City of Phoenix

174806

City of Phoenix

Minutes

City Council Formal Meeting

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

Wednesday, November 4, 2020 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, November 4, 2020 at 2:33 p.m. in the Council Chambers.

Present: 9 - Councilman Sal DiCiccio, Councilmember Carlos Garcia, Councilman Michael Nowakowski, Councilwoman Laura Pastor, Councilwoman Debra Stark, Councilman Jim Waring, Councilwoman Thelda Williams, Vice Mayor Betty Guardado and Mayor Kate Gallego

The Mayor and Councilmembers attended the meeting virtually. Councilman DiCiccio left the voting body following Item 70.

Mayor Gallego acknowledged the presence of Mario Barajas, a Spanish interpreter, who was available to the audience.

The City Clerk confirmed that copies of the titles of Ordinances G-6746, G-6757 through G-6764; S-47030 through S-47066; and Resolutions 21876 through 21878 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.

BOARDS AND COMMISSIONS

1 Mayor and Council Appointments to Boards and Commissions

Summary

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

The following individuals were recommended for appointment/reappointment by Mayor Gallego:

Design Review Committee
Appoint Stephanie Mitrovic, filling a Design Professionals vacancy, for a term to expire Nov. 4, 2022

Development Advisory Board
Appoint Aaron Hillman, replacing Patrick Panetta in the Design Professionals category, for a term to expire July 1, 2023
Appoint Aparna Mohla, filling a Neighborhood Interest vacancy, for a term to expire Nov. 4, 2023
Reappoint Peter Fischer, for a second term to expire July 1, 2021
Reappoint Nguyen Lam, for a second term to expire Feb. 15, 2023
Reappoint Cassandra Lemon, for a second term to expire July 1, 2023

Historic Preservation Commission
Reappoint Dan Klocke, for a second term to expire Dec. 14, 2022
Reappoint Greta Rayle, for a first full term to expire July 6, 2023

Mayor's Commission on Disability Issues
Appoint Meaghan Kramer, for a term to expire Oct. 31, 2023

Phoenix Aviation Advisory Board
Appoint Charlene Reynolds, replacing Jim Bennett, in the ex-officio seat
Appoint Seth Scott, replacing Leezie Kim, for a term to expire Nov. 4, 2024

Phoenix Youth and Education Commission
Appoint Zane Balian, serving as a Youth representative, for a term to expire Aug. 31, 2021
Appoint Jennifer Cruz, for a term to expire Aug. 31, 2021
Appoint Arleen Kennedy, for a term to expire Aug. 31, 2021
Appoint Joe Roselle, for a term to expire Aug. 31, 2021
Appoint Ryan Young, serving as a Youth representative, for a term to expire Aug. 31, 2021

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

by the following voice vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

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

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

One electronic comment was submitted for the record with a neutral position on Item 5.

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Williams, that Items 2-12 be recommended for approval, noting Item 5 is continued to the Nov. 18, 2020 City Council Formal Meeting. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

2 **Liquor License - Hush Public House**

Request for a liquor license. Arizona State License Application 012070004348.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
14202 N. Scottsdale Road, Ste. 167
Zoning Classification: C-2 PCD
Council District: 2

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

The 60-day limit for processing this application is Nov. 10, 2020.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We have been operating Hush Public House over a year. We abide by Arizona liquor laws and will continue to follow Title 4 liquor laws."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

3 Liquor License - Hana Japanese Eatery

Request for a liquor license. Arizona State License Application 119913.

Summary

Applicant
Juanita Esparza, Agent

License Type
Series 12 - Restaurant

Location
5524 N. 7th Ave.
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 Nov. 9, 2020.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The owners of Hana Japanese Eatery are comitted to upholding the highest standards for it's business practices & employees. The have been trained in the techniques of legal & responsibility and will trait the title 4 liquor law training course along with all employees. As owners of the business we will oversee all employees & will provide a safe experience for all staff and restaurant patrons."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The owners of Hana Japanese Eatery wishes to provide dining with alcohol beverages at the request of the patron. In addition Hana Japanese Eatery will responsibly adhere to all state and federal tax laws & maintain a strict adherence to the security requirements of the city and state."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Hana Japanese Eatery
Liquor License Map - Hana Japanese Eatery

This item was recommended for approval.

4 Liquor License - Tacos Tijuana

Request for a liquor license. Arizona State License Application 120371.

Summary

Applicant
Julia Torres, Agent

License Type

Series 12 - Restaurant

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

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

The 60-day limit for processing this application is Nov. 16, 2020.

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.

Tacos Tijuana (Series 12)
4925 W. Bell Road, #D1
Calls for police service: 24
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We hold the highest of standards in running this business with the quality & professionalism in being compliant to all laws. All staff including myself will ensure that we operate to comply to all liquor laws and receive training in this area. I have several years responsibility of running family restaurants with success and will continue to operate with integrity and hard work in staying compliant to all liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Tacos Tijuana will provide a family friendly environment, affordable menu prices at a great location in addition to providing jobs. Our goal is that our customers have a great experience at Tacos Tijuana in having quality food and great customer service."

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 - Tacos Tijuana
Liquor License Map - Tacos Tijuana

This item was recommended for approval.

5 Liquor License - Los Pinos Surf and Turf

Request for a liquor license. Arizona State License Application 119830.

Summary

Applicant
Juanita Esparza, Agent

License Type
Series 12 - Restaurant

Location
3618 W. Camelback Road
Zoning Classification: C-2
Council District: 5

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 Nov. 8, 2020.

