

Group I - Creative Communications, Pride Group, MHQ of Arizona, AEP, LSH Lights.
Group II, III, IV - Creative Communications, Pride Group, MHQ of Arizona, Arizona Truck Pros, Drake Equipment, AEP, LSH Lights.
Group V - Pride Group, Arizona Truck Pros, Drake Equipment, Quality Vans and Specialty Vehicles.
Group VI - Pride Group, Arizona Truck Pros, Drake Equipment.
Group VII - Pride Group, Drake Equipment, Quality Vans and Specialty Vehicles.
Group VIII - Pride Group, MHQ of Arizona, Arizona Truck Pros, Drake Equipment, AEP.

Please see **Attachment A** for full bid recommendations.

Contract Term

The initial one-year contract term shall begin on or about Oct. 1, 2018, with the option to extend four years in increments of up to one year, with a

total contract option term of five years.

Financial Impact

This contract will have a $3 million estimated annual expenditure, with a total aggregate amount of $15 million over the life of the contract. Funds are available in the Police, Parks and Recreation, Aviation, Street Transportation, and Public Works department budgets.

This item was adopted.

63 Enter into Agreements in Support of the Bus Rapid Transit Program (Ordinance S-45019)

Request to authorize the City Manager, or his designee, approval to enter into agreements with HDR Engineering, Inc. for transportation planning services in support of the BRT Program and with the CK Group, AECOM Technical Services, Inc., and the CA Group Arizona, Inc. to support the planning effort by providing a limited number of corridor alternative concepts for planning evaluation by HDR and the community engagement process. Following Council approval of the BRT Plan, anticipated in late 2019, staff will seek individual corridor approval from Council to initiate preliminary engineering. Further request authorization for the City Controller to disburse all funds related to this item. The fee for services will not exceed $3,450,000.

Additionally, request authorization for the City Manager, or his designee, to take all action as deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requires for utility services relating to the development, design, and construction of the project and to include disbursement of funds. Utility services included, 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

On Aug. 25, 2015, City of Phoenix voters approved passage of Proposition 104, providing a 0.3 percent increase and extension of the transaction privilege and use tax rate to fund Transportation 2050 (T2050). The T2050 plan includes implementing five arterial BRT

corridors. BRT is a high capacity transit service using specialized buses with multiple doors for fast entry and exit, off-board fare payment, and level platform boarding making it easier for people of all abilities to efficiently access the system. It includes priority treatment at signalized intersections to increase speed and reliability. It also may include bus lanes in some areas to facilitate faster trips.

The objective is to provide fast, frequent and reliable service on arterial streets. Both speed and reliability help reduce operating costs, help people travel faster and more conveniently, and help cities make transit an attractive transportation option, which means more travel options, less cars on the roadway and less congestion. BRT was included in the plan to address the growing population and transportation needs, as the city is projected to add an additional 600,000 people by 2035.

Procurement Information

On Oct. 4, 2017, based on recommendations from the Citizen's Transportation Commission (CTC) and Transportation & Infrastructure (T&I) Subcommittee, the City Council granted approval to issue a Request for Qualifications (RFQ) to solicit firms to provide services for planning and preliminary engineering for the BRT program. This approval included a stipulation that the planning RFQ included an assessment of the criteria used for the initial identification of the BRT corridors.

On Oct. 24, 2017 the Streets Transportation Department procurement staff released the RFQ which included two packages for consultants to submit Statement of Qualifications. Package A included planning, capital system development, community education and engagement. One consultant team would be selected for Package A. Package B is for design services. Three teams would be selected for Package B, with each team working on a corridor.

On Nov. 17, 2017 consultant proposals were due to the City. Two consultant teams submitted for Package A and six consultant teams submitted for Package B. After a qualifications based review and interview process that included staff from the Public Transit Department, the Street Transportation Department, the City Manager's Office, Valley Metro, and an independent outside consultant, HDR Engineering, Inc.

was selected for Package A. The following three consultant teams were selected for assignment of a Package B corridor, the CK Group, Inc., AECOM Technical Services, Inc. and CA Group Arizona, Inc.

Package A Selection Results
HDR Engineering, Inc.: Ranked 1
Jacobs Engineering Group Inc.: Ranked 2

Package B Selection Results
CK Group, Inc.: Ranked 1
AECOM Technical Services, Inc.: Ranked 2
CA Group Arizona, Inc.: Ranked 3

In total, 33 prime and subconsultant firms are included on the four selected teams. Twenty-nine of the firms have a local office and Arizona presence. Four of the firms are located outside of Arizona but provide strong national BRT expertise in support of local staff.

Scope of Work
Package A - The scope of work for transportation planning in Package A includes:
Community education and engagement.
Project management.
BRT planning and workshops.
Capital system development.
Development of a funding, finance, and delivery strategy.
Corridor programming and coordination with the Package B teams.

Package B - The overall BRT program has identified a need for Package B services to contribute towards the development of the BRT Plan. This includes development of corridor alternative concepts for the Package A team and community to evaluate and review. Corridor alternative concepts are street cross-sections showing how BRT could operate in a corridor and coordinated improvements related to the option.

Because Council has required re-evaluation of the corridors initially selected in T2050, the Package B teams will provide additional staffing that will be required as we reconsider all potential corridors in the City.

The Package B teams will also participate in the network planning workshop providing engineering and national BRT experience insight into the planning effort.

This limited amount of Package B work is not preliminary engineering. After Council has reviewed, vetted and approved corridors for BRT implementation, staff will develop specific preliminary engineering scopes of work and seek Council contract approval in order to initiate preliminary engineering. This is anticipated to occur in 2020, unless grant opportunities or other factors make it advantageous to accelerate the schedule.

Contract Term

Package A is a three-year contract term, with one three-year extension option with HDR Engineering, Inc. The primary deliverable is a BRT Plan, which will be developed for CTC, Aviation & Transportation Subcommittee and City Council consideration. This work will also identify up to three initial BRT corridors to advance into preliminary engineering. The contract amount for Package A shall not exceed $3 million.

Package B efforts at this time will be a three-year contract term with CK Group, Inc., AECOM Technical Services, Inc. and CA Group Arizona, Inc. The contract amount for each firm shall not exceed $150,000, with a total for the three contracts not to exceed $450,000.

Following approval of the BRT Implementation Plan by City Council, anticipated in late 2019, staff will negotiate a scope, schedule, and cost with the Package B teams for a specific BRT corridor to complete the preliminary engineering to the 15 percent design level. Action on the final preliminary engineering scope, schedule and costs will be brought before the CTC, Aviation & Transportation Subcommittee, and City Council for consideration.

Financial Impact

For Package A, the total amount not to be exceeded is $3 million with approximately $1.5 million in year one and approximately $750,000 in years two and three. The source of the funds for this program is the Transportation 2050 (T2050) fund.

For Package B the total amount not to be exceeded is $450,000 divided between three consultant teams. The Package B is anticipated to be completed by the end of 2019. The source of the funds for this program is the Transportation 2050 (T2050) fund.

Concurrence/Previous Council Action

On Oct. 4, 2017, City Council granted approval to issue a Request for Qualifications (RFQ) to solicit firms to provide services for planning and preliminary engineering for the BRT program based on recommendations from the CTC and T&I Subcommittees. This approval included a stipulation that the planning RFQ included an assessment of the criteria used for the initial identification of the BRT corridors.

On May 31, 2018, the CTC recommended approval of the award recommendation to the T&I Subcommittee by a vote of 13-0.

On April 18, 2018 and informational report on BRT was provided to the T&I Subcommittee.

On June 19, 2018, the T&I Subcommittee recommended to continue this item by a vote of 4-0.

On Sept. 25, 2018, the Aviation and Transportation Subcommittee recommended approval of this item by a vote of 3-0.

This item was continued to the Oct. 17, 2018 City Council Formal Meeting.

64 Small Diameter Sanitary Sewer Rehabilitation - Job Order Contracting Services - 4108JOC167 (Ordinance S-45022)

Request to authorize the City Manager, or his designee, to enter into a master agreement with SAK Construction, LLC to provide Small Diameter Sanitary Sewer Rehabilitation Job Ordering Contracting (JOC) services for the Water Services 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 $10 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

SAK Construction, LLC's services will be used on an as-needed basis to provide Small Diameter Sanitary Sewer Rehabilitation services for up to approximately 70,000 linear feet per year of primarily 8-inch to 15-inch sanitary sewer within the City of Phoenix wastewater collection system, primarily using the cured-in-place pipe (CIPP) felt and resin lining process. Occasionally work may include dig-and-replace in lieu of CIPP lining of existing pipe. Additionally, SAK Construction, LLC 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: SAK Construction, LLC

Additional Proposers

Rank 2: Achen-Gardner Construction, LLC
Rank 3: Insituform Technologies, LLC
Rank 4: Hunter Contracting Co.
Rank 5: Action Direct, LLC dba Redpoint Contracting

Contract Term

The term of the master agreement is for up to five years, or up to $10

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 SAK Construction, LLC will not exceed $10 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 Water Services Department's Capital Improvement Program budget. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

This item was adopted.

65 Water Services Department Pavement Restoration - Job Order Contracting Services - 4108JOC165 (Ordinance S-45046)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with two contractors, to provide Water Services Department Pavement Restoration Job Order Contracting (JOC) services for the Water Services Department. Further request to authorize execution of amendments to the agreement(s) 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 $22.5 million for each master agreement.

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

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

Summary

The JOC contractors will be used on an as-needed basis to provide Pavement Restoration services, including but not limited to, arterial, major collector, minor collector and residential pavement overlay; implementation of the City of Phoenix Pavement Cut Ordinance including crack seal program, slurry seal program, micro seal program, mill and overlay; stripping application; trench backfill per Maricopa Association of Governments (MAG) specifications and City of Phoenix Supplement to MAG Section 336.3 and City of Phoenix Standard Detail P1200, including Aggregate Base Course (ABC) and/or Controlled Low Strength Material (CLSM) backfill, and other services as may be required. Additionally, the JOC contractors will be responsible for fulfilling Small Business Enterprise program requirements.

Procurement Information

The selections were made using a qualifications-based selection process set forth in section 34-604 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-604(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Four firms submitted proposals and are listed below.

Selected Firms

Rank 1: ViaSun Corporation

Rank 2: Sunland Asphalt & Construction, Inc.

Additional Proposers

Rank 3: Cactus Asphalt, A Division of Cactus Transport, Inc.

Rank 4: VSS International, Inc.

Contract Term

The term of each master agreement is for up to five years, or up to $22.5 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 values for each of the JOC contractors will not exceed $22.5 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed $45 million.

Request to authorize the City Manager, or his designee, to execute job order agreements performed under these master agreements 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 Water Services Department's Operating budget. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

This item was adopted.

66 Water Services Department Zone 3D and 4A Improvements Program - Engineering Services - WS85100047 (Ordinance S-45032)

Request to authorize the City Manager, or his designee, to enter into an agreement with Brown and Caldwell, Inc. to provide Engineering Services that include program management and possible construction administration and inspection (CA&I) services for the Water Services Department Zone 3D and 4A Improvements Program. 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 $9 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 related to the development, design and construction of the project and to include disbursement of funds. Utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is for the City to assist with supplementing the potable water distribution system in the event of restrictions placed on Colorado River water. The City treats Colorado River water at the Union Hills and Lake Pleasant Water Treatment Plants (WTPs). Should restrictions occur, these two WTPs could be impacted, and there could be a water shortfall in the areas supplied by these two WTPs. The study looked at alternatives and recommended several major upgrades to the water system, including booster pump and pressure reducing valve stations, and 42-inch to 60-inch water transmission mains.

Brown and Caldwell, Inc.'s services include, but are not limited to: providing program management services for oversight during design and construction of the Zone 3D and 4A booster pump stations (BPS), pressure reducing valve stations (PRV), and water transmission main improvements. Program management services include coordination, organization, providing technical assistance, and overseeing the resources required to ensure the program is completed successfully.

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: Brown and Caldwell, Inc.

Additional Proposers:

Rank 2: HDR Engineering, Inc.

Rank 3: Carollo Engineers, Inc.
Rank 4: Jacobs Engineering Group, Inc.
Rank 5: Dibble & Associates Consulting Engineers, Inc.
Rank 6: PMA Consultants, LLC

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

Financial Impact
The agreement value for Brown and Caldwell Inc. will not exceed $9 million, including all subconsultant 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 the 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
Deer Valley WTP, 30th and Dunlap Avenues.
24th Street WTP, 24th Street and Arizona Biltmore Circle.
BPS and PRV Station at Central Avenue and Deer Valley Road.
BPS at 32nd Street and Bell Road.
Water transmission main from 24th Street WTP to 32nd Street and Shea Boulevard.
Water transmission main from 32nd Street and Shea Boulevard to 32nd Street and Bell Road.
Water transmission main on 35th Avenue from Thunderbird Road to Grovers Avenue.

Council Districts: 1, 2, 3 and 6

This item was adopted.

68 Intergovernmental Master Maintenance Agreement with Arizona Department of Transportation (Ordinance S-45036)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Master Maintenance Agreement (MMA) with the Arizona Department of Transportation (ADOT) to maintain certain State highway routes encompassed within the City's system of streets. There is no financial impact to the City.

Summary

The Intergovernmental MMA mutually benefits both ADOT and the City. The MMA specifies the respective construction and maintenance responsibilities of each entity. The portions of the State Highway System within the City covered by this Agreement are as follows:

I-10 - Maricopa Freeway and the Papago Freeway
I-17 - Black Canyon Freeway
US 60 - Grand Avenue
SR 74 - Carefree Highway from Mile Post (MP) 25.44 to MP 30.88 (I-17)
SR 51- Piestewa Freeway
SR 143 - Hohokam Expressway
SR 101L - Agua Fria Freeway
SR 202L - East Papago Freeway / Red Mountain Freeway
SR 303L - Bob Stump Freeway (I-17-Lake Pleasant Parkway)

Contract Term

The MMA shall remain in full force and effect for successive periods of five years from the effective date and may be amended upon mutual written consent of both Parties and approval by City Council, provided however, that this Agreement may be cancelled at any time, with 90 days written notice. This Agreement shall be reviewed and all reviews shall be completed within 60 days prior to the end of the fifth-year anniversary date.

Financial Impact

There is no financial impact to the City.

This item was adopted.