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

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

Public Opinion
One letter protesting the issuance of this license has been received and is on file in the Office of the City Clerk. The letter is from the Sevilla Neighborhood Association. They feel that based on the responses

provided during interviews with the applicant, the applicant does not have the capability, qualifications and reliability to hold and control a liquor license. The neighborhood opposition also indicates concern with additional traffic, noise and over flow parking into nearby business and residential streets.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am an experienced licensee committed to upholding the highest standards for its business practices & employees. I have been trained in the techniques of legal & responsibility & have taken the Title 4 liquor law training course. I will oversee all employees and they will be properly trained in all aspects of the liquor law training course. I will provide a safe experience for staff & rest patrons."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Los Pinos Surf and Turf wishes to provide great quality service for all patrons. The restaurant will be a family facility for dining and will provide a safe environment for the public. In addition Los Pinos will responsibly adhere to all local government body rules & regs."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances. Staff gave careful consideration to the protest letter received, however after reviewing the application in its entirety staff is recommending approval of this application.

Attachments

Liquor License Data - Los Pinos Surf and Turf
Liquor License Map - Los Pinos Surf and Turf

This item was continued to the Nov. 18, 2020 City Council Formal Meeting.

6 Liquor License - Ghett Yo Pizza Sliders & More

Request for a liquor license. Arizona State License Application 120044.

Summary

Applicant
Jared Repinski, Agent

License Type
Series 12 - Restaurant

Location
4747 E. Elliot Road, Ste. 12
Zoning Classification: PSC
Council District: 6

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 Nov. 10, 2020.

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.

Ghett Yo Taco (Series 12)
241 S. Oregon St., Chandler
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

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

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

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 - Ghett Yo Pizza Sliders & More
Liquor License Map - Ghett Yo Pizza Sliders & More

This item was recommended for approval.

7 Liquor License - 35th Ave Market

Request for a liquor license. Arizona State License Application 119844.

Summary

Applicant
Nivin Shikha, Agent

License Type
Series 10 - Beer and Wine Store

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

This request is for a new liquor license for a beer and wine store. 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 Nov. 8, 2020.

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

presumption shall not apply once the licensed location has not been in use for more than 180 days.

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

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

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

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

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

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - 35th Ave Market
Liquor License Map - 35th Ave Market

This item was recommended for approval.

8 Liquor License - Breakfast Bitch

Request for a liquor license. Arizona State License Application 118955.

Summary

Applicant
Derrell Hutsona, Agent

License Type
Series 12 - Restaurant

Location
222 E. Portland St.
Zoning Classification: DTC - West Evans Churchill
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.

The 60-day limit for processing this application is Nov. 17, 2020.

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 held a liquor license in CA since May, 2019, with no infractions. We have a rigourous training program, including requesting ID checks from each person ordering alcohol. We have attended Title 4 Basic & management courses & take this responsibility 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:
"We take pride in our brand & reputation as well as the community we are a part of. Our proven track record & sales projections in Phoenix reflect that we will contribute to the local economy. We are very involved in community events."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Breakfast Bitch
Liquor License Map - Breakfast Bitch

This item was recommended for approval.

9 Liquor License - QuikTrip #1410

Request for a liquor license. Arizona State License Application 115234.

Summary

Applicant
Perry Huellmantel, Agent

License Type
Series 10 - Beer and Wine Store

Location
400 N. 75th Ave.
Zoning Classification: C-2
Council District: 7

This request is for a new liquor license for a convenience store that sells gas. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in July 2021.

The 60-day limit for processing this application is Nov. 10, 2020.

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:
“At QuikTrip, we have a demonstrated record of our ability and commitment to act as a reliable and capable retailer. I currently serve as the agent on more 100 liquor licenses in Arizona for QuikTrip Stores. Since I began acting as the agent on QuikTrip liquor licenses in Arizona, we have not received a single citation for a violation of liquor laws. We ensure all store managers have current liquor training and maintain strict standards to ensure all our employees comply with state laws. QuikTrip has proven that it is a responsible operator and our record demonstrates that I - as an applicant - and QuikTrip - as an organization - have the capability, reliability and qualifications to hold a liquor license.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“The public convenience requires and the best interest of the community will be substantially served by the issuance of the requested liquor license because this location will provide consumers in the immediate neighborhood competitively priced market-style items at a location where they can purchase necessities (everything from milk to Band-Aids) including extensive beverage offerings beyond beer and wine. Allowing customers to purchase alcohol while shopping for fuel or other items, including food, saves time, reduces road congestion, and the additional competition in the area lowers prices and ensures a high level of service for customers. QuikTrip's clean and modern design offers an experience consistent with the redevelopment of this area and will provide an additional option for gasoline and convenience. The best interest of the community will further be served because QuikTrip is a reliable operator with a demonstrated ability to responsibility sell alcohol in its stores and it will provide consumers in the area with more options and better pricing.”

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 - QuikTrip #1410
Liquor License Map - QuikTrip #1410

This item was recommended for approval.

10 Liquor License - QuikTrip #1432

Request for a liquor license. Arizona State License Application 115221.

Summary

Applicant
Perry Huellmantel, Agent

License Type
Series 10 - Beer and Wine Store

Location
5960 W. Buckeye Road
Zoning Classification: A-1
Council District: 7

This request is for a new liquor license for a convenience store that sells gas. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in April 2021.

The 60-day limit for processing this application is Nov. 9, 2020.

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:
"At QuikTrip, we have a demonstrated record of our ability and commitment to act as a reliable and capable retailer. I currently serve as the agent on more 100 liquor licenses in Arizona for QuikTrip Stores. Since I began acting as the agent on QuikTrip liquor licenses in Arizona, we have not received a single citation for a violation of liquor laws. We ensure all store managers have current liquor training and maintain strict standards to ensure all our employees comply with state laws. QuikTrip has proven that it is a responsible operator and our record demonstrates that I - as an applicant - and QuikTrip - as an organization - have the capability, reliability and qualifications to hold a liquor license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The public convenience requires and the best interest of the community will be substantially served by the issuance of the requested liquor license because this location will provide consumers in the immediate neighborhood competitively priced market-style items at a location where they can purchase necessities (everything from milk to Band-Aids) including extensive beverage offerings beyond beer and wine. Allowing customers to purchase alcohol while shopping for fuel or other items, including food, saves time, reduces road congestion, and the additional competition in the area lowers prices and ensures a high level of service

for customers. QuikTrip's clean and modern design offers an experience consistent with the redevelopment of this area and will provide an additional option for gasoline and convenience. The best interest of the community will further be served because QuikTrip is a reliable operator with a demonstrated ability to responsibility sell alcohol in its stores and it will provide consumers in the area more options and better pricing."

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 - QuikTrip #1432
Liquor License Map - QuikTrip #1432

This item was recommended for approval.

11 Liquor License - Testal Mexican Kitchen

Request for a liquor license. Arizona State License Application 116186.

Summary

Applicant
Fernando Hernandez, Agent

License Type
Series 12 - Restaurant

Location
1325 Grand Ave., Ste. 1
Zoning Classification: C-2 MR DNS/WVR ACOD
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.

The 60-day limit for processing this application is Nov. 13, 2020.

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 worked in the nightclub, bar, restaurant and live entertainment industry for over a decade now and have always been responsible in my duties and in handling of alcohol. Though alcohol has always been accessible to me through work, I have always maintained a high level of professionalism and personal responsibility. I've never had a DUI or any issues with the law because of alcohol consumption and I plan to run my business with that level of responsibility. Our patrons will enjoy spirits but always responsibly."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Our goal is to be a cultural place and the same goes to our liquor presentation. We plan to offer drinks and spirits that are typical of the state of Chihuahua, Mexico in a way that is enjoyed as part of cultural experience, along with food and art. Our patrons will get to learn about an indigenous beer made from corn and how it is consumed in ceremonious practices as well as spirit that comes from an agave plant that grows in the desserts of Chihuahua and many other experiences. Every sip will be a journey."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Testal Mexican Kitchen
Liquor License Map - Testal Mexican Kitchen

This item was recommended for approval.

12 Liquor License - Tacos Calafia

Request for a liquor license. Arizona State License Application 119980.

Summary

Applicant
Rosalio Vasquez, Agent

License Type
Series 12 - Restaurant

Location
825 N. 7th St., Ste. 102
Zoning Classification: C-2 HP ACOD
Council District: 8

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

The 60-day limit for processing this application is Nov. 20, 2020.

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:
"We are a mature couple looking to open a succesful business and to partner with the City of Phoenix and the State of Arizona to responsibly manage and sell alcohol."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Tacos Calafia is a restaurant that focuses on not only the sale of food and beer but providing a safe place f where families can come and enjoy delicious foods and drinks."

Staff Recommendation

Staff recommends approval of this application.

Attachments
Liquor License Data - Tacos Calafia
Liquor License Map - Tacos Calafia

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Two electronic comments were submitted for the record in support of Item 63.

Discussion
Following the vote, Councilman Nowakowski thanked staff for displaying items on the floor and what was next as it was helpful.

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Pastor, that Items 13-71 be approved or adopted, except Items 27, 37, 42 and 64-71. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

Items 13-16, Ordinance S-47030 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.

13 Metals Treatment Technologies, LLC.

For $30,000.00 in payment authority to purchase Fire Bullet Removal and Recycling Service for the Police Department. The Training Bureau performs regular maintenance on the firing range impact zones to

remove and recycle lead and copper projectiles. This is an essential practice in preventing ricochets to the officers. The reclamation of the materials in the impact zones are needed for Occupational Safety Health Administration's requirements and Environmental Protection Agency's best practices and environmental management.

This item was adopted.

14 Grayshift, LLC doing business as Grayshift

For $19,800.00 in payment authority to purchase one-year renewal of GrayKey software for the Police Department. Criminal investigations rely on digital evidence, which is locked and encrypted behind mobile devices. GrayKey is a forensic access tool that extracts encrypted data from mobile devices to help with criminal investigations. The Internet Crimes Against Children investigators will specifically utilize this product to identify and locate suspects and victims in sexual exploitation cases. The funds for this purchase are available from the Department of Justice Grant with the Office of Juvenile Justice and Delinquency Prevention.

This item was adopted.

15 Maricopa County, Environmental Services Department

For $67,000.00 in payment authority for annual regulatory refuse hauler permit fees through Nov. 30, 2021 for the Public Works Department. The fees are required for regulatory and environmental compliance by Maricopa County for the solid waste collection fleet.

This item was adopted.

16 Thyssenkrupp Elevator Corporation

For $15,012.01 in additional payment authority for Contract 146517, for Change Order 2, Project 70614363 for Phoenix City Hall Elevator Modernization for the Public Works Department. The request for additional payment authority includes additional work for the support and integration of the new elevators with other concurrent projects consisting of fire alarm upgrades, access control elevator cab upgrades, fire sprinkler pipe replacements, and elevator lobby wall finish updates. The work was not included as part of the original bid. The change order is essential to the health, safety, and welfare of the public and critical operations for the City.

This item was adopted.

17 **Dedicate Right of Way for Parcels with Existing Roadway or Right of Way Improvements (Ordinance S-47032)**

Request that the City Council dedicate to public use, for right of way purposes, land acquired for various street improvement projects, and further order the ordinance be recorded.

Summary

The dedication is required for parcels with existing roadway improvement at various locations. For a listing of each parcel by location, City Council District and assessor parcel number (APN), see **Attachment A**.

This item was adopted.