69 Development Agreement between City of Phoenix and MetroWest

Development, LLC for Upsizing Water Main on 3rd Avenue Near McKinley Street (Ordinance S-45031)

Request authorization for the City Manager, or his designee, to enter into a Development Agreement between the City of Phoenix and MetroWest Development, LLC ("Developer") to allow the Developer to pay the City an amount of $103,774 in lieu of the requirement to upsize a water main and the associated street pavement repair requirements along 3rd Avenue near McKinley Street. The Development Agreement will require the City to complete the necessary water main upsizing and complete all street pavement repairs associated with the upsizing. Further request authority for the City Treasurer to accept all funds related to this item.

Summary

The City requires developers in the Downtown Core Area to upsize existing 6-inch diameter or smaller water mains (which are considered substandard mains within the Downtown Core Area) along the frontage of their development to a 12-inch diameter pipe. The water main upsizing requirements are necessary for operational efficiency and to maintain a reliable water supply sufficient for this high-density area. The Development Agreement will allow the Developer to pay the City for the upsizing of the water main in lieu of the Developer installing an upsized water main. The Developer will pay the City $103,774. The City will coordinate and complete the necessary upsizing for approximately 335 feet of substandard water main and associated street repairs fronting the development along 3rd Avenue.

Financial Impact

The Developer will pay the City $103,774.

Location

3rd Avenue near McKinley Street
Council District: 7

This item was adopted.

70 Modification of Stipulation Request for Ratification of Aug. 15, 2018 Planning Hearing Officer Action - Z-111-50-8

Request to authorize 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 Aug. 15, 2018. This ratification requires formal action only.

Summary

Application: PHO-1-18--Z-111-50-8
Existing Zoning: DTC-Biomed
Acreage: 0.80
Owner: City of Phoenix
Applicant: Northern Arizona University - Christy Farley
Representative: Ram Signs - Dorena Mello

Proposal:
1. Comprehensive Sign Review for more than two signs on a building over 56 feet in height.

Location

Approximately 400 feet north of the northwest corner of 7th Street and Van Buren Street
Council District: 8
Parcel Address: N/A

Concurrence

Village Planning Committee (VPC) Recommendation: The Central City Village Planning Committee heard this case on Aug. 13, 2018 and recommended approval by a 12-2 (1 abstained) vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer took the case under advisement. The Planning Hearing Officer took the case out from under advisement on Aug. 29, 2018 and recommended approval with stipulations.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

This item was approved.

71 **Final Plat - Mack Pinnacle Peak - Phase II - 180030 - South of Pinnacle Peak Road and West of 7th Street**

Plat: 180030
Project: 17-3579
Name of Plat: Mack Pinnacle Peak - Phase II
Owner(s): N-Pinnacle7thAZ 2, LLC
Engineer(s): CEG Applied Sciences
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Sept. 6, 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 south of Pinnacle Peak Road, west of 7th Street.
Council District: 1

This item was approved.

72 **Final Plat - Halcyon at Cheery Lynn - 180055 - 1645 E. Cheery Lynn Road**

Plat:180055
Project: 17-3588
Name of Plat: Halcyon at Cheery Lynn
Owner(s): MPD Cheery Lynn, LLC
Engineer(s): Atherton Engineering, Inc.
Request: A 14 Lot Single Family Attached Subdivision Plat
Reviewed by Staff: Aug. 10, 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 1645 E. Cheery Lynn Road.
Council District: 4

This item was approved.

73 Final Plat - 7th Street & Marlette Avenue - 180048 - North of Marlette Avenue and East of 7th Street

Plat: 180048
Project: 16-3040
Name of Plat: 7th Street & Marlette Avenue
Owner(s): Alta Marlette, LLC
Engineer(s): AW Land Surveying
Request: A 1 Lot Residential Plat
Reviewed by Staff: Sept. 14, 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. This plat needs to record concurrently with Abandonment V150051A.

Location
Generally located north of Marlette Avenue and east of 7th Street.
Council District: 6

This item was approved.

74 Final Plat - Moore Court - 180049 - West of 31st Street South of Coolidge Street

Plat: 180049
Project: 99-37221
Name of Plat: Moore Court
Owner(s): DKB Trust
Engineer(s): BRH Surveying, LLC
Request: A 4 Lot Residential Plat
Reviewed by Staff: Sept. 12, 2018

Summary

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

Location
Generally located at the southwest corner of 31st Street and Coolidge Street.
Council District: 6

This item was approved.

75 Final Plat - COFCO Phoenix Center II - 170024 - West of 44th Street and North of Van Buren Street

Plat: 170024
Project: 16-1058
Name of Plat: COFCO Phoenix Center II
Owner(s): FHI Group, LLC
Engineer(s): Land Development Group, LLC
Request: A 2 Lot Commercial Plat
Reviewed by Staff: Aug. 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. This plat needs to be recorded concurrently with Abandonments V160038A and V180040A.

Location
Generally located at 800 and 888 N. 44th St.
Council District: 8

This item was approved.

76 Final Plat - Latona Fontaine - 180051 - North of Highline Canal and East of 2nd Avenue

Plat: 180051
Project: 17-2864
Name of Plat: Latona Fontaine

Owner(s): Cryptomonde, LLC
Engineer(s): Barnett Land Surveying, LLC
Request: An 11 Lot Residential Subdivision Plat
Reviewed by Staff: Sept. 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 north of Highline Canal and east of 2nd Avenue.
Council District: 8

This item was approved.

77 Final Plat - Uptown 7 on Harvard - 180077 - North of Harvard Street and West of 27th Street

Plat: 180077
Project: 17-3458
Name of Plat: Uptown 7 on Harvard
Owner(s): Tsalm Services, LLC
Engineer(s): Sunrise Engineering
Request: A 7 Lot Residential Subdivision Plat
Reviewed by Staff: Aug. 29, 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 Harvard Street and west of 27th Street.
Council District: 8

This item was approved.

78 Final Plat - South on 37th - 180079 - West of 37th Street and South

of Earll Drive

Plat: 180079
Project: 18-502
Name of Plat: South on 37th
Owner(s): Thirty 7th Street Homes, LP
Engineer(s): PEW Surveying, LLC
Request: A 14 Lot Residential Plat
Reviewed by Staff: Aug. 14, 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 west of 37th Street, south of Earll Drive.
Council District: 8

This item was approved.

79 Abandonment of Right-of-Way and Easement - V150051A - 716-729 E. Stella Lane to 714-730 E. Marlette Ave. (Resolution 21681)

Abandonment: V150051A
Project: 15-2495
Applicant(s): Earl, Curly and Lagarde, P.C., Stephen Earl
Request: To abandon East Stella Lane right-of-way, from the west parcel line of 713 and 716 E. Stella Lane to the end of the street that ends at 745 E. Maryland Ave.; including the cul-de-sac; the 20-foot alley right-of-way, east of 7th Street, bounded by Stella Lane and Marlette Avenue; and the Public Utility Easements on the parcels addressed 716 to 729 E. Stella Lane and 714 to 730 E. Marlette Ave.
Date of Hearing: Nov. 10, 2015

Summary

The resolution of the abandonment and the subdivision plat "7th Street & Marlette Avenue", Plat 180048, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location
7th Street and Stella Lane
Council District: 6

Financial Impact
A fee was also collected as part of this abandonment in the amount of $56,000.

This item was adopted.

80 Abandonment of Right-of-Way - V160038A - 4350 E. Garfield St. (Resolution 21679)

Abandonment: V160038A
Project: 16-1058
Applicant: FHI Group LLC
Request: The Garfield Street right-of-way between the parcels addressed, 4350 E. Garfield St., APN 125-25-081 and 818 N. 44th St., APN 125-25-008.
Date of Hearing: July 27, 2016

Summary
The resolution of the abandonment and the "COFCO Phoenix Center II" plat are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location
4350 E. Garfield St.
Council District: 8

Financial Impact
A fee was also collected as part of this abandonment in the amount of $50,700.

This item was adopted.

81 Abandonment of Right-of-Way - V170043A - 4040 E. McDowell Road (Resolution 21677)

Abandonment: V170043A

Project: 99-35955
Applicant: Rodney Q. Jarvis of Earl, Curley and Lagarde
Request: To abandon the 20-foot Right-of-Way bounded by McDowell Road, Almeria Road, 41st Place, and the parcel addressed 4034 E. McDowell Road, APN 126-06-054D.
Date of Hearing: Sept. 26, 2017

Location
4040 E. McDowell Road
Council District: 8

Financial Impact
A fee was also collected as part of this abandonment in the amount of $16,091.

This item was adopted.

82 Abandonment of Right-of-Way - V180036A - 1035 N. 35th St. (Resolution 21676)

Abandonment: V180036A
Project No.: 01-21227
Applicant: Raul Escalante
Request: To abandon the 8 foot to 20 foot alleyway at SEC of 35th Street and Portland Street; Docket and Page: 221 - 364, Maricopa County Recorder.
Date of Hearing: July 31, 2018

Location
1035 N. 35th St.
Council District: 8

Financial Impact
A fee was also collected as part of this abandonment in the amount of $556.79.

This item was adopted.

83 Abandonment of Easements - V180040A - 4350 E. Garfield St. (Resolution 21680)

Abandonment: V180040A
Project: 16-1058
Applicant(s): FHI Group LLC, Mike Rock

Request: To abandon the Garfield Street public utility easements, sidewalk easements, and pedestrian access easement, on parcels addressed 4350 E. Garfield St., APN 125-25-081 and 818 N. 44th St., APN 125-25-008.
Date of Decision/Hearing: Aug. 13, 2018

Summary

The resolution of the abandonment and the "COFCO Phoenix Center II" plat are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

4350 E. Garfield St.
Council District: 8

Financial Impact

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

This item was adopted.

84 Amend City Code - Ordinance Adoption - Rezoning Application Z-29-18-1 - Approximately 320 Feet North of the Northeast Corner of 19th Avenue and Park View Lane (Ordinance G-6510)

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-29-18-1 and rezone the site from CP/GCP DVAO to A-1 DVAO to allow a granite finishing facility.

Summary

Current Zoning: CP/GCP DVAO
Proposed Zoning: A-1 DVAO
Acreage: 4.13
Proposed Use: Granite finishing facility

Owner: Stockett Properties, LLC
Applicant: Stockett Properties, LLC
Representative: Victor E. Olson/Phoenix Design Group, LLC

Staff Recommendation:
VPC Action: The Deer Valley Village Planning Committee heard this case on Aug. 16, 2018, and recommended approval as recommended by staff by a 6-0 vote.
PC Action: The Planning Commission heard this case on Sept. 6, 2018, and recommended approval as recommended by the Deer Valley Village Planning Committee, with an additional stipulation by a 6-0 vote.

Location
Approximately 320 feet north of the northeast corner of 19th Avenue and Park View Lane
Council District: 1
Parcel Address: 24415 N. 19th Ave.

This item was adopted.

85 Amend City Code - Ordinance Adoption - Rezoning Application Z-38-18-1 - Southeast Corner of 15th Avenue and Happy Valley Road (Ordinance G-6509)

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-38-18-1 and rezone the site from S-1 DVAO to C-2 DVAO and CP/GCP DVAO to allow a contractors office, warehouse storage garages and auto repair.

Summary
Current Zoning: S-1 DVAO
Proposed Zoning: C-2 DVAO and CP/GCP DVAO
Acreage: 5.15
Proposed Use: Contractors office, warehouse storage garages and auto repair.

Owner: Deer Valley Ventures, LLC
Applicant: Ridgeline Construction, Inc.
Representative: Red Hawk Development Corporation

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on Aug. 16, 2018, and recommended approval as recommended by staff by a 6-0 vote.
PC Action: The Planning Commission heard this case on Sept. 6, 2018, and recommended approval per the Addendum A Staff Report, with an additional stipulation by a 6-0 vote.

Location
Southeast corner of 15th Avenue and Happy Valley Road.
Council District: 1
Parcel Address: N/A

This item was adopted.

86 Amend City Code - Ordinance Adoption - Rezoning Application Z-33-18-2 - Southwest Corner of North Valley Parkway and Dove Valley Road (Ordinance G-6511)

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-33-18-2 and rezone the site from PCD NBCOD (Approved C-2 / CP M-R PCD NBCOD) to C-2 M-R NBCOD for PCD removal to allow for future development.

Summary
Current Zoning: PCD NBCOD (Approved C-2 / CP M-R PCD NBCOD)
Proposed Zoning: C-2 M-R NBCOD
Acreage: 2.83
Proposed Use: PCD removal to allow for future development.

Owner: SWC Dove Valley and NVP, LLC
Applicant: City of Phoenix Planning Commission
Representative: Paul E. Gilbert, Beus Gilbert, PLLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The North Gateway Village Planning Committee was scheduled to hear the case on Aug. 9, 2018, however the meeting was cancelled due to lack of quorum.
PC Action: The Planning Commission heard this case on Sept. 6, 2018,

and recommended approval per the staff recommendation with an additional stipulation as read into the record by a 6-0 vote.

Location
Southwest corner of North Valley Parkway and Dove Valley Road.
Council District: 2
Parcel Address: N/A

This item was adopted.

87 **Amend City Code - Ordinance Adoption - Rezoning Application Z-42-18-2 - Southeast Corner of Cave Creek Road and Paradise Lane (Ordinance G-6513)**

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-42-18-2 and rezone the site from C-2 to C-2 HGT/WVR to allow 3 stories and 36 feet. This case has a companion case Z-SP-5-18-2 and should be heard prior.

Summary
Current Zoning: C-2
Proposed Zoning: C-2 HGT/WVR
Acreage: 3.36
Proposed Use: Height waiver to allow three stories and 36 feet.

Owner: QuickTrip Corporation
Applicant: Monolith Group
Representative: Kevin Prociw, Monolith Group

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Paradise Valley Village Planning Committee heard this case on Aug. 6, 2018 and recommended approval per staff recommendation by a 14-0 vote.
PC Action: The Planning Commission heard this case on Sept. 6, 2018, and recommended approval per the Paradise Valley Village Planning Committee recommendation with an additional stipulation by a 6-0 vote.

Location
Southeast corner of Cave Creek Road and Paradise Lane.
Council District: 2

Parcel Addresses: N/A

This item was adopted.

88 Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-5-18-2 (Companion Case Z-42-18-2) - Southeast Corner of Cave Creek Road and Paradise Lane (Ordinance G-6514)

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-5-18-2 and rezone the site from C-2 (Pending HGT/WVR) to C-2 HGT/WVR SP to allow a self-service storage facility, all underlying C-2 uses, and a height waiver to allow three stories and 36 feet.