18 **Grant of Public Utility Easement on City-owned Property for Fire Department Resource Building (Ordinance S-47039)**

Request City Council to grant a public utility easement, for consideration of $1.00 and/or other valuable consideration, for the installation of a pad-mounted transformer and electrical facilities on City-owned property in the Arizona Public Service (APS) service area, and further ordering the Ordinance recorded. The public utility easement is required for electrical improvements to Fire Department Resource Building at 2625 S. 19th Ave.

Summary

This public utility easement is for the area more fully described in the legal description within **Attachment A** ("Easement Premises") and will be granted to all public service corporations, agricultural improvement districts, and telecommunication corporations providing utility service (collectively "Grantee") to Fire Department Resource Building in perpetuity so long as Grantee uses the Easement Premises for the purposes herein specified for an indefinite period, subject to the following terms and conditions:

Grantee is hereby granted the right to construct, reconstruct, replace, repair, operate and maintain utility facilities together with appurtenant fixtures for use in connection therewith (collectively "Grantee Facilities") to, through, across and beyond Grantor's property within the Easement Premises. Subject to the notice requirements provided in paragraph "I," Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the

purposes herein specified. Grantee acknowledges and accepts that Grantee shall share the Easement Premises with other Grantees and shall use such Easement Premises with other Grantees in accordance with and consistent with industry standards and customs for shared use. Grantor agrees to coordinate the location of Grantee's Facilities within the Easement Premises and to pay costs for relocation of Grantee's Facilities as provided in paragraph "F."

Grantor shall not locate, erect or construct, or permit to be located or erected or constructed, any building or structure within the limits of the Easement Premises. However, Grantor reserves all other rights, interests, and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of Easement Premises without the prior written consent by the Grantee whose facilities will be affected by the change of elevation.

Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate, or maintain the Grantee Facilities.

Grantor shall maintain an appropriate three-foot clear area around all edges of all equipment pads for Grantee Facilities in addition to a clear operational area that extends 10 feet immediately in front of all transformer or switching cabinet openings, within the Easement Premises. No obstruction, trees, shrubs, fixtures, or permanent structures shall be placed or permitted by Grantor within said areas. Grantee is hereby granted the right to trim, prune, cut, and clear away trees, brush, shrubs, or other obstruction within said areas.

Grantee shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon and agrees that

following any work or use by Grantee within the Easement Premises, the affected area, including without limitation, all pavement, landscaping, concrete and other improvements permitted within the Easement Premises pursuant to this easement will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's property; provided however, that: (1) Grantor pays the entire cost of redesigning and relocating existing Grantee Facilities to the new location; and (2) Grantor provides Grantee with a new and substantially similar public utility easement at no cost to Grantee. After relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement without cost or consequence to Grantor.

Each public service corporation and telecommunication services corporation as a Grantee shall coordinate and work with other Grantees in the use of the Easement Premises. In the event that a third party or other Grantee requests the relocation of existing Grantee Facilities to a new location (whether or not) within the Easement Premises, the requesting party shall pay the entire cost of redesigning and relocating the existing Grantee Facilities.

Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation, or other entity without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of any proposed transfer, conveyance or assignment of any rights granted herein at address listed below.

Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where the Easement Premises are located: (1) on a site that includes Aviation Department facilities; (2) water and wastewater treatment facilities; (3) Police Department headquarters located at 620 W. Washington St.; (4) Fire Department headquarters located at 150 S. 12th St.; (5) City Hall located at 200 W. Washington St.; (6) City Court Building located at 300 W. Washington St.; (7) Calvin C. Goode Building located at 251 W. Washington St.; (8) Transit Operations

Center located at 320 N. 1st Ave. or West Transit Facility located at 405 N. 79th Ave.; or (9) in a secured or fenced area.

Location
2625 S. 19th Ave.
Council District: 8

This item was adopted.

19 Acceptance of Easements for Drainage and Waterline Purposes (Ordinance S-47041)

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

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

Easement (a)
Applicant: CH Realty IX/I Phoenix Deer Valley, L.P., its successor and assigns
Purpose: Drainage
Location: 500 W. Pinnacle Peak Road
File: FN 200575
Council District: 1

Easement (b)
Applicant: 59th & Baseline, LLC, its successor and assigns
Purpose: Waterline
Location: 5885 W. Baseline Road
File: FN 200579
Council District: 8

This item was adopted.

20 Acceptance and Dedication of Easements for Public Utility and Sidewalk Purposes (Ordinance S-47043)

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

Summary

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

Easement (a)
Applicant: Arturo Alatorre, its successor and assigns
Purpose: Public Utility
Location: 7532 and 7536 N. 23rd Ave.
File: FN 200577
Council District: 5

Easement (b)
Applicant: VKS Enterprises, LLC, its successor and assigns
Purpose: Sidewalk
Location: 6608 and 6616 N. 16th St.
File: FN 200586
Council District: 6

This item was adopted.

21 Acquisition of Real Property for a Sidewalk Encroachment Along 17th Street, South of Indianola Avenue (Ordinance S-47037)

Request to authorize the City Manager, or his designee, to acquire real property and related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain to mitigate a sidewalk encroachment on private property. Further request authorization to dedicate land with public improvements to public use via separate recording instrument. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Acquisition of approximately 52 square feet of real property is required to mitigate a sidewalk encroachment on private property.

The parcel affected by acquisition and included in this request is identified by Maricopa County Assessor's parcel number 119-29-020B located at 1695 E. Indianola Ave.

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program budget using Arizona Highway User Revenue Funds (HURF).

Location

Along the west side of 17th Street, approximately 165 feet south of Indianola Avenue.
Council District: 4

This item was adopted.

22 Janitorial Supplies for City Departments - City of Tucson Cooperative Contract 202329 (Ordinance S-47033)

Request to authorize the City Manager, or his designee, to enter into a cooperative participating agreement through the City of Tucson's OMNIA Partners Cooperative Contract 202329 with Network Services Company and Waxie Sanitization Supply, the local distributor, to purchase janitorial, sanitation supplies and equipment for all City departments in an aggregate amount not to exceed $16,300,000. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

This contract will be used to purchase janitorial, sanitation supplies and equipment for all City departments. This request seeks authorization to make purchases under the OMNIA Partners cooperative contract. The primary departments using this contract are Fire, Aviation, Parks and Recreation, Planning and Development, Phoenix Convention Center, and Public Works.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement processes, as set forth in the Phoenix City Code, chapter 43. The City of Tucson's contract covers the purchase of diverse and extensive supply of janitorial and sanitation supplies as required for all City departments. The City of Tucson's contract was awarded on March 31, 2020. The use of this cooperative will provide the City national discounts on these products.

Upon City Council approval of this item, a purchasing agreement incorporating the City's terms and conditions will be fully executed between Waxie Sanitation Supply and the City.

Contract Term

The five-year contract term shall begin on or about Dec. 1, 2020.

Financial Impact

The aggregate five-year contract value shall not exceed $16,300,000, or approximately $3,260,000 annually. Funds are available in all City departments' budgets.

This item was adopted.

23 Civil Service Board Hearing Officers (Ordinance S-47038)

Request to authorize the City Manager, or his designee, to amend Contract 141993 with Harold J. Merkow, Contract 141996 with Richard D. Fincher, Contract 141994 with Prudence Lee, and Contract 151594 with Mary Stevens, by extending the term of the contracts on a month-to-month basis for up to 12 months to provide continued Hearing Officer services to the Civil Service Board. Also request to authorize additional payment authority in the amount of $100,000, with a revised aggregate value of $400,000 (Ordinance S-42105). Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City entered into contracts with the above referenced Hearing Officers on Dec. 1, 2015 to perform hearing officer duties including conducting hearings on Civil Service Board appeals and composing written reports stating findings and recommendation for the ultimate outcome of the appeal. The fifth year of the contracts will expire on Nov. 30, 2020. A Request for Qualifications was completed; however, an insufficient number of responsive submittals were received. The contract extension will allow time for the City to conduct a second procurement process and ensure there is no interruption of service.

Procurement Information

The Human Resources Department issued RFQu 20-120 on June 8, 2020 but an insufficient number of responsive submittals were received

to provide Hearing Officer services to the Civil Service Board. Another Request for Qualifications will be issued in the near future and additional research and outreach will be conducted to attract a greater number of responsive offers.

In accordance with Administrative Regulation 3.10, a Determination Memo citing a need to extend the current contract beyond maximum option years was approved.

Contract Term
The original contract term was for a three-year period beginning on Dec. 1, 2015, with two one-year extension options exercised by the City. Approval of this request would extend the contracts on a month-to-month basis up until Nov. 30, 2021.

Financial Impact
Upon the approval of the additional payment authority of $100,000, the revised aggregate value will be $400,000 through the term of Nov. 30, 2021. Funds are available in the Human Resources Department's budget.

Concurrence/Previous Council Action
The initial contract was approved by City Council on Nov. 18, 2015.

This item was adopted.

24 Authorization to Amend Contracts with Arizona Food Bank Network and St. Mary's Food Bank Alliance for COVID-19 Emergency Food Assistance Services (Ordinance S-47047)

Authorization for the City Manager, or his designee, to increase funding for Contract 152702 with Arizona Food Bank Network (AFBN) by the amount of $300,000 and Contract 152721 with St. Mary's Food Bank Alliance (SMFBA) by the amount of $700,000 to provide emergency food assistance to vulnerable populations impacted by COVID-19. The revised contract value for Arizona Food Bank Network will not exceed $800,000. The revised contract value for St. Mary's Food Bank Alliance will not exceed $2,700,000. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary

In response to the COVID-19 pandemic, the City of Phoenix Human Services Department developed a food assistance plan to address the food needs of vulnerable populations and communities impacted by COVID-19. This plan is aligned with the City Manager's guiding principles and strategic plan to deploy CARES Act funding. The plan addresses the following:

Access to healthy foods for impacted populations.
Infrastructure assistance regarding transportation, home delivery and storage of food.
Support for food banks and community agencies with increased operational costs.

AFBN provides financial support through grants for food distribution agencies demonstrating capacity for expanding local services due to COVID-19. The additional funding will be used to help with grant administration and additional small grants to local food banks and distributors.

SMFBA covers increased costs due to COVID-19 for transportation, delivery, purchase of shelf stable food, warehousing and production. SMFBA is the primary transportation and delivery hub for 330 plus partner agencies within Phoenix. The additional funding will be used primarily to purchase hard-to-come-by food products, namely peanut butter and canned meats.

Procurement Information

Services were procured in accordance with Administrative Regulation 3.10 to implement and administer programs intended to prevent, prepare for, and respond to the COVID-19 national pandemic. The City of Phoenix has obtained all necessary federal waivers to ensure compliance.

Contract Term

The contracts began July 1, 2020 and will end Dec. 30, 2020. The contracts may be extended based on continuous need and available funding, which may be exercised in the discretion of the City Manager or

designee.

Financial Impact
The initial contract with AFBN was for $500,000. This amendment will increase the contract value by $300,000 for a new contract value not to exceed $800,000.

The initial contract with SMFBA was for $2,000,000. This amendment will increase the contract value by $700,000 for a new contract value not to exceed $2,700,000.

There is no impact to the General Fund. Funding will be provided through one-time Coronavirus Relief Funds.

Concurrence/Previous Council Action
City Council approved Contract 152702 and Contract 152721 under Ordinance S-46709 on June 3, 2020.