Summary

Current Zoning: C-2 (Pending HGT/WVR)
Proposed Zoning: C-2 HGT/WVR SP
Acreage: 3.36
Proposed Use: Self-service storage facility, all underlying C-2 uses, and a height waiver to allow three stories and 36 feet.

Owner: QuickTrip Corporation
Applicant: Monolith Group
Representative: Kevin Prociw, Monolith Group

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Paradise Valley Village Planning Committee heard this case on Aug. 6, 2018 and recommended approval per staff recommendation and two additional stipulations by a 14-0 vote.
PC Action: The Planning Commission heard this case on Sept. 6, 2018, and recommended approval per the Paradise Valley Village Planning Committee recommendation with an additional stipulation by a 6-0 vote.

Location

Southeast corner of Cave Creek Road and Paradise Lane
Council District: 2
Parcel Addresses: N/A

This item was adopted.

90 Amend City Code - Ordinance Adoption - Rezoning Application

Z-39-18-4 - Approximately 200 Feet East of the Northeast Corner of 12th Street and Indian School Road (Ordinance G-6512)

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-39-18-4 and rezone the site from R-5, P-1, and C-2 to C-2 for a car wash.

Summary

Current Zoning: R-5, P-1, and C-2
Proposed Zoning: C-2
Acreage: 1.68 acres
Proposed Use: Car wash

Owner: MUM, LLC; Spear Street Equities, LLC
Applicant: Cobblestone Auto Spa
Representative: Jesse Macias

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Encanto Village Planning Committee heard this case on Aug. 6, 2018 and recommended approval with three additional stipulations by a 11-3 vote.
PC Action: The Planning Commission heard this case on Sept. 6, 2018 and recommended approval per the Staff Memo dated Sept. 5, 2018, with the exception of one stipulation and an additional stipulation as read into the record by a 4-1 vote.

Location

Approximately 200 feet east of the northeast corner of 12th Street and Indian School Road.
Council District: 4
Parcel Addresses: 1210 E. Indian School Road and 4109 N. 12th St.

This item was adopted.

Item 33, Ordinance S-45018 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.

33 American Association of State Highway and Transportation Officials

For $37,000.00 in payment authority for renewal of bridge management software provided by the American Association of State Highway and Transportation Officials (AASHTO), for the Street Transportation Department. AASHTOWare is a bridge management analytical software that provides a means to collect and store bridge inspection and inventory data for Federal reporting services. It also allows the City to track preservation and maintenance, perform deterioration modeling, and guide the decision-making process toward the most cost-effective choices for bridge preservation, rehabilitation and replacement.

Discussion

Leonard Clark spoke in support, and noted there were stories of infrastructure falling apart because of leaders in other governmental organizations.

Walter Gray commented he formerly worked for the Arizona Department of Transportation, and asked about the context of the item.

City Manager Ed Zuercher explained this item allowed the City to purchase software from the American Association of State Highway and Transportation officials.

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

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

No: 0

48 Public Communications Email System - Replace Implementation Vendor (Ordinance S-45038)

Request to authorize the City Manager, or his designee, to enter into an agreement with Hub Spot, Inc. for a hosted public communications email solution, replacing Fig Leaf Software, the original vendor approved by City Council on March 21, 2018. The funding amount will not exceed $700,000 over a five-year period, and replaces the $711,450.00 that was approved by City Council on March, 21, 2018. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City's current listserv email solution for communicating with large groups is more than 20 years old and is limited and cumbersome for users. It no longer meets the communication needs of the City's and community's desires to receive more useful information in an easy-to-read format. The Hub Spot solution standardizes the technology to be used by all departments, includes communication tools that deliver dynamic and engaging content to recipients, and provides important analytics that can improve the way the City interacts with the community. The new public communications solution will be available for departments throughout the City who communicate en masse to residents, constituents, businesses, and employment applicants. It also will be useful for internal communications.

Procurement Information

On June 22, 2017, the Information Technology Services Department issued a Request for Proposals (RFP) for a comprehensive solution for notifications to the public. Seven firms responded. The panel recommended the top four responders to move forward in the process and provide presentations. The panel then selected the top two vendors to work with staff to provide a proof of concept in the City's actual technology and business environment. In November 2017, Best and Final Offers (BAFO) were solicited from both finalists. Based on the results of the BAFO, Fig Leaf Software, Inc. was selected as the most responsible, responsive, and affordable offeror. Their successful offer was to implement and provide training on the Hub Spot hosted software solution.

On March 21, 2018, the City Council authorized entering into a contract with Fig Leaf Software, Inc. to implement the Hub Spot solution. On April

1, 2018 staff began working with Fig Leaf, Inc. on finalizing the contract and kicking off the implementation project. On May 7, 2018, Fig Leaf, Inc. communicated concerns that they would no longer be able to provide the services they offered in the RFP because the company had undergone ownership changes in early 2018, and the new leadership no longer felt they could provide what they had offered. Staff attempted to work with the company until July 2, 2018, when Fig Leaf, Inc. withdrew from the process.

Information Technology Services staff, in consultation with the Law Department, reviewed options for moving forward to implement the much-needed communications solution. It was determined that Hub Spot, Inc., the company that owns the software that was selected by the RFP panel, could provide the implementation and training services that were offered by Fig Leaf, Inc. This request is to enter into a contract directly with Hub Spot, Inc. for initial implementation and training services, and then for ongoing license and maintenance costs for the software solution. A special circumstance determination memo has been approved for this agreement.

Contract Term

The term of the agreement for implementation and training services, and first-year license and maintenance, is for one year, beginning on or about Oct. 1, 2018. Ongoing annual license and maintenance for the software solution will continue while the solution remains in use.

Financial Impact

This request is for implementation costs and five years of license and maintenance costs, for an amount not to exceed $700,000 over five years. This funding amount replaces, and is not in addition to, the $711,450 that was approved by City Council on March 21, 2018 for Fig Leaf Software, Inc. Funds are available in the Information Technology Services Department's budget.

Discussion

Walter Gray asked about the context of the item.

Acting Deputy City Manager Toni Maccarone responded it was a communication system used to send email messages to the public in

mass amounts.

Councilwoman Mendoza asked if Hub Spot, Inc. submitted a Request for Proposals (RFP) on March 21st.

Ms. Maccarone answered they did not submit an RFP, they submitted as a partner with a company called Fig Leaf who was awarded the RFP.

Councilwoman Mendoza commented she had a problem awarding a contract to a company that did not submit an RFP when they had the opportunity. She questioned why the City did not go with the second vendor even if they were deemed responsive.

Chief Information Officer Matthew Arvay replied there were requirements in the RFP that they had to store data within the United States, and Hub Spot, Inc. could not do that. He mentioned they were from Canada and they made it to the best and final offer when there were discussions on where they could store information in the United States and they could not.

Councilwoman Mendoza asked if there was language included in the RFP about storing the information in the United States, to which Mr. Arvay responded yes.

Councilwoman Mendoza said she still had an issue with awarding the contract to Hub Spot, Inc. when they did not submit for the RFP, and added she would vote no.

Councilman Nowakowski made a substitute motion to continue the item until they got answers to the previous questions, to which Councilwoman Pastor seconded.

Councilwoman Pastor commented her staff had difficulty with the current software for sending out newsletters.

Mayor Williams asked if the continuance could be scheduled for the Oct. 17, 2018 City Council formal meeting.

A motion was made by Councilman Nowakowski, seconded by

Councilwoman Pastor, that this item be continued to the Oct. 17, 2018 City Council Formal Meeting. 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

51 Repatriation of Native American Human Remains to Federally Recognized Native American Tribes (Ordinance S-45040)

Request to authorize the City Manager, or his designee, to repatriate (transfer) Native American human remains, funerary objects, sacred objects and objects of cultural patrimony to federally recognized Native American tribes under Arizona Revised Statutes (A.R.S.) sections 41-844 and 41-865 and the Native American Graves Protection and Repatriation Act (NAGPRA) 25 U.S.C. 3001 et seq.

Summary

NAGPRA is a federal law that requires museums that receive federal funds to complete both inventories and summaries of Native American cultural items in their collections. It is intended to facilitate the repatriation of Native American human remains, funerary objects, sacred objects and objects of cultural patrimony. The law also requires museums to consult with culturally affiliated Native American tribes.

In January 2017, pursuant to Ordinance S-43135, the City Council approved the Parks and Recreation Department to apply for and accept a National NAGPRA Program Consultation/Documentation Grant. These grant funds support bioarchaeological documentation of human remains at the Pueblo Grande Museum and travel for Pueblo Grande staff to consult with culturally affiliated Native American tribes. This grant-funded project has identified over 100 sets of Native American human remains for repatriation to federally recognized Native American tribes.

In addition to human remains, there are funerary objects that are, or have previously been, associated with human remains that have been

identified for repatriation to federally recognized Native American tribes. Other items identified through tribal consultation for possible repatriation include sacred objects and objects of cultural patrimony.

A.R.S. sections 41-844 and 41-865 regulate the discovery and repatriation of human remains on state and private lands. The Arizona State Museum's State Repatriation Office oversees the administration of these statutes.

Individuals and objects subject to previous repatriation claims made under A.R.S. sections 41-844 and 41-865 have been identified by Pueblo Grande staff and bioarchaeologists. In consultation with the Arizona State Museum and culturally affiliated tribes, these human remains, funerary objects, sacred ceremonial objects or objects of cultural patrimony must be repatriated under A.R.S. sections 41-844 and 41-865, rather than NAGPRA.

Compliance

The repatriation of human remains or objects under NAGPRA will be conducted in accordance with standard protocol as identified in NAGPRA. Pueblo Grande Museum will submit a Notice of Intent to Repatriate for publication in the Federal Register before any human remains and/or objects are repatriated.

The repatriation of human remains or objects under A.R.S. sections 41-844 and 41-865 will be conducted in accordance with the proper procedures as identified by the Arizona State Museum and the Arizona State Museum will be consulted and will approve all repatriations before any human remains and/or objects are repatriated under A.R.S. sections 41-844 and 41-865.

Repatriations are anticipated to begin in April 2019 and will occur at the request of federally recognized Native American tribes. The process is expected to take multiple years.

Location

Pueblo Grande Museum: 4619 E. Washington St.
Council District: 8

Discussion

Leonard Clark discussed the history of indigenous people in the United States, and added there were no good memorials around Phoenix. He asked for a memorial to be put up by the City.

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

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

No: 0

52 Development Agreement with NADG (Palm Court Tower) GP LLC, for Development at 440 E. Van Buren St. (Ordinance S-45037)

Request to authorize the City Manager, or his designee, to enter into a development agreement, and other agreements as necessary, (Agreements) with NADG (Palm Court Tower) GP LLC, or its City-approved designee (Developer) for the development of a high-rise, multi-family rental residential tower at 440 E. Van Buren St; and for the City Treasurer to accept funds. The Project will have no expense impact to the General Fund.

Summary

On April 10, 2018, the Developer submitted its proposal in response to the 2017-2018 Downtown Development Request for Proposals (RFP) requesting the City's consideration of a Government Property Lease Excise Tax (GPLET) transaction, including eight years of abatement of the excise taxes, for a high-rise development project on a vacant development pad at the Arizona Center located at 440 E. Van Buren St. (Site). This project will bring additional residential units to the downtown area in close proximity to the Arizona State University Downtown Phoenix Campus and the Phoenix Biomedical Campus, which is supported by the City Council-adopted Downtown Strategic Plan.

If approved, the development will result in a high-rise, multi-family rental

residential tower, including 370 structured parking spaces and resident amenities (Project). Of the 354 units proposed for the Project, ten percent will be reserved for workforce housing. The Project will be constructed on a 39,971 square foot development pad located at the northwest corner of 5th and Van Buren streets at the Arizona Center. Additionally, the Project will bring a capital investment of approximately $107 million to the downtown community and create approximately 300 construction jobs, and 20 permanent jobs.

Procurement Information

An evaluation panel, consisting of a representative from the Downtown Neighborhood Association and City staff from the Community and Economic Development and Planning and Development departments, was convened earlier this summer to review the proposal. The panel unanimously recommended the City begin negotiations with the Developer.

Contract Term

The lease will be for eight years upon issuance of the certificate of occupancy. There are no extensions to the proposed lease and upon conclusion of the term, ownership of the property will be transferred back to the Developer. The Developer will have the ability to terminate the lease at any time subject to the terms of the lease.

Financial Impact

The Project will have no expense impact to the General Fund. The estimated one-time construction tax revenue to the City is approximately $1.3 million plus an estimated annual residential rental tax revenue generation of approximately $173,000. The Developer will pay an annual rental payment of $25,000. The rent payments shall be deposited into the Downtown Community Reinvestment Fund.

Public Outreach

Staff presented this proposal to the Downtown Voices Coalition on Sept. 8, 2018, and to the Downtown Neighborhood Alliance on Sept. 11, 2018. The Developer also met with the Phoenix Elementary School District No. 1 and Phoenix Union High School superintendents.

Location
440 E. Van Buren St., or the northwest corner of 5th and Van Buren streets.
Council District: 8

Concurrence/Previous Council Action
This item was heard at the Planning and Economic Development Subcommittee on Sept. 18, 2018, and was approved by a vote of 4-0.

Discussion
Councilwoman Pastor mentioned the Government Property Lease Excise Tax (GPLET) abandonment was established to start development in the downtown area, and made the point that she would like to see more workforce housing within the downtown area to have some affordability. She commended the builders of the development for being able to reserve the 10 percent of workforce housing that she asked for in a subcommittee meeting.

Community and Economic Development Director Chris Mackay noted the developer listened to the request and they were able to come to terms with providing 10 percent workforce housing out of the 350 units built.

Councilwoman Pastor asked Ms. Mackay to explain what workforce housing was. She followed up her question and asked about the types of incomes the units would support.

Ms. Mackay responded their department used the Housing and Urban Development definition that was 80 to 120 percent of the area median income, with 30 percent of an estimate that a person's income would be going towards housing. She answered the types of incomes supported were incomes of teachers, police officers, and other service positions in the downtown area.

Councilman Nowakowski thanked staff and the developer for their hard work in community outreach. He said one of the concerns was the affordable housing part, and noted the developer came in at 8 percent workforce housing and that percentage was increased thanks to Councilwoman Pastor. He talked about the issue of parking downtown.

Walter Gray spoke in opposition, and talked about GPLET subsidies in downtown Phoenix. He said there were too many subsidies in the downtown area, and it led to development that brought people in who did not live in the area. He commented on the need for job training in the downtown area, and said there needed to be more people who lived in downtown Phoenix working in the area.