This item was adopted.

25 Contract with CO+HOOTS to Implement Small Business Community Platform (Ordinance S-47061)

Request to authorize the City Manager, or his designee, to enter into a contract with CO+HOOTS, or its City-approved designee, to launch a technology-driven Small Business Community Platform to support Phoenix small businesses in response to the COVID-19 pandemic. Funding for this digital platform will not exceed $100,000. Further request authorization for the City Controller to disburse funds related to this item. Funding is available through the City's $293 million allocation of Coronavirus Relief Funds (CRF). There is no impact to the General Fund.

Summary
On May 5, 2020, City Council approved $100,000 of CRF funding to invest in a small business program to assist Phoenix businesses with their recovery efforts.

CO+HOOTS, founded in 2010 as central Phoenix's first coworking space, is an entrepreneurship ecosystem accelerator that provides educational resources and collaborative, self-sustaining spaces to grow the entrepreneurial, startup and small business community. A

globally-recognized entrepreneur support organization, CO+HOOTS is a major catalyst and driver of local economic development.

If approved, an agreement will be executed with CO+HOOTS to create, launch and maintain a technology-driven community platform. This platform, called the HUUB, a robust digital platform that supports local governments in revitalizing small businesses during, and after the COVID-19 pandemic, will provide on-demand expertise, guidelines and solutions to assist Phoenix small businesses in recovering from the impact of COVID-19. This platform, available in both English and Spanish, will streamline support for small businesses in one central location, or hub, to assist with business stabilization, recovery, and help boost the resiliency of Phoenix small businesses.

The Small Business Community Platform will streamline support for Phoenix small businesses. Key highlights include the following:

Education and Small Business Support: Business owners will have access to a library of engaging and relevant webinars featuring local and national experts representing a diverse array of industries, that will provide on-demand solutions for issues faced by small businesses, and be available any time businesses need support.

Community Building and Events: Business owners will be able to search and connect to a myriad of community events aimed at supporting the small business community. Key events from a variety of community partners, such as business organizations and chambers, along with the City, will be highlighted on the platform.

On-boarding and Branding: Business owners will become aware of this platform through a campaign aimed at on-boarding small businesses prior to launching the platform. City staff and key partners will have the opportunity to participate in training sessions.

Reporting and Platform Communication: Business owners will be surveyed at key times while accessing the community platform. This data, including demographics and business contact information, will be reported to the City on a regular basis to allow for ongoing business

engagement.

CO+HOOTS will provide reporting and performance metrics to the City to track assistance to Phoenix small businesses.

Procurement Information
CO+HOOTS was selected through Alternative Competition based on its experience creating a similar program for the City of Mesa.

Contract Term
The contract with CO+HOOTS will begin immediately and expire on June 30, 2021.

Financial Impact
Funding for this Small Business Community Platform will not exceed $100,000. There is no impact to the General Fund. Funding is available through the City's $293 million allocation of Coronavirus Relief Funds.

Concurrence/Previous Council Action
At the May 5, 2020 City Council Policy meeting, the City Council approved $100,000 to create a tool that would provide small businesses with expertise on key business topics, guidelines to assist with business recovery and on-demand solutions during this unprecedented time.

This item was adopted.

26 Authorization to Accept Additional Rental and Eviction Prevention Assistance Funding from the Arizona Department of Housing for COVID-19 (Ordinance S-47053)

Request authorization for the City Manager, or his designee, to amend Contract 151977 with the Arizona Department of Housing (ADOH) to accept additional rental and eviction prevention assistance funding in the amount of $100,000 for a new contract amount not to exceed $1,422,200 for the period beginning March 27, 2020 through Dec. 31, 2020. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. There is no impact to the General Fund.

Summary
Funds provided to the City of Phoenix from ADOH will be used to provide

immediate rental and eviction prevention assistance to families that have been impacted by the COVID-19 pandemic. Households eligible to receive assistance must be able to document that their current financial hardship is due to COVID-19.

Contract Term
The term of the contract is from March 27, 2020 through Dec. 31, 2020, which may be extended based on continuous need and available funding. Any extension term may be exercised by the City Manager or his designee.

Financial Impact
Funding from ADOH is provided from a combination of the State Housing Trust Fund and State Crisis Contingency Safety Net Fund. There is no impact to the General Fund.

Concurrence/Previous Council Action
On April 15, 2020, City Council authorized staff to enter into contract with ADOH for $650,000 to provide rental and eviction prevention assistance, and authorized the City Treasurer to accept and City Controller to disburse funds with Ordinance S-46549.

On Sept. 16, 2020, City Council authorized acceptance of additional funding in the amount of $672,200, and authorized the City Treasurer to accept and the City Controller to disburse funds with Ordinance S-46922.

This item was adopted.

28 Request Authorization to Enter Into an Agreement with Arizona Humane Society (Ordinance S-47062)

Request to authorize the City Manager, or his designee, to enter into an agreement with the Arizona Humane Society (AHS) to support animal welfare activities that have resulted due to the COVID-19 pandemic. The total value of this agreement will not exceed $450,000. Further request authorization for the City Controller to disburse all funds related to this item. One-time funding is provided through the Coronavirus Aid, Relief and Economic Security (CARES) Act. There is no impact to the General Fund.

Summary

Due to the COVID-19 pandemic, the number of surrendered and abandoned pets has increased and nearly all non-profit organizations have experienced a loss of revenue that has impacted their operational capacity to properly address what could be a significant public health issue. Through this agreement, the AHS will work in partnership with local animal welfare organizations to enhance surrender and crisis prevention programs designed to keep pets and people together by providing resources such as boarding, fostering, veterinary assistance and pet wellness programs. Funding will also be utilized to provide care for animals surrendered to shelters, to increase kennel capacity to care for more abandoned animals, and to develop a website for a re-homing and direct placement foster program.