Note: Nick Wood submitted a comment card for the record in favor of Item 52.

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

53 Foreign-Trade Zone Application for Avnet, Inc. (Resolution 21678)

Request to authorize the City Manager, or his designee, to submit a Minor Boundary Modification application to the Foreign-Trade Zones Board of the U.S. Department of Commerce. Also, request authorization to enter into a Foreign-Trade Zone (FTZ) Operations Agreement and any other necessary documentation with Avnet, Inc. (Avnet), or City-approved nominee, and to enter into an Intergovernmental Agreement with the City of Chandler. The City will incur no costs associated with Avnet's application.

Summary

The City of Phoenix, as Grantee of Foreign-Trade Zone No. 75, has the right and authority to apply for foreign-trade zone site designations. Avnet is one of the world's largest distributors of electronic components and embedded solutions, and is headquartered in Phoenix. The company has requested an FTZ designation for the property it owns at 60 S. McKemy Ave., in Chandler, Ariz. The proposed FTZ site consists of approximately 22 acres. Consistent with City of Phoenix policy, Avnet does not intend to seek property tax reclassification for existing property within the City of Chandler pursuant to Arizona law (A.R.S. 42-12006).

The City of Chandler will provide to the City of Phoenix a Resolution indicating their support of Avnet's FTZ application for the site in Chandler. With Council authorization, the City of Phoenix will enter into an Intergovernmental Agreement with the City of Chandler to evidence conditions of Chandler's support of the FTZ application and outline the cities' responsibilities to one another.

City staff will prepare an FTZ Operations Agreement with Avnet requiring the company to:

Comply with U.S. Department of Commerce Foreign-Trade Zones Board standards.
Maintain record keeping satisfactory to the U.S. Customs and Border Protection.
Obtain business bonding and insurance satisfactory to the City and the U.S. Customs and Border Protection.
Indemnify the City against claims arising from their FTZ operations.
Pay to the City all fees pursuant to the current zone fee schedule.

The Agreement will contain such other terms and conditions deemed necessary or appropriate.

Contract Term
The term of the agreement, if approved, will be for 20 years unless the FTZ designation terminates sooner. Provisions of the contract may include an option to extend for as long as the FTZ designation exists which may be exercised by the City Manager or designee.

Financial Impact
The City will incur no costs associated with Avnet's application.

Location
The proposed FTZ site is located at 60 S. McKemy Ave., Chandler, Ariz.
Council District: Out of City

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

55 Authorize Recommended Changes to 2019 Neighborhood Block Watch Grant Program Application Guide and Process

This report requests City Council approval of changes to the 2019 Neighborhood Block Watch (NBW) grant application guide and program process, as recommended by the Neighborhood Block Watch Oversight Committee.

Summary

The NBW Oversight Committee was established to solicit, evaluate and recommend to the Mayor and City Council appropriate proposals to expend funds for the expansion of the Block Watch programs within the limits of the Neighborhood Protection Ordinance. This ordinance, known as Proposition 301, was adopted at a special election on Oct. 5, 1993. The City Council adopted the format and guidelines for this process on April 26, 1994.

The NBW Oversight Committee reviewed and approved requests to change the NBW grant application and program process during their meeting on Aug. 2, 2018. The NBW Oversight Committee is recommending the following changes become effective for the 2019 grant application process which opens on Nov. 1, 2018.

The following is a list of the significant NBW Oversight Committee recommended changes to the 2019 NBW Grant Application Guide (**Attachment A**):

1. Amend the application guide to open the grant application process on Nov. 1, 2018 and close it on Sunday, Dec. 9, 2018 at midnight, Arizona time.*(see Staff Recommendation #1)
2. On page 5, under the **Evaluation of Application** section, delete the reference to the applicant being able to appeal the results if the application scores below 5.25 points out of 10 possible points.
3. On page 5, insert a hyperlink to the NBW Oversight Committee

Scoring Criteria document (**Attachment B**).*(see Staff Recommendation #2)

4. On page 6, under the **Budget Categories and Description** section**, Personnel**, add the following, “Administration of the grant itself, including payment to an accountant or individual to complete quarterly reports or to pay Block Watch members for any services is strictly prohibited.” Also add, “Examples of personnel expenses that include crime prevention and safety."

5. On page 7, under the **Volunteer Hour Contributions** section, add the following to both Primary and Co-Applicant, “Describe volunteer contributions to include hours, supplies or funds provided by members of your organization to complete the grant project.”

6. On page 7, under the **Operational Expenses** section, change the sentence to the following, “Soliciting, and/or accepting funds, to post advertisements in a neighborhood newsletter, that is funded with Neighborhood Block Watch grant funds, is not permitted.” Also, add the words, “public transportation” to the bullet point related to transportation costs.

7. On pages 10-11, under the **Required Documents** section, add the following, “If there is a Co-Applicant Group, the Co-Applicant Group must submit the same documents as required for the Primary Applicant Group after being established for one year.” This applies to both sections of applicants requesting between $1 and $1,000, and also $1,001 and $10,000.*(see Staff Recommendation #3)

8. On page 12, under the **Community Lighting Information** section, add the following, “Lighting is encouraged to be directed and shielded so as to deter glare which can be a safety hazard to vehicles and pedestrians.” Also add language, “Lighting color temperature should be consistent with the lighting color temperatures approved and used by the City of Phoenix Streets and Parks Departments (2700 Kelvin).”

9. On page 13, add the word “kubotan” to the list of prohibited weapons.

10. On page 13, add to the prohibited item list, home alarm and/or vehicle alarm systems, and batteries and/or power sources used for mobility purposes.

11. On page 13, remove reference to grantees being able to provide an explanation for requesting a restricted item for more than the listed amount.

12. On page 14, under **Restricted Items Chart**, restrict Promotional

Items to a total of $3,000, and restrict Crime Prevention Tools/Items to a total of $3,000.
13. Delete all references to an appeals process from the application guide. As referenced in the guide, on page 16, if the applicant scores below a 5.25 out of 10 possible points, the application is disqualified.

A grant process change proposed by the NBW Oversight Committee regarding reviewing and possibly changing the NBW Grant Application Guide. "The Neighborhood Block Watch Oversight Committee will review, and possibly make changes to, the grant application guide, every other year."*(see Staff Recommendation #4)

For clarification purposes to assist applicants in successfully completing the grant application, the following changes are recommended to the **Definition of Common Grant Terms** document (**Attachment C**):
1. Create separate definitions for crime prevention items and promotional items.
2. On page 1, define crime prevention items as actual physical items which implement crime prevention techniques that deter, delay and/or prevent crime. Also on page 1, define promotional items as products or merchandise that market and promote the grant applicant neighborhoods, block watches, and/or crime stop, and/or 911, and/or the Phoenix Police Department.

For clarification purposes to assist applicants in successfully completing the grant application, the following changes are recommended to the **Frequently Asked Questions** document (**Attachment D**):
1. On page 5, include examples of crime prevention/safety tools/items as follows, but not limited to: (a) locks (window, door, steering wheel, and padlock); (b) timers; (c) lighting (motion sensors, dusk-to-dawn, indoor/outdoor emergency lighting); (d) alarms (small/individual door, pool, carbon dioxide, smoke, window, or personal); (e) document shredders; (f) individual RFID sleeves only.
2. On page 5, include examples of program promotional items as follows, but not limited to: pens/pencils, letter openers, mugs, Frisbees, auto-window shades, wrist bands, mouse pads, key chains, kitchen products, microfiber cloths, bags, calendars, lanyards, and note pads.

*Staff Recommendations:

1. To ensure applicants have City staff assistance, close the application process on Thursday, Dec. 6, 2018 at 4:00 p.m. This is how the process has been done for the last several years to ensure City staff, in the Neighborhood Services Department, and the Police Department, are available to assist grant applicants with successfully submitting their grant application electronically by the deadline.
2. Add language to the Oversight Committee Scoring Criteria document that line item vetoes on grant applications are prohibited. Remove all reference to vetoes from the application guide.
3. On pages 10-11, remove the co-applicant meeting agenda requirement to make the application process less restrictive for applicants.
4. Recommend that the Neighborhood Block Watch Oversight Committee review and/or make changes to the grant application guide every three years to give grant applicants more consistency in the annual application process.

Contract Term

The funding period for the 2019 NBW grants is July 1, 2019 through June 30, 2020.

Financial Impact

No matching funds are required.

Concurrence/Previous Council Action

This item was unanimously approved, as corrected through accepting all staff recommendations, by the Public Safety and Veterans Subcommittee at its Sept. 12, 2018 meeting, by a vote of 4-0.

Discussion

Councilwoman Pastor asked why the Block Watch Oversight Committee made the decision to cap the promotional items and crime prevention tool line items.

Carmen Arias responded the reason it was split up was to allow more funds for crime prevention, and the ceiling would be $3,000 for both crime prevention and for the promotional items. She stated the crime

prevention items included: locks for windows, doors, steering wheels, and whistles for men and women who walk alone.

Councilwoman Pastor made the point she was still concerned about the split and cap because there should be more crime prevention line items than promotional, and mentioned she liked to see more crime prevention within the Block Watch area.

Ms. Arias answered the Block Watch Oversight Committee was a recommending body, and noted they would do whatever the Council thought they should do.

Councilwoman Pastor made a substitute motion to change Item 12 in the Neighborhood Block Watch (NBW) Oversight Committee recommended changes to the 2019 NBW Grant Application Guide to restrict promotional items to a total of $3,000 and restrict crime prevention tool items to a total of $4,000.

Ms. Arias commented that would work, and noted the maximum amount the committee allowed Block Watch groups was $10,000.

Councilman DiCiccio seconded the substitute motion.

Mayor Williams asked for the promotional items to have a crime prevention message, and she said it was extremely important because it was the whole purpose behind the grants. She stated there were some promotional items that did not relate to crime prevention, and mentioned the crime prevention message should be spread.

City Manager Ed Zuercher asked to clarify the motion and repeat it. He noted the desire to have a crime prevention message for the promotional items added to the motion.

A motion was made by Councilwoman Pastor, seconded by Councilman DiCiccio, that this item be approved as amended to change Item 12 in the Neighborhood Block Watch (NBW) Oversight Committee recommended changes to the 2019 NBW Grant Application Guide to restrict promotional items to a total of $3,000 and restrict crime prevention tool items to a total of $4,000 with the desire that the

promotional items have a crime prevention message. The motion carried by the following vote:

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

No: 0

Discussion
Mayor Williams thanked Ms. Arias for the work she put into this as Chair.

Ms. Arias asked if the other changes were approved, to which Mayor Williams responded yes.

57 Request to Issue Request for Proposals for Advertising and Graphic Design Services

Request to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) for advertising and graphic design services. The value of the contract will not exceed $375,000 for the five-year aggregate contract term.

Summary
The Aviation Department (Aviation) is seeking a vendor that can develop advertising campaigns for revenue-generating services such as parking, shopping and dining, in addition to placing advertising on social media and online on behalf of the Aviation Department. Aviation currently has a graphic design contract which will expire in December 2018. Due to changing needs of the Department and the focus on promoting the Airport's revenue-generating services, Aviation is not planning to renew that contract when the agreement ends. Aviation would like to enter into a new agreement with a vendor that can provide graphic design, advertising and digital marketing services. The budget currently used for graphic design would be used in this new contract for both design and advertising services. There would be no increased expenditure as a result of this change.

The successful vendor will assist in developing advertising materials ranging from single use ads for specific events, to developing full-range

advertising programs promoting the airport in local, national, and international markets. Additionally, the successful vendor will be tasked with the design and production management of projects on an as-needed basis. Projects may include: collateral materials such as brochures, banners, flyers, maps, newsletters, posters, programmatic materials, retail guides and signs. This encompasses all areas of the current graphic design contract as well as the ability to develop and place advertising campaigns for revenue generating services.

Procurement Information
Responsive Proposals will be evaluated according to the following criteria:
Fees.
Qualifications and Experience
Work Samples.

The Proposal with the highest ranking and that provides the best value to the City will be recommended.

Contract Term
The term of the contract will begin Jan. 1, 2019 for a five-year aggregate term.

Financial Impact
The value of the contract will not exceed $375,000 for the five-year aggregate contract term. Funding for the contract is available in the Aviation Department's budget.

Concurrence/Previous Council Action
This item was recommended for approval at the Aviation and Transportation Subcommittee meeting on Sept. 25, 2018 by a vote of 3-0.

Location
Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.
City of Phoenix Aviation Department, 2485 E. Buckeye Road
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

A motion was made by Councilwoman Pastor, seconded by Councilwoman Stark, that this item be approved. 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

67 Steel Tank Rehabilitation Program Group J Fiscal Year 2018-19 - Construction Manager at Risk Construction Services Amendment 3 - WS85050023 (Ordinance S-45034)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 142402 with Felix Construction Company (Felix) to provide additional Construction Manager at Risk (CMAR) Construction Services for the Steel Tank Rehabilitation Program Group J Fiscal Year 2018-19 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 additional fee for services included in this amendment will not exceed $1.7 million.

Summary

The purpose of the Program is to extend the service life of these assets, minimize water loss, and protect water quality and public health using a proactive approach. There are 42 steel tanks located at 33 different sites serving as potable water storage/pressure surge protection facilities within the City's water production and distribution system. The project includes maintaining the coating and structural integrity of these steel tanks, enhancing water quality (recirculation systems, mixing, disinfection system upgrades, etc.) associated with the steel tank sites, and providing site-related improvements including, but not limited to, erosion repair and upgrading fencing.

This amendment is necessary to expand the Construction Services for this Program to include Group J in the scope of the project for Fiscal Year 2018-19.

Felix's initial services for Group J will include preparation of a Guaranteed Maximum Price (GMP) proposal for the Construction Services provided under the agreement and participating with the City in a process to set a local and Small Business Enterprise (SBE) goal for the project. Felix will be responsible for construction means and methods related to the project and fulfilling the SBE program requirements. Felix will be required to solicit bids from prequalified subcontractors and to perform the work using the City's subcontractor selection process. Felix may also compete to self-perform limited amounts of work.

Felix's services for Group J include, but are not limited to: performing the designated rehabilitation of the reservoir tank and the surrounding site; replacing of tank fixtures and appurtenances; installation of new gates, and crack sealing asphalt.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the CMAR Preconstruction Services selection process.