Contract Term

The term of this agreement shall be effective for costs incurred between July 1, 2020 and Dec. 30, 2020. This agreement may be extended based on continuous need and available funding to be exercised at the sole discretion of the City.

Financial Impact

The aggregate value of this agreement shall not exceed $450,000. There is no impact to the General Fund. One-time funding is provided through the CARES Act.

Concurrence/Previous Council Action

During the Oct. 13, 2020 Policy Session, the City Council voted unanimously to reprogram approximately $15 million in CARES Act funding, of which $500,000 was allocated for animal welfare activities. Of that amount, $450,000 was to be allocated to AHS.

This item was adopted.

29 Continued COVID-19 Incident Response Efforts - Technology (Ordinance S-47063)

Request to ratify contracts executed by the City Manager, or his designee, necessary to acquire critical technology equipment and services and other COVID-19 expenses. Further request to authorize the City Manager, or his designee, to approve additional expenditures for these same purposes under the following agreements: Contract 146189

with BPG Technologies, LLC; Contract 146210 with Cable Solutions, LLC; Contract 146209 with Corporate Technology Solutions LLC; Contract 146369 with Fishel Company; Contract 146234 with Graybar Electric Company, Inc.; Contract 146187 with Tel Tech Networks, Inc.; Contract 143859 with CDW Government, LLC; Contract 143861 with World Wide Technology, Inc.; Contract 144228 with CDW Government, LLC; and Contract 151721 with SHI International Corporation. Further request authorization for the City Controller to disburse all funds related to this item in an amount not to exceed $4.2 million. Equipment and services are required to provide technology to address needs of the organization and the public as a result of the COVID-19 pandemic.

Summary

As a result of the COVID-19 pandemic, the City has ordered and deployed technology within the organization and to the public, including technology to allow continued public services through staff remote working, providing WiFi to students and residents for online learning, providing connectivity to seniors, and increasing the organization's security controls from evolving cyber threats. The City Council provided funding for technology in both the City Operations and Community Investment allocations of CARES Act funding Council-adopted strategic plan. At the Oct. 13, 2020 City Council meeting, the Council reallocated additional funding for technology needs in Telework/E-Government and additional funding for the Youth and Education Office to purchase devices for students.

This request is for authorization to spend additional CARES Act funding allocated by City Council for technology needs. This funding is needed for equipment and services which include, but are not limited to, continued public WiFi upgrades at City facilities, WiFi and other technology for Senior Centers, and laptops and/or tablets for students. This authorization will also provide staff the ability to utilize additional vendors to address supply chain constraints and similar procurement limitations during the pandemic.

Financial Impact

City staff is tracking all expenses related to the COVID-19 pandemic separately and regularly reporting these expenses to the City Council. The estimated value of $4.2 million is based on projections from recent

COVID-related purchases for similar technology equipment and services. These amounts are part of the CARES Act funds allocated to community investment not to exceed $75 million.

This item was adopted.

30 Request Authorization to Amend Contracts with LISC Phoenix and Local First Arizona for COVID-19 Emergency Food Assistance (Ordinance S-47066)

Request to authorize the City Manager, or his designee, to amend contracts with LISC Phoenix (LISC) and Local First Arizona Foundation (LFAF) to provide additional funding of $93,000 to LISC and $351,000 to LFAF for continued emergency food assistance to vulnerable populations impacted by COVID-19 through Dec. 31, 2020. The term of the contracts remains the same. Further request to authorize the City Controller to disburse all funds related to this item. One-time funding is provided through the Coronavirus Aid, Relief and Economic Security (CARES) Act. There is no impact to the General Fund.

Summary

In response to the COVID-19 pandemic, the Office of Environmental Programs (OEP) teamed with the Human Services Department (HSD) to develop a food assistance plan to address the food needs of vulnerable populations and communities impacted by COVID-19. The plan addresses: (a) access to healthy foods for impacted populations; (b) infrastructure assistance regarding transportation, delivery with a focus on home delivery and storage of food; and (c) support for food banks and community agencies with increased operational costs. This plan is aligned with the City Manager’s guiding principles and strategic plan to deploy CARES Act funding.

The funding that has been provided to LISC and LFAF is funding access to healthy foods for impacted populations, equitably supporting existing organizations serving residents, recognizing the work already being done in diverse communities by the community, encouraging partnerships, supporting local business, and promoting innovation.

Entities receiving the funding include public school districts, nonprofits, community and grassroots organizations, farmers, community-supported agriculture (CSA), food hubs, mobile markets, restaurants and catering

(including event venues). Funds were awarded through an open grant application process and awarded based on criteria established for organizational capacity, demonstrated need, and eligible costs (must be focused on activities related to the preparation and delivery of food boxes, produce, and take out/prepared meals) with outcomes for number of meals delivered and number of COVID-19-impacted individuals/families served. Work was initiated by LFAF grantees in August and LISC grantees in September.

LFAF and LISC have been providing services to administer and manage the grant process, disbursing funds, and collecting compliance reporting data.

LFAF Accomplishments to Date:

29,383 meals and 2,146 CSA (local produce) boxes delivered from Aug. 3, 2020 through Oct. 30, 2020.

48 restaurants and caterers, 8 local farmers, 7 CSAs, and 1 food hub have received funding to purchase local produce, prepare and deliver meals, and for Personal Protective Equipment (PPE).

25 social service organizations have received meals for clients living in zip codes most impacted by COVID-19.

LISC Accomplishments to Date:

150,874 meals were prepared by school districts and 15,821 meals were prepared and delivered by nonprofit/grassroots organizations for the month of September 2020.

4 school districts and 10 nonprofit/grassroots organizations are preparing and delivering meals and food boxes for residents living in zip codes most impacted by COVID-19.