Contract Term

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

Financial Impact

The initial agreement for CMAR Construction Services was executed for a fee not-to-exceed $28,786.24, including all subconsultant and reimbursable costs.

Amendments 1 and 2 increased the agreement value by $5.2 million.

Amendment 3 will increase the agreement by an additional $1.7 million, for a new total not-to-exceed agreement value of $6,928,786.24, including all subcontractor and reimbursable costs.

Funding for this amendment 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.

Concurrence/Previous Council Action

The City Council approved:

CMAR Construction Services Agreement 142402 for Project Group H (Ordinance S-42429) on April 6, 2016.

Amendment 1 to Agreement 142402 for Project Group H (Ordinance S-42740) on June 22, 2016.

Amendment 2 to Agreement 142402 for Project Group I (Ordinance S-43782) on July 6, 2017.

Location

Tramonto Tank, Carefree Highway and Paloma Parkway
Council District: 2

Discussion

Leonard Clark spoke in favor, and noted because infrastructure was falling apart, this was a good sign to help keep drinking water clean.

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

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

No: 0

89 Amend City Code - Ordinance Adoption - Rezoning Application Z-34-18-4 - Approximately 455 Feet West of the Northwest Corner of 32nd Avenue and Indian School Road (Ordinance G-6508)

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by

adopting Rezoning Application Z-34-18-4 and rezone the site from C-1 and C-2 to R-5 to allow multifamily residential.

Summary

Current Zoning: C-1 and C-2
Proposed Zoning: R-5
Acreage: 1.81
Proposed Use: Multifamily residential

Owner: Bill Horton, LLC
Applicant: Bill Horton, LLC
Representative: Rich Baxter

Staff Recommendation:
VPC Action: The Alhambra Village Planning Committee heard this case on Aug. 28, 2018, and recommended approval as recommended by staff by a 9-1 vote.
PC Action: The Planning Commission heard this case on Sept. 6, 2018, and recommended approval as recommended by the Alhambra Village Planning Committee by a 6-0 vote.

Location

Approximately 455 feet west of the northwest corner of 32nd Avenue and Indian School Road.
Council District: 4
Parcel Address: N/A

Discussion

Walter Gray asked what kind of project the item was.

Planning and Development Director Alan Stephenson responded this was a request to go from C1 and C2 zoning, to R5 multi-family zoning for a 1.81 acre site. He noted this was not appealed to the Council, and was approved by the Alhambra Village Planning Committee by a 9-1 vote and 6-0 vote by the Planning Commission. He stated this was located north of 32nd Avenue and Indian School Road, and added this was a multi-family apartment project.

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

the following vote:

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

No: 0

91 **Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-14-18-2 - Approximately 415 Feet North of the Northwest Corner of Scottsdale Road and Kierland Boulevard (Ordinance G-6507)**

Request to hold a public hearing on the rezoning application for the following item to consider adopting the related Ordinance if approved. This item requires a 3/4 vote.

Summary

Application: Z-14-18-2
Current Zoning: C-2 PCD
Proposed Zoning: PUD
Acreage: 1.93
Proposed Use: DMB Circle Road Partners Mixed Use Development PUD to allow a mix of uses including multifamily residential, hotel and commercial.

Owner: DMB Circle Road Partners
Applicant: William Lally, Tiffany & Bosco, PA
Representative: William Lally, Tiffany & Bosco, PA

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Paradise Valley Village Planning Committee heard this case on July 9, 2018 and recommended approval per staff recommendation with two additional stipulations by a 9-5 vote.
PC Action: The request was included on the Sept. 6, 2018 Planning Commission agenda, however no action was taken due to a lack of quorum. A memo was prepared to forward the required report of the Planning Commission to the City Council prior to the 120-day limit as required by Section 506 of the Zoning Ordinance.

Location

Approximately 415 feet north of the northwest corner of Scottsdale Road and Kierland Boulevard.
Council District: 2
Parcel Address: 15450 N. Scottsdale Road

Discussion

Planning and Development Director Alan Stephenson explained this was a request to rezone a parcel at the northwest corner of Scottsdale Road and Kierland Boulevard. He presented the background information on the item, and noted staff recommended approval subject to stipulations. He said this was a mixed-use project that would allow a multi-family hotel and commercial retail uses, and discussed the height of surrounding buildings such as Optima that was directly south of the property at 120 feet, and the nearby resort hotel was also 120 feet. He mentioned there were two options for height, Option A was 120 feet and Option B was 196 feet, and stated staff recommended approval of Option A which the Paradise Valley Village Planning Committee supported as well. He talked about access to the site, and pointed out there was an existing driveway that had access to the north of the site as well as onto Scottsdale Road that the applicant proposed as a secondary access point.

Councilwoman Pastor asked about the golf range in Scottsdale that was mentioned in the presentation when Mr. Stephenson discussed the background information.

Mr. Stephenson explained there was a proposed rezoning case in the City of Scottsdale to allow for 134 feet of height on the Cracker Jax golf range.

Councilwoman Stark made a motion to adopt per Paradise Valley Village Planning Committee recommendation that included a cap of 120-feet of building height, a maximum number of residential units of 169, and an increase in the hotel parking requirement to one parking space per room. Additionally, stipulation 1.T be updated to 169 residential units maximum if no hotel is built, and if a hotel is built then a maximum of 100 residential units.

Mayor Williams opened the public hearing. She said she would give the applicant the first opportunity to speak up to 15 minutes, and she would take cards for 30 minutes. She added there would be an alternate order between those who were opposed and those were in favor, and noted she would give the applicant a 10-minute rebuttal.

William Lally spoke in favor, and announced he was representing the landowner. He said this was a popular case over the last few months and there were a number of meetings with stakeholders to listen to issues and work through them. He commented staff spent a ton of time working on the issue and many stakeholders were present at the meeting. He stated the property was adjacent to Kierland Commons, and added Kierland Commons was a major success story. He reminded the Council the development was adjacent to Optima, and he compared their site to Optima who came to Council four-and-a-half years ago for rezoning to be similar to what was proposed today. Mr. Lally discussed the size of the buildings adjacent to the proposed site as well as the history of the site where the Robb & Stuckey retail was torn down, and noted the applicant at the time went through review to change the height to allow for residential uses for the 120-foot-tall height on the entire parcel.

Mr. Lally stated the City processed their application earlier in the year and pointed out there were two options from day one: a tall skinnier building at 196 feet; a building consistent with the Optima building and other larger buildings in the area at 120 feet. He said the current request was smaller than the original request, and stated the density was the same as approved for Optima with 210 hotel units. He noted the proposed building would be different than other buildings in the area because it was mixed-use in a single building. He talked about keeping the existing retail on the site as a sales tax generating business, and discussed how parking and open space would be implemented on the property. He compared the open space requirements of Optima to that of the proposed development. Mr. Lally discussed the neighborhood outreach that was done, including six neighborhood meetings. He mentioned there was a substantial amount of support from the surrounding area, including letters of support from local businesses in the area.

Mr. Lally discussed recent zoning cases in the area in regards to open

space requirements, and suggested the proposed site would meet or exceed the requirements from what had been done before. He further compared the proposed site to the adjacent Optima development and noted the proposed site would have fewer units and the same amount of open space. He said the overall financial impact to the City would be $20 to $30 million, and the development would add 200 jobs. He commented on the traffic report developed, and pointed out there would be no change in traffic peak volumes or level of service on any of the roadways in the area. He acknowledged there would be a small increase in residential traffic with a prediction of one car every 2.3 minutes. He mentioned the traffic report was submitted to both the City of Scottsdale and the City of Phoenix, and stated the applicant asked for zoning similar to what had been granted for 20 years in the Kierland Commons area.

Councilman DiCiccio asked about the 85 percent open space and what the footprint would look like if the roof was not considered part of the open space.

Mr. Lally responded many developments had used community pools as open space, and noted when rooftop pools were put in 20 years ago in plaza lofts within Kierland Commons, those counted as open space. He talked about the Planning and Development Department's formula for open space, and suggested they were in compliance with the required open space.

Councilman DiCiccio expressed appreciation for DMB group, and discussed the Optima case from four years ago as a standard and model that protected the quality of life for that community. He stated this project did not fit the same model for open space requirements, and further related the case to the Optima development. He mentioned nothing was in writing that said the requirements had to be done that way for all future cases, but added it was implicit to the neighbors that the time this was the standard going forward. He told Mr. Lally this was not just about his case, but for future cases as well.

Mr. Lally responded they were happy to own land next to the Optima development, but took issue with the enclosed basketball court counting as open space if it was not open to the public.

The following individuals submitted speaker comment cards in opposition, donating time to Nick Wood:

Lawrence J. Dirksen
Ann Ackerman
Anthony Quadros
Cynthia Dimassa
Jeanine Grossman
Wade Giles
Louis DiMassr
Patricia Simpson
Ann Schackman
Arline Cohen
Mervin Giles
Cheryl Giles

Nick Wood spoke in opposition, and announced he was representing Optima. He stated he had been a zoning attorney in the Valley since 1985, and said this was the first time he stood in the Chambers opposing a zoning case. He commented this case was contrary to City policy and discussed the background of when the Optima case was brought forward four years ago. He noted the community four years ago told them 120-foot buildings did not belong in Kierland Commons because it was a suburban area, and he disagreed with them back then, but stated the General Plan had a designated core area. He further discussed the background of the Optima development, and pointed out there was opposition from adjacent developments and neighbors. He stated after discussions with stakeholders, they came up with a principle that 70 percent ground-level open space is needed if a building is 120 feet. Mr. Wood said he handled the projects that were mentioned earlier by Mr. Lally, and told the Council he asked each client if they could get 120 feet to which they replied only if there was 70 percent ground-level open space. He refuted the point made earlier by Mr. Lally that the indoor basketball court was used for open space, and said it could not be used for open space at all.

Mr. Wood discussed underground parking at Optima, and compared it to

other buildings in the area along with the DMB site. He said there was 74 percent ground-level open space for the Optima project and 31 percent ground-level open space for the DMB site, and commented it was an interesting argument for Mr. Lally to say there was 84 percent open space. He suggested the DMB site used Optima's definition of open space and included wording to add rooftop areas, and said in terms of access to the site the only legal access available was onto Scottsdale Road. He stated the traffic report left out trips going north towards the freeway. He talked about the point made by Mr. Lally that an entrance through commercial property was available, and said he could not guarantee that would be available in the future because it was not a perpetual or actual easement in place. Mr. Wood questioned the architectural design of the DMB site, and said every project he brought to Council had architectural designs.

Mr. Wood talked about a setback on the Optima building along Scottsdale Road that was 65 feet, and stated the proposed 50 feet was not legal because the parcel declaration on the site was only permitted for 60 feet. He argued the DMB site did not have the right to build anything other than an apartment building or multi-family residential building, and suggested if the DMB group said they negotiated with Optima, they did not. He mentioned sewer issues were a concern of neighbors because there would have to be expansion for the project. He concluded that this proposed development did not fit within the General Plan, and suggested the Kierland Commons area should be primary core within the General Plan. He said because it was not a primary core area, it would have to remain as a suburban area. He repeated the points he made earlier on traffic and the architectural design.

Peggy Neely spoke in favor, and mentioned Kierland Commons had always been a gem in District 2 and a huge economic engine for the City. She discussed the concern of traffic in the area and stated the roads were not crowded when she drove down Scottsdale Road. She said the group that built D.C. Ranch was developing this site, and noted she had a letter from the General Manager for Westin Kierland in favor of the development.

Kurt Jones spoke in favor, and read a letter on behalf of Lennar

Multi-Family Communities in support of the DMB Circle Road project. He responded to Councilman DiCiccio's earlier comment on open space at the development, and said there was no precedent set in the area that all open space had to be on the ground floor.

Karrin Taylor Robson spoke in favor, and stated she represented the DMB group for 24 years and represented Woodbine Southwest when the Westin Hotel for Kierland Commons and all the surrounding parcels and golf courses were put in. She mentioned the above-grade amenities were included in the open space calculation, and based on earlier projects she asked the Council for DMB group to be treated fairly.

Michael Burke spoke in favor, and read a letter in favor of the development from the owner of Kierland Commons. He said retail was big for this market, and suggested the City should put this project on a pedestal and celebrate the success of Kierland Commons instead of trying to stop development. He replied to Mr. Wood's comment earlier on the architecture and said DMB group developed great architecture.

Mayor Williams said the remaining cards would be put in for the record because the time was up for comments.

A citizen spoke in opposition, and said he was representing the residents at Kierland Commons. He stated there were 1100 to 1200 letters from residents who were opposed to the development. He asked the Council to deny the application.

Mr. Lally responded to the comments made earlier by Mr. Wood on open space, and said the policy was set in 2014 that 70 percent was the standard on the ground floor open to the public or a building could not be 120 feet. He mentioned the other developments that had open space not available to the public, and stated they followed the City Zoning Code with the design. He mentioned it was not in record that 70 percent ground-floor open space open to the public was required, and commented he found it hard to believe the ground floor basketball court was open to the public at Optima. He addressed the issue of traffic, and talked about how the City of Scottsdale would work with the developer to address any traffic issue in the future in regards to the median in front of

the property. Mr. Lally talked about the architectural designs, and told the Council that staff said the project was consistent with the General Plan.

Councilwoman Stark mentioned she shopped at Kierland Commons, and said a hotel brought tax money to the City. She commented people would be staying at the new hotel and shop and eat at Kierland Commons, and asked Mr. Lally if there was a name for the proposed hotel.

Mr. Lally responded the hotel was extremely important and he wished he could provide the name of the hotel to the Council. He stated if this development was turned down, the finalists might consider going across the street to Scottsdale.

Councilman DiCiccio asked Mayor Williams if more citizens opposed to the development could speak, to which Mayor Williams asked those in the audience who were against the development to stand up.

Mayor Williams closed the public hearing.

Councilwoman Pastor asked Mr. Stephenson about the open space and City guidelines regarding it.

Mr. Stephenson answered the open space allowed for the DMB project mirrored the same permitted standards the City allowed Optima to do, and noted the difference with the DMB project is they counted some of the rooftop area based on a 2006 interpretation. He said this was replicated in other areas of the city such as the Roosevelt Row apartments.

Councilwoman Pastor asked if the project open space fell within the guidelines, and asked if Optima also had the referenced open space, to which Mr. Stephenson replied yes. She asked about what the developer was not able to do with the hotel.

Mr. Stephenson replied it was in reference to the private deed restrictions that covered the site, and that they do not permit a hotel use on the parcel because the proposed 50-foot building setback would not be permitted. He stated those were private legal agreements between owners, and the

property owner would have to amend those.

Councilwoman Pastor questioned the traffic flow issue going through the retail parking lot, and asked where residents would move through to get there.

Mr. Stephenson responded the issue was primary access for the site is off Scottsdale Road, and the secondary access was to the north via a driveway that would connect the developments. He said this was common in other retail developments, and added there was concern on the other side of the property that owners would get upset about too much traffic. He mentioned there was no cross-access easement that guaranteed them the right to go through the driveway, and noted that would have to be worked out in the future to allow access. He stated staff was comfortable the development could be served even if there was only one access point on Scottsdale Road.

Councilwoman Pastor asked if the proposed site was consistent with the General Plan.

Mr. Stephenson answered this was consistent with the General Plan because the General Plan called for commercial development at this location, clarifying that the proposed mixed-use development is considered commercial development.

Councilman Nowakowski mentioned he met with individuals who lived in the area, and asked Wayne Mailloux what kind of impact the transportation in and out of the property would have on the area.

Mr. Mailloux responded he did not know what level of traffic the site had at that time, but noted there were around 2,900 cars-per-day that passed by on Scottsdale Road. He stated there were two options for access to Scottsdale Road from the property: go south and make a U-turn to go north; or turn right on Kierland Boulevard, turn right again on 71st Street, and head north either to Tierra Buena Street and come out or go up to Paradise Lane where there is a traffic light to come out and go north. He said the latter would have a significant impact on both Kierland Boulevard and 71st Street, and commented the density of the neighborhood would

triple and traffic would have an impact on a neighborhood that was pedestrian-friendly.

Councilman DiCiccio stated he would not support the motion, and said neighborhood opposition was a positive thing. He thanked those in attendance, and talked about Michael Burke as one of his childhood friends. He commented DMB had been a great asset to the community and to Arizona, and discussed how the Optima development created a standard for other developments to come into the area. He complimented Optima's development and suggested they do more work in the city. He concluded he would not support the item because promises were made when the Optima development was built, and noted there were good people on both sides who worked hard on this.

Councilwoman Mendoza explained her vote, and said she went to the site and met with the applicant. She mentioned the issues about traffic flow onto Scottsdale Road, and noted it could work for now, but there would need to be an agreement between the developer and furniture store for the second access point. She expressed concerns for access of emergency vehicles to the property, and commented it could create a mess that would cause public safety concerns.

Councilman Nowakowski explained his vote, and stated all of those in the audience were heard and he had the same concerns as Councilman DiCiccio and Councilwoman Mendoza.

Councilwoman Pastor explained her vote, and conveyed she did not want the City to lose revenue to the City of Scottsdale.

Councilwoman Stark explained her vote and suggested if those opposed thought their views would be destroyed by this development, there would be height across the street anyways.

Mayor Williams explained her vote, and mentioned she could not support this development because of the cross traffic going through the parking lot. She said she did not like losing revenue, and was disappointed both sides could not come to a better solution.

Vice Mayor Waring expressed appreciation for those in attendance. He mentioned this was a close case and it would have had to pass on a 6-2 vote because of the three-quarter vote required for this type of action to pass. He said he respected DMB and their work, and talked about the Optima project. He noted when he heard about the project 14 months ago, he knew it would be contentious. He expressed dissapointment in the lack of compromise on both sides. He noted that he wanted to ensure those present understood there were a number of different scenarios in which this item might find its way to the Council or voters again, including a possible referendum, a Council reconsideration request, or a return of the same item for a vote next year before a Council with different members who might vote a different way. He expressed hope that the two sides could work together to come to some type of agreement, and commented he had not experienced a situation quite like this before.

Note: The following individuals submitted comment cards for the record opposed to Item 91:

Stuart Ackerman
David Shea
Tom Stern
Peggy Kapner
Alyssa Levin
Glenda Brents
Larry Grossman
Amy Satterfield
Iris Finkelstein
Joann Giles
Diane Petersen
Kim Finocchiaro
Steven Cohen
Vickie Larsen
Penny Mailloux
Steve Perlmutter
Ethan Edwards
Sy Coleman
Shelby Weiss
Elizabeth Stegall

James Wientringer
Susan Davidson
Debra Weiss
Yelena Mareulis
Louis DiMassa
Cheryl Shea
Michael Wallace
Frederic Mann
Krishna Ilck
Veronica Sava
Emmanuela Basa
Kenneth Weis

Dianne Barker submitted a comment card for the record neutral on Item 91.

Eneas Kane submitted a comment card for the record with no position on Item 91.

A motion was made by Councilwoman Stark, seconded by Councilwoman Pastor, that this item be adopted per the Paradise Valley Village Planning Committee recommendation that included a cap of 120-feet of building height, a maximum number of residential units of 169, and an increase in the hotel parking requirement to one parking space per room. Additionally, stipulation 1.T be updated to 169 residential units maximum if no hotel is built, and if a hotel is built then a maximum of 100 residential units. The motion failed by the following vote:

Yes: 3 - Councilwoman Guevara, Councilwoman Pastor and Councilwoman Stark

No: 5 - Councilman DiCiccio, Councilwoman Mendoza, Councilman Nowakowski, Vice Mayor Waring and Mayor Williams

92 Consideration of Citizen Petition Related to 3818 E. Glenrosa Ave.

This report provides the City Council with information in response to a citizen petition submitted by Mr. Ed Aboud at the Sept. 19, 2018 Formal City Council meeting regarding 3818 E. Glenrosa Ave. **(Attachment A)**.

Summary

Mr. Aboud presented a petition regarding the demolition of an existing home and the construction of a new residence at 3818 E. Glenrosa Ave. He requested that the City Council commission an independent agency or company to investigate the construction at this address and other unspecified residential parcels in the area and the Planning and Development Department's (PDD) role in permitting and inspecting the project.

The parcel in question is part of a single-family subdivision called Kachina Gardens, located near the intersection of Indian School Road and 40th Street, that was developed in the 1950s and consisted primarily of single-story, masonry block homes with carports, ranging in size from 1,500 to 1,900 square feet. As the local housing market steadily recovered over the past several years, many owners of the original homes sold to new property owners that chose to demolish the original structures to construct newer, larger residences with features in demand from current buyers including enclosed garages, raised ceilings, open floor plans and more interior livable space.

The original home at 3818 E. Glenrosa Ave. was reportedly demolished in mid 2016. PDD staff does not have an exact date because the owner did not purchase a required demolition permit before doing that work. Plans for a new 2,800-square-foot home were submitted in Fall 2017 and the permit to build the new home was issued in November 2017. Construction began in January 2018, with several inspections requested over the next several months. In April 2018, an inspector on a regularly scheduled inspection was approached by a neighbor who raised concerns about the new home's overall size, its orientation on the lot and its proximity to the various property boundary setbacks, particularly in relation to the western property line. Several other neighbors, including Mr. Aboud, eventually joined the original complainant to communicate with the City about multiple aspects of the project. Over the course of several months staff held multiple meetings with neighbors and responded to multiple calls and e-mails to answer questions about the project. Listed below are additional details on these efforts:

Public Outreach

At the request of the original complainant, six PDD staff representing the

inspections, site planning, and plan review sections attended a community meeting on April 25 at a residence across the street from the home in question. Approximately a dozen residents attended to voice their concerns and ask questions about the project and the development and inspection processes. Staff met separately with Mr. Aboud and two other area residents on May 10 to respond to remaining concerns and questions about the construction. Staff also responded to multiple follow up phone calls and e-mails requesting information on details of the project.

Additional Staff Review

Given concerns from neighbors, staff did extensive additional review of the plans submitted by the owner and his licensed architect. Through this process, staff identified an error the owner's architect made in computing the rear setback and halted construction on the project. At a meeting at City Hall on May 17, staff met with the owner, the general contractor and the licensed architect to discuss their options for making the home compliant with the rear zoning setback. In response to neighbor questions, staff also did historical research on the original platted subdivision to verify the lot size and confirm that the new home met lot coverage limits. PDD staff requested the owner have sealed surveys completed to show the location of the western property line and to confirm that the home's eastern and rear foundations were setback compliant. PDD staff also had an independent property survey commissioned with a City-contracted surveyor to verify the measurements on the owner's revised sealed surveys. Permits were issued based upon the original plans that were submitted and staff placed a stop work order on the parcel to require that the plans be revised to meet City codes and requirements.

New Owner/Contractor Requirements

The owner redesigned the rear of the house and submitted new plans to meet the required rear setback. As a result of the redesign, the owner's contractor demolished and rebuilt sections of the partially constructed home to meet the rear setback requirements because staff required it be done to meet code requirements. The owner also was required to purchase two demolition permits: one to apply retroactively to the original home demolition, which created a legal record of that demolition, and a

separate demolition permit to cover the removal of portions of the new structure in the rear setback.

General Project Facts

The building permit (RSF 17032362) was issued on Nov. 7, 2017. Since construction began, inspectors have completed 22 inspections and made six additional visits to respond to inquiries or concerns from neighbors. The owner completed plan reviews for both the construction and on-site grading and drainage, which includes construction of on-site retention basins to handle storm water flows.

Other Issues

A major source of contention, and a primary issue in Mr. Aboud's petition, was the property owner's removal of a portion of existing wood fence between 3818 and the adjacent home to the west at 3810 E. Glenrosa Ave. According to neighbors, the owner of 3818 and his general contractor -- without any prior notice or communication to the owner of 3810 -- removed this wood fence during home construction and replaced it with a section of block wall to connect to an existing block wall that separated the rear yards.

The location, condition and maintenance of property boundary walls, are a source of questions from residents. Though permits are required for construction of certain walls and inspectors check their construction, it is residents' sole responsibility to verify the property line location and to have a survey conducted when necessary to verify that location. Staff reminds applicants acquiring fence permits that they should take appropriate steps to avoid disagreements over a wall's location and that any resulting disputes are a purely private, civil matter to which the City is not a party. This fact is noted in the Fence Permit Application **(Attachment B)** and the department's fence inspection policy. The reported actions of the owner of 3818 apparently were taken without good faith notice and communication with the neighbor, a longtime resident of the neighborhood, and created discord with neighbors already sensitive to changes in their neighborhood. They were not, however, a violation of any City code provision. To address the neighbors' concerns, PDD staff required the owner to obtain one of the previously mentioned surveys to verify that the new wall was built entirely on their property. This

was verified by their revised survey and an independent survey conducted by the City contracted surveyor.

Staff Follow-up

PDD staff researched construction plan and permit histories for approximately two dozen residential building projects in the general vicinity, including several identified by the concerned neighbors, that were either under construction or recently completed. In the review, staff confirmed all of the projects are compliant with lot coverage and property line setbacks.

Location

3818 E. Glenrosa Ave.
Council District: 6

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

Discussion

Planning and Development Director Alan Stephenson mentioned staff had meetings with the neighbors as well as the applicant prior to the petition, and added the City put a stop work order on the project at one time to stop construction. He said the City made them revise their plans to be in compliance with setbacks, and stated there was a third party who did a survey on the parcel because it was in question between the developer and neighbors. He commented the the developer did not want to revise their plans, but staff made them as part part of the revised survey that was done and concluded staff recommend there be no action taken on the petition.

This item was heard.

93 Consideration of Citizen Petition Related to Campaign Contributions to Kate Gallego

This report provides the City Council with information in response to a citizen petition submitted by Andy Zhang at the Sept. 19, 2018 Formal City Council meeting regarding campaign contributions to Kate Gallego **(Attachment A)**.

Summary

The first item of the petition references campaign donations made to former Councilwoman Kate Gallego by True North Companies, 668 North, LLC, and any other subsidiary or affiliate, their CEO David Tedesco, and any other executives, employees, or associates of those companies. Campaign contributions are available for the public to review at https://apps-secure.phoenix.gov/CampaignFinance/Search

The second item of the petition seeks communications regarding the Chinese Cultural Center between any City official and True North Companies, 668 North, LLC and any other subsidiary or affiliate, their CEO David Tedesco, or other executives, employees, or associates of those companies. This request has been submitted to the City's Public Records Coordinator and she will follow up and fulfill the request.

Discussion

City Manager Ed Zuercher explained there were two requests on this petition, one was for information regarding campaign donations made to former Councilwoman Kate Gallego. He stated those campaign contributions were available for public view online. He said the second request was a public records request that was submitted to the Public Records Coordinatior who followed up on the request.

Frank Zhang commented former Councilwoman Gallego had been a supporter of the Chinese Cultural Center because it was in her district, and added she made a video to promote it. He noted when True North acquired 97 units at the Chinese Cultural Center, things started to change. He stated former Councilwoman Gallego accepted campaign donations from True North for more than $75,000, and added True North never donated money to any City officials prior to 2017. He said the promotional video was removed from the City website and suggested the City issued True North a permit to remove the roof on the Chinese Cultural Center. He later suggested when True North moved Chinese small businesses out of the center by removing the phone and power lines, the City instructed the Police Department to not get involved. He asked for an investigation to find if there was any collusion between True North and former Councilwoman Gallego or any other elected officials in the City.

Leonard Clark mentioned if former Councilwoman Gallego did accept money from True North, then it was worth an investigation. He discussed how the petition process helped the Chinese community present their concerns to Council, and asked for a clean government in Phoenix.

Check Yee stated the situation with True North had gone on for more than a year, and said the Chinese community would stay focused because the situation was not going away. He presented documents to the Council based on research he had done, and added the Chinese community was very interested in preserving the Chinese Cultural Center. He discussed the ongoing lawsuits with True North, and asked for any councilmembers to mediate between the two groups.

Charles Qian commented that 20 years ago the City spent resources and public money to help create the Chinese Cultural Center, and now suggested the City helped True North to demolish it. He said an individual can donate $6,350 to a campaign, and added an executive at True North donated an extra $6,350 to former Councilwoman Gallego on Feb. 27. He stated the next day the City issued a temporary fencing permit, and mentioned the overall donations to former Councilwoman Gallego exceeded $75,000 from True North executives. He asked the City to investigate.

Walter Gray stated he supported the Chinese Cultural Center, and noted there was a website for looking up campaign contributions but he did not know what the address was.

Mr. Zuercher told Mr. Gray the database was available on phoenix.gov.

Yan Yen Woo expressed her support for the Chinese Cultural Center and for the country.

This item was heard.

36 (CONTINUED FROM SEPT. 19, 2018) - Options to Increase Pavement Maintenance on City Streets

This report responds to City Council direction on Aug. 29, 2018 to provide potential funding options to expedite pavement maintenance on City streets, including evaluation of planned future light rail extensions.

Staff requests Council direction on next steps.

Summary

Background

The Street Transportation Department (Streets) maintains a comprehensive roadway network of more than 4,863 miles of public streets, including:

Major Streets: arterials and major collectors - typically the major north/south and east/west transportation corridors, spaced at each mile for arterials and on the ½-mile for major collectors

Minor Streets: minor collectors and residential/local - lower level transportation corridors and roads in residential areas providing connectivity between the collectors and arterials

The chart in **Attachment A** shows the breakdown of the 4,863 street miles by City Council District.

With current funding, the department has expanded options for the pavement maintenance program to include pavement preservation treatments such as: crack seal, fog seal and microsurfacing in addition to asphalt overlays. The use of several levels of preservation treatments provides multiple benefits to the pavement maintenance program, including:

Lower cost of treatment per mile, both initially and over the pavement lifecycle

Increased quantity of roadways that receive treatments annually

Higher number of roadway miles maintained in fair to very good condition

Increased number of roadway miles maintained appropriately, extending pavement lifecycle

Currently, approximately 300 miles annually are treated through the comprehensive pavement preservation program, which allows for arterial and major collector streets to be treated every 10 years, and minor collector and residential streets treated every 10-12 years.

Prior to passage of Proposition 104 (T2050) by Phoenix voters in 2015, funding for pavement maintenance was reduced to as low as $13 million

annually for the City's entire street network due to the economic downturn and reductions to statewide Highway User Revenue Funds (HURF). Funding levels at that time allowed for a pavement maintenance cycle of one asphalt overlay every 67 years for City streets. All of this led to a more rapid deterioration of pavement conditions and a higher number of roads in poor or failing condition. Due to limited funding, the pavement maintenance program was modified to consist of asphalt overlay-only treatments. The use of other interim pavement treatment options to extend the pavement life were eliminated, which significantly limited the effectiveness and reach of the overall program.

With T2050 in place to supplement state HURF, Streets spends approximately $45 million annually on its pavement maintenance program. This includes about $29 million per year from HURF funds for local/residential streets and about $16 million per year from T2050 on arterial/major collector streets. With those current funding levels for the comprehensive pavement maintenance program, arterial and major collector streets are treated every 10 years, and minor collector and local streets are treated every 10-12 years.

Current Pavement Conditions

To establish priorities of streets to receive pavement maintenance and type of pavement treatments, staff uses the Pavement Management System (PMS) to determine the condition of roadways. PMS is a tool used by cities throughout the country. PMS is built on field data obtained using a high-tech pavement management vehicle, which objectively measures and records the condition of roads, evaluating them on surface roughness, environmental stresses and structural condition. The evaluation and analysis produces a pavement condition index (PCI) measurement and rating system for the City's streets. These ratings are tracked, mapped and managed in the department's PCI database. Staff uses these objective measurements of roadway conditions to determine a list of streets to receive pavement maintenance treatments.

The PCI is measured on a scale of 0-100, with 100 being the best. A street in good condition is considered to have a minimum PCI of 70. Using the most recently collected PCI data, only approximately 30 percent of our roads are considered in good or excellent condition. The

remainder are classified as fair, poor or very poor condition, which means that of the 4,863 miles of streets Citywide, 3,227 miles are in less than good condition. This includes 380 miles of major streets (arterials and major collectors) and 2,847 miles of minor streets (residential and minor collectors).

Streets staff benchmarked surrounding cities to determine how they evaluate and manage their streets and found that they also utilize average PCI goals. The current PCI ratings for the surrounding cities ranged from 70 to 76 for arterial streets, while residential and collector streets ranged between 60 and 80. Phoenix's current overall average PCI is around 66.

With consideration of feedback received concerning the condition of City streets, as well as a desire to potentially increase focus and resources dedicated to pavement maintenance, Streets staff is proposing to establish a goal of bringing all streets to a **minimum** (not average) PCI of 70.

Based on a Finance Department analysis of existing fund balances, Streets is using a one-time amount of $50 million from the current HURF fund balance to address immediate pavement maintenance needs.

Attachment B provides a PCI forecast based on several assumptions and factors for street miles in each Council District that are currently below and that will fall below 70 PCI within the next five years.

Funding Required to Achieve Goal of Minimum 70 PCI on City Streets

A goal to reach a minimum 70 PCI would require significant additional funding above what is currently allocated. Further, because of the extensive amount of work this involves throughout the City, including availability of contractors, necessary traffic restriction impacts, and other factors outlined later in this report, staff would recommend completing such an effort over a five-year period that includes the current fiscal year. The chart in **Attachment C** outlines the estimated additional pavement overlay costs of $1.65 billion to reach a minimum good (70 or above PCI) condition for 4,085 miles of streets over the next five fiscal years.

The City Council has also indicated the importance of addressing other

right-of-way infrastructure improvements along City roadways such as curb, gutter, sidewalks, landscaping and streetlights in certain areas that lack these street amenities, but desire them. Costs for these improvements are not included in the above estimates as part of the pavement maintenance program.

Options to Increase Funding for Pavement Maintenance

At the request of City Council, Streets staff identified the options below as possible ways to increase funding for pavement maintenance:

1. Modify Distribution of Current HURF Funds and T2050 Streets Funds

Currently, about 30 percent of both State HURF and T2050 Streets Capital Improvement Program funds is allocated to the construction of new and expanded streets throughout the City. Shifting the allocation of these funds from 30 percent to 15 percent would free up approximately $23 million annually to the pavement maintenance program, but would require delaying currently planned and future Streets Capital Improvement Program projects. Over five years, this would total approximately $115 million to address pavement condition. Additionally, maintaining this allocation beyond the five-year period would provide some of the additional funds needed to ensure that streets can be maintained above 70 PCI on an ongoing basis. This option will postpone several planned capital improvement projects (CIP) a minimum of five years, and will greatly limit the number of new street improvement projects that can be started. **Attachment D** includes the list of planned CIP projects that would be impacted.

2. Accelerate Pavement Funding in Streets T2050 Through Financing

Finance Department analysis shows that about $150 - $200 million in funding could be advanced during the next five fiscal years through financing within the existing Streets allocation of T2050. Because this option utilizes the existing Streets allocation of T2050 funds, no transit-related projects would be impacted by this option. Although this would help address immediate pavement maintenance needs, it would reduce funds available in future years for street maintenance as the debt

service is paid. It is estimated that this option would require debt service payments of $12 - $15 million annually from future Streets T2050 revenues over the next 20 years. This option does not provide any new revenues to Streets for pavement maintenance. The timing of debt issuance and repayment plan would require further analysis and development by the Finance Department.

3. Accelerate Pavement Funding in Streets HURF Through Financing

Finance Department analysis shows that about $150 - $200 million in funding could be advanced during the next five fiscal years through financing within the Streets allocation of HURF funds. Although this would help address immediate pavement maintenance needs, it would reduce funds available in future years for street maintenance as the debt service is paid. It is estimated that this option would require debt service payments of $12 - $15 million annually from future Streets HURF revenues over the next 20 years. This option does not provide any new revenues to Streets for pavement maintenance. The timing of debt issuance and repayment plan would require further analysis and development by the Finance Department.

4. Additional Financing for Current Rail Projects to Free Up Current Funds for Streets Pavement Maintenance

Based on analysis by the Finance and Public Transit departments of current projections, without affecting future rail projects, the City Council could direct financing to make available up to an additional $150 - $200 million of T2050 transit funds during the next five fiscal years. This would reduce future reserves and the ability to weather economic downturns as debt service is paid over the life of the T2050 program. This option would not impact the timing or implementation of any currently planned or future light rail projects; rather it would potentially require additional financing for the implementation of the three light rail projects currently slated for completion in 2023. This option would provide Streets with additional T2050 program monies, which Streets would not be required to repay to the T2050 Light Rail Program. The timing of debt issuance and repayment plan would require further analysis and development by the Finance Department.

5. Delay West Phoenix and Northeast Light Rail Extensions

Two future light rail extension projects were identified by the City Council during the discussions on this issue for possible delay to free up T2050 funds for additional street pavement maintenance:

West Phoenix - This project would extend the existing light rail system along Camelback Road from 19th Avenue west over Interstate 17 to 43rd Avenue, where it would terminate. The City of Glendale no longer plans to connect and extend light rail at that point. The current regional transportation plan has a planned opening year of 2026 for the West Phoenix extension.

Northeast - This project would extend the existing light rail system to the Paradise Valley Mall area, with a planned opening year of 2034. Two corridor route options have been identified for further study, but a preferred alignment has not been determined.

If these two projects were delayed so that the first-year expenditures would both occur in year 2050, the final year of the 35-year T2050 program, the T2050 light rail program would realize significant capital and operating resource savings.

For the West Phoenix extension project, if the City Council delays the project as described above, additional financing could enable funds to be used during the next five fiscal years. Approximately $200 million could be financed in such a way that resources could be available by FY 2023 or 2024. As with the previous debt-related items, a financing plan would need to be developed to ensure the timing of future pavement project funding needs coincides with the timing of the debt issuance and repayment plan.

For the Northeast Phoenix project, because the timing of the programmed expenditures is much further out due to its planned 2034 opening, funds would not be available to cover pavement maintenance costs during the next five fiscal years. However, these savings could be utilized to meet the additional annual on-going pavement maintenance resource needs to keep improved City streets in good or excellent conditions.

Although the options to delay light rail projects provide significant savings

that could be used for additional pavement maintenance, the delayed light rail projects would not be completed or operational during the T2050 program. Since these projects were shown on the ballot map for the Proposition 104, it is important to give careful consideration to making such significant changes to this voter-approved plan.

Attachment E provides a summary of the funding options.

Additional Considerations

There are several further important considerations associated with a substantial increase to the number of lane miles treated annually. These include:

Traffic - Multiple streets being treated simultaneously could cause temporary but additional travel delays, restrictions, detours and traffic congestion.

Utilities - The City requires restoration of streets whenever pavement is cut to access utilities buried below roads. This includes water and wastewater, electrical, gas and telecommunication lines. In cases where a cut is made to a street for which the pavement overlay is less than two years old, the cutting agency must place a new overlay on and around the cut area. For pavement over two years old, the City requires a microseal treatment around the pavement cut area. Substantial increases to the amount of new pavement throughout the City will impact the cost of managing utilities buried in the right-of-way. In recent years, the City and the various utility agencies have significantly ramped up efforts to coordinate planned projects in the right-of-way to minimize impacts to streets and avoid unnecessary costs. With increased pavement maintenance projects, these coordination efforts will become even more important.

Contractor/Material Pricing and Availability - Significant increases in the amount of asphalt overlays performed annually on City streets could impact or influence pricing and availability of paving materials, as well as qualified contractors and skilled labor.

Staffing - Additional pavement maintenance program work would be performed by licensed contractors, but Streets would need to increase internal staffing to effectively administer and provide oversight on this contracted work.

Bike Lanes - Another key element of the T2050 plan is the addition of

bike lanes to enhance bicycle safety and connectivity throughout the City. Where feasible and supported by the community, the City adds bike lanes as part of the pavement maintenance program. Additional pavement maintenance would require greater community outreach to determine if bike lanes are supported on impacted streets.

Construction Conflicts - In order to properly coordinate increased pavement maintenance projects with other planned right-of-way projects from utility companies, developers and other City departments, there could be unforeseen delays in pavement maintenance on some streets.

On-going Pavement Maintenance Program Requirements - Streets staff has analyzed the additional on-going pavement maintenance program resources needed to ensure improved streets are maintained in good or excellent condition going forward. Staff estimates that the pavement maintenance program would need to be increased to $107 million annually from the current $45 million.

Council Direction

Staff requests direction from City Council on which of the identified option(s), or any others, to pursue related to enhanced pavement maintenance funding and projects.

Based on City Council direction, staff will refine specific pavement maintenance options, and research additional consideration areas, including conducting outreach to stakeholders, identifying required staffing resources, and developing an ongoing maintenance plan. Staff will return to the City Council in October with additional information for Council action.

Discussion

Deputy City Manager Mario Paniagua introduced Chief Financial Officer Denise Olson, Interim Street Transportation Director Bill Wiley, and City Engineer Kini Knudsen. He said this item looked at pavement maintenance for the City, as well as potential options to fund the acceleration of pavement maintenance. He stated there was $45 million spent annually on pavement maintenance, and added the City treated streets every 10 to 12 years. He mentioned this was an improvement from prior to Proposition 104, when only about $13 million was spent annually, which meant that the asphalt overlay occurred on a schedule of

only once every 67 years. He showed the Council during his presentation the plan for the next several years for streets, and noted that major collector streets would average between 50 to 80 miles-per-year and residential streets would average 200 miles-per-year. He said to get roads in good condition at a pavement condition index of 70, there would need to be 519 miles of overlay that would cost $1 million-per-mile, and within residential streets he said there would need to be 3,566 miles treated which would cost about $1.1 billion. He described Option 1 and 1a for Council to consider, which related to reallocation of funds from major capital projects to maintenance.

Mayor Williams asked Mr. Paniagua if he was talking about a contingency fund and if street or development projects were covered in that fund.

Mr. Paniagua responded yes, and said the funding was there but not allocated to specific projects.

Councilwoman Stark asked if the City took the $46 million from Option 1a for a capital improvement project, would that money go away, to which Mr. Paniagua affirmed that it would not be available for those types of projects.

Mr. Paniagua discussed Option 2, and said this was where the City would look at borrowing money to advance funds and pay back debt over several years. He mentioned this was one of the options recommended by the Citizens Transportation Commission (CTC) with conditions. He explained this option was to borrow against Transportation 2050 (T2050) funds that were in the Street Department which would otherwise go to street maintenance projects to address one-time immediate needs. He noted the trade-off of Option 2 was that it meant there would be less funds available in the future for maintenance. For example, if $200 million were borrowed, it would be about $15 million-per-year for about 20 years to pay it back.

Mr. Paniagua described Option 3 as being similar to Option 2, but that it went into a different source of money in the Statewide Highway User Revenue Fund which was also recommended from the CTC. He stated the City would borrow potentially up to $200 million that would be

available within the next 5 years, but said it would be have to paid back at $15 million-per-year at a full $200 million borrowed. He talked about Option 4 that borrowed against T2050 monies that were in the light rail program fund, which would allow funding to be available but would reduce future reserves and would have to be paid back over several years. He mentioned the amount of money available would be similar to previous Options to address immediate pavement needs, but because it was in the light rail program fund it meant if there was an economic downturn there would be less money in reserves and would put the light rail at risk.

Mr. Paniagua explained Option 5a looked at delaying the West Phoenix Light Rail Extension from 19th Avenue and Camelback Road to 43rd Avenue and Camelback Road, and stated because of the timing of the project, the money would not be available until 2023 or 2024 but would free up $200 million that could be used within the next five years for the pavement program. He described the trade-off was the light rail would be delayed and would not be completed or operational by 2050. He talked about Option 5b which would take out the light rail extension to the Paradise Valley Mall area, which was not planned until 2036. He said because the funds were so far in the future it would not help the immediate needs even with borrowing, and said the trade-off was it would not be completed or operational by the end of the program. He said there were a few considerations for the Council, with one issue that was traffic that would need to be planned so that traffic restrictions were not too restrictive in individual areas or neighborhoods. He talked about utility maintenance with the pavement maintenance, and discussed the work with the community to add additional bike lines. He told the Council the CTC recommendation was no changes be made to the T2050 plan allocation within the first five years, and added if Council decided to reallocate T2050 funds, that Options 2 and 3 would be looked at as well as exploring other fund sources outside of the current funding.

Councilwoman Stark asked for clarification that there wasn't funding for the northeast light rail extension, and when Proposition 400 money would run out. Mr. Paniagua responded it ran out in 2025.

Councilwoman Stark questioned if there was a proposition or something else for funding the northeast light rail extension.

Mr. Paniagua answered it was an assumption at the time within the plan that regional funding that was available would continue an extension but with no guarantee.

Councilwoman Stark questioned if there was no guarantee and there was money for the extension, what would happen legally if the Council had to abide by the past vote. Additionally, she asked what happened with the money in the future if there were no additional funds for the light rail.

Mr. Paniagua replied you could reprioritze projects within the plan, and added there was no guarantee that funding was going to be there for any of those funding sources. He noted the Council could look at how to best reprioritize based on funding available.

Councilwoman Stark asked if the metrocenter, south central Phoenix, and west light rail extensions were funded through Proposition 400 and federal monies.

Mr. Paniagua answered the assumption was federal monies would be there, but Proposition 400 was funding those projects.

Councilman Nowakowski asked for clarification on the light rail route from 79th Avenue on Interstate 10 to the State Capital.

Mr. Paniagua responded that route was Phase II of that project and was scheduled for opening in 2030.

Councilwoman Stark mentioned she met with the District 3 representative from the CTC, and he told her they did not hear the level of complaints the Council heard.

Councilwoman Guevara asked if Council moved forward with Options 2 or 3 as recommended by the CTC, what steps would staff need to take on those and what would the timeline be.

Ms. Olson answered staff would need to bring their financial analyst on board to develop a plan on the issue of that debt that could be worked on

in the fall.

Councilman DiCiccio stated it was no surprise he thought city streets were a disaster, and added delaying street repair would be a danger to the public. He talked about the street repair schedule, and asked for clarification if the $1.6 billion was in addition to the plan for the next five years for streets that were below a pavement condition index of 70.

Mr. Paniagua responded that was correct, and noted it was the additional needs beyond what the City planned to do.

Councilman DiCiccio discussed what he would have liked to see in the five-year plan, and commented he could not imagine one street in Phoenix that did not have a pothole. He talked about the history of street conditions in Phoenix since 2014, and said the Council had the opportunity to fix all City streets and do it right. He mentioned a scenario in relation to the level of work the City had done on streets and leadership. He mentioned the City had over 4,000 miles of streets, and stated the money used for light rail extension could be used to fix streets in Phoenix. He commented the light rail was outdated technology, and the world was moving at a faster pace. He concluded the City would not get anything accomplished by only doing half of the work to repair streets in Phoenix.

Vice Mayor Waring stated the light rail was cutting-edge technology in the past, and took issue with the northeast route towards the Paradise Valley Mall. He said Councilman DiCiccio was right that the streets were in terrible condition, and added it was the topic most mentioned to him by citizens. He mentioned there would be 56 miles of light rail when the project was complete and 4,900 miles of roads in Phoenix, and said it would be a long time before people saw the completion of light rail. He said the cost of light rail was $152 million-per-mile and compared it to the cost to Camelback Road which he suggested was $10 to $11 million-per-mile. He gave examples of roads that needed to be redone and alluded to spending money to redo 152 miles of roads instead of one mile of light rail. He discussed statistics on the 35-year Transportation Plan, and said his district had the most miles of roads but they were not attended to. He talked about the process of resurfacing

streets near the light rail, and took issue with those areas receiving funding when other areas did not receive funding.

Vice Mayor Waring pointed out $9.7 billion was for light rail in T2050, and said it was 10 times more than the number for streets. He talked about having to drive across the streets that needed repair to get to the light rail, and mentioned a vote made by Council earlier that had to reallocate $600 thousand for extra-duty police officers and transit enforcement to handle the increased crime along the light rail route at 19th Avenue. He discussed the number of people who used light rail and stated mass transit usage has gone down in the last five or six years. He commented he would like the see the northeast route eliminated and have that money used for streets. He asked if Council did some combination of front-loading street repair, borrowing money within the framework voters voted on, and got rid of light rail to Paradise Valley Mall, would there be funding for advanced street repair.

Mr. Paniagua asked Vice Mayor Waring to clarify his question. Vice Mayor Waring clarified that he was asking if it would offset the borrowing that would be included in Option 2. Mr. Paniagua responded yes to his question.

Vice Mayor Waring clarified the streets could be repaired at a faster pace and that would address the current problem. He asserted that without the northeast extension, the City could free up funding for front-loading street repair.

Councilwoman Pastor asked how much money was allocated for the northeast extension and when that money would be available.

Mr. Paniagua responded for the northeast extension it would cost $314 million and the operating funds for the first year would be about $20 million. He noted the extension was planned for 2036.

Councilwoman Pastor asked if that was when the money would be available, to which Mr. Paniagua replied that money could be available sooner, around 2030 or maybe 2028.

Mayor Williams asked what the Highway User Relief Funds (HURF) were used for.

Mr. Knudsen answered he estimated the City would receive about $135 to $137 million in HURF from the State, and noted for the majority of the operating cost for the budget of $65 to $68 million came from HURF, with the balance of that used for the capital program. He mentioned the capital program was distributed as reflected in Option 1 and the City focus was about 50 percent of remaining HURF funds on maintenance, 30 percent for major projects, 15 percent on mobility type projects, and 5 percent for technology.

Mayor Williams asked if the City did not use HURF to move this forward, could HURF continue to be utilized as is, to which Mr. Knudsen replied yes.

Councilwoman Guevara made a motion that staff move forward with Option 2 as recommended by the CTC and that staff reach out to affected stakeholders, identify needs and create a plan that focused on main arterial roads.

Councilwoman Stark seconded the motion, but made a friendly amendment to delay the northeast study because she said it probably would not happen.

Councilman DiCiccio asked if there could be a method or financial model the City could create by moving the monies forward just as it was looked at for Option 2 and Option 3 that would bond against that for future dollars. He added the City could use those monies up front and move the process forward.

City Manager Ed Zuercher clarified the motion was to do Option 2, and asked if Councilman DiCiccio was suggesting to do Option 3.

Councilman DiCiccio responded to not do Option 3, just Option 2 and to delay the northeast extension. He noted if the $314 million for the northeast extension could be moved to fix streets that would be a good step in the right direction.

Ms. Olson provided more information to Council, and explained the City would bring on a financial advisor to develop a financial plan. She stated in the preliminary analysis, it did not show within the five-year period that the City could move the funds that far up but the City could work with the financial advisor to see if the funds could be moved up a little, possibly through debt restructure that might involve a balloon payment of some kind.

Mr. Zuercher added he wanted to manage the expectation because the $314 million was so far in the future, he was doubtful it could be brought into the five-year period.

Councilman DiCiccio commented he liked this direction, and noted the $314 million did not have to be wholly within the five-year period and could be brought in portions. He said he would like to see the plan, and stated he supported this because it moved the City in the right direction.

Vice Mayor Waring clarified the motion could be framed as Option 2 plus Option 5b, to which Councilwoman Stark replied yes. He mentioned this was decades worth of money for streets that at the moment the City would not be doing, and said this was a big step forward. He applauded the willingness of staff to work on this and commented he hoped they would come back with answers to Councilman DiCiccio's questions.

Mayor Williams noted the action today did not stop Council from coming back and visiting the issue in a couple years. She said she was convinced there were some projects not wanted by residents and businesses, and added she did not want to spend money planning rail projects that may never happen. She asked if Council could come back and revisit the issue and reallocate money, to which Mr. Paniagua responded yes.

Councilwoman Pastor asked if Option 2 included the City borrowing money, to which Mr. Paniagua answered yes.

Shawn Severud spoke in opposition, and asked if Council went with the motion on the floor, would this need to go back to the voters because it

affected T2050 funding, to which Mayor Williams replied that it did not need to go back to voters. He asked if it was a concern of Council that it should go back to the voters.

Mayor Williams answered that this would not be the first time something had been on a map and was altered because plans and needs change.

Mr. Severud said things change, and commented it would be fair for citizens who voted for light rail and T2050 that they were given equal opportunity to say the plan no longer made sense. He stated he was not sure why Council had the right to override the voters of Phoenix who voted 55 percent for the plan, and asked Council to take that into consideration.

Anthony Previte spoke in opposition to Option 5, and noted he was in favor of light rail. He talked about 70 million millenials looking for places to live and work, and said they were moving to places like Portland, Ore. and Seattle, Wash. for car-free living. He mentioned those turning 65 in age increased at a rate of 1.5 million per year, and they were looking at moving to urban areas. He stated Phoenix had a choice to make the downtown area walkable to support those age groups looking for car-free living. He commented along light rail routes were where people would go to places along those routes, the market remade those neighborhood in the image of transit. He asked Council to move forward with any option other than ones that delayed light rail projects.

Vice Mayor Waring stated one percent of people in Phoenix live downtown, with an estimated 550 people who both work and live in the downtown area. He took issue with spending money on infrastructure for 550 people, and said there were not too many people biking from different areas of Phoenix to the downtown area.

Reginald Walton spoke in favor of the motion, and stated there were people that thought Phoenix was great and had chosen to make it their home who preferred light rail rather than spending money to fill up a gas tank. He asked how long some members had served on the Council, and mentioned some people could not afford to take public ride-share services so they chose to use light rail. He hoped the Council would take

into consideration the working poor in Phoenix.

Peggy Neely stated she started out in support of the motion, but asked how the City would fix the road at 35th Avenue and Cactus Road. She said Council should talk about the best use of the light rail, and added Council should look at revitalizing the areas of west Phoenix. She asked Council to give relief to large businesses in those areas.

Walter Gray mentioned he was concerned with the condition of streets between 67th Avenue and 75th Avenue on McDowell Road, and added he attended the previous CTC meeting. He suggested there were problems with T2050, and asked Council to refer this issue back to the CTC. He questioned if people wanted the northeast extension and commented the CTC said streets in west Phoenix did not need attention.

Councilwoman Pastor said she understood the light rail cost money and was an investment in order to grow Phoenix. She mentioned the City also had to invest to attract large companies to do business in Phoenix, and the light rail provided access to those who did not own a vehicle. She stressed the need for multi-modal transportation, even if there were areas where the City could re-evaluate the need for bike lanes, or look at where more buses would be needed because of frequency and population. She noted light rail provided people the opportunity to move around the city rather than taking multiple buses. She commented not everyone was privileged to have access to different modes of transportation, and said this was about building community.

Councilman Nowakowski asked for clarification that none of the impact fees from the Loop 202 Highway Extension would be touched by the vote, as well as the funding for other projects in south Phoenix.

Mr. Paniagua responded that was correct because the motion did not touch Option 1.

Councilman Nowakowski stated he was a strong supporter of light rail, and asked if the light rail line from 79th Avenue to Interstate 10 to the State Capital and Central Avenue was still in place, to which Mr. Paniagua replied that line was still planned.

Councilman Nowakowski asked if the light rail route from Central Avenue to Metrocenter would not be touched, to which Mr. Panigua answered that was correct.

Mayor Williams commented she was a strong supporter of light rail for many years and of T2050. She stated when T2050 was designed it was based on certain assumptions and promises from other cities, with one example as the City of Glendale's light rail project that was no longer there. She talked about continuing light rail and noted there would be other transportation options in the future with increased bus services on regular streets. She said it was important to recognize that needs change, and you have to adjust accordingly.

Councilman DiCiccio asked if the Camelback Road light rail line could be added into the motion.

Councilwoman Pastor said Councilwoman Guevara and herself represented the area, and mentioned she would like to go to the community to find out what they would want.

Mayor Williams stated that could be brought back in the future for discussion.

Councilwoman Mendoza explained she supported the motion because areas in her district had been neglected and overlooked for decades, and added the residents deserved good streets.

Councilman Nowakowski stated he supported the motion after asking the questions that residents in District 7 were concerned about and confirmed that nothing was to be changed in the future with light rail plans in the district. He thanked the Council for working together to make this happen to repair streets.

Councilwoman Pastor mentioned she supported the motion due to the fact Councilwoman Stark made a friendly amendment to the motion. She commented she was glad other councilmembers would be able to work with the community in west Phoenix on connectivity and the lack of

transportation.

Councilman Waring commented this was a tremendous victory for common sense, and noted the statistics he mentioned earlier were from staff. He said he understood people who lived near light rail liked it, but added it would not make sense going to Paradise Valley Mall. He stated he never heard a conversation from anyone about being excited to wait until 2036 to use light rail there, and noted people noticed the condition of the roads. He expressed appreciation for the work on this, and said the motion would shift resources and would not ask voters for anything else. He applauded the efforts of the councilmembers, and said citizens would benefit from this.

Note: Arthur Vigil submitted a comment card for the record opposed to Option 5 on Item 36.

Dianne Barker submitted a comment card with no position on Item 36.

A motion was made by Councilwoman Guevara, seconded by Councilwoman Stark, that this item be approved for Options 2 and 5b. The motion carried by the following vote:

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

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

CITIZEN COMMENTS

None.

ADJOURN

There being no further business to come before the Council, Mayor Williams declared the meeting adjourned at 6:15 p.m.

172834

Thelda Williams
MAYOR

ATTEST:

Denise Archibald
CITY CLERK

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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 3rd day of October, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of December, 2018.

DEPUTY CITY CLERK