The additional funding will be distributed as follows:

LFAF will receive a total of $351,000 with $300,000 disbursed directly to grantees, local farmers, community-supported agriculture (CSAs), food hubs, mobile markets, restaurants and catering (including event venues) and $51,000 is the 17% administrative fee for LFAF. The additional funding will result in an increase of 30,000 meals, including Thanksgiving

meals that will be provided to 2-3 social service organizations. Local farmers, restaurants, caterers, and CSAs benefit with continued income for their business and wages for their employees. Local farmers are harvesting produce at this time and this additional funding will provide a market for their products.

LISC will receive a total of $93,000, which will be disbursed directly to school districts to fulfill their original grant request. The school districts funded are Alhambra Elementary School District, Balsz Elementary School District, Cartwright School District, and Roosevelt School District. A total of approximately 339,058 meals will be provided for pick-up or delivery to 27,059 families in COVID-19 impacted zip codes by these school districts.

The additional funds will be expended by Dec. 31, 2020, as stipulated in the contract and to be reiterated in the amendment.

Procurement Information
Services may be procured, as needed, by utilizing procurement in accordance with Administrative Regulation 3.10 to implement and administer programs intended to prevent, prepare for and respond to the COVID-19 national pandemic.

Contract Term
The term of the contracts remains the same. Contracts may be extended based on continuous need and available funding, which may be exercised by the City Manager or designee.

Financial Impact
This amendment will increase the agreements with: LISC Phoenix by $93,000, for a new aggregate value of $1,193,000; and Local First Arizona $351,000, for a new aggregate value of $951,000.

In response to the COVID-19 pandemic, staff recommends that City Council reallocate $444,000 in Coronavirus Relief Funds from the Healthcare Connectors Program. Originally, $700,000 was awarded to the Healthcare Connectors Program; however, after further review staff has identified that only $100,000 will be needed. By reallocating these

funds, the City will be able to further address the food needs of vulnerable populations and communities impacted by COVID-19 during the holiday season. Funding is available in the Coronavirus Relief Fund. There is no General Fund Impact.

Concurrence/Previous Council Action

The City Council authorized agreements with LISC Phoenix and Local First Arizona Foundation (Ordinance S-46712) on June 3, 2020.

This item was adopted.

31 2020-21 HOME Investment Partnerships Program Call for Interest

Request City Council approval of the Housing Department's 2020-21 HOME Investment Partnerships Program (HOME) Call for Interest (CFI), Community Priorities for the HOME CFI, and the associated revisions to the Affordable Housing Loan Program (AHLP) Underwriting Guidelines. The HOME Program is a federally funded program. There is no impact to the General Fund.

Summary

The AHLP's Community Priorities (Priorities) and Underwriting Guidelines allow the City to be proactive in communicating housing needs to developers of affordable and/or special needs housing. On Nov. 16, 2019, City Council approved the Priorities as follows, and the Housing Department recommends continuing with these Priorities for the 2020-21 CFI:

Acquisition, rehabilitation, and/or new construction of properties that focus on homeless or special needs populations and that provide appropriate services to assist and sustain these populations.

Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Program.

The total allocation available for the 2020-21 CFI is approximately $6 million in HOME funding, of which an estimated $855,000 must be awarded to CHDO projects. The remaining funds will allow for an estimated five to six affordable housing project awards with a maximum award of $1 million.

Procurement Information

The CFI will be available through the City's website in November 2020. A selection committee will convene to evaluate proposed projects, based on the criteria listed below. The committee will be made up of representatives from City departments and community partners with housing development expertise who are not competing for the funding. Formal recommendation for the CFI award(s) will be presented to the Land Use and Livability Subcommittee and City Council for approval.

Applicants must meet the following threshold criteria prior to moving forward for evaluation and scoring by the selection committee.

Threshold Criteria:
Application submitted before deadline.
Development team is not on the U.S. Department of Housing and Urban Development Debarment List.
Compliance with existing city loans.
Proposed property management firms must have minimum three years of experience.
Complete application as specified in the CFI.

Those applications that do not meet the threshold criteria will be rejected and not move forward to evaluation.

Evaluation criteria for selection will include the following:

Developer Experience (260 points) - Capacity and prior experience of the organization; its staff member and consultant experience in planning and completing projects similar to the proposed project; property management experience of those who will manage the proposed property; including compliance with federally-subsidized units.

Project Merits (430 points) - Project need, proximity to services; sustainability as demonstrated in energy efficient design; location near transportation; amenities included in the project design; site plans and elevations; accessibility; experience of the General Contractor; project readiness and timeline.

Financial Feasibility (260 points) - Includes development financing plan; funding commitments; mitigation of identified risks; leverage of City funds.

Project Impact (50 points) - How likely the project is to succeed and accomplish its goals; serve the intended population; and demonstration of financial feasibility and project readiness.

Underwriting Guidelines Revisions

The City first adopted the Underwriting Guidelines (Guidelines) in October 2005. Since then the Guidelines have been periodically updated to reflect current City priorities, federal funding regulations and changes in lending practices. The Guidelines were last updated in November 2019. The goals of the Guidelines are to:

Provide long-term housing affordability.

Outline clear guidelines for quality, well-constructed or rehabilitated housing.

Create predictable, clear underwriting and approval process.

Manage risk and encourage high performing projects.

Proposed revisions to the Guidelines include the following:

The Housing Department will decline HOME Funding for projects where the Department's long-term affordability restrictions must be subordinated to a senior mortgage lender.

A procedure will be added for sale and transfers of property.

Financial Impact

There is no impact to the General Fund. HOME is a federally funded program.

This item was approved.

32 Authorization to Amend Contract between City of Phoenix and Central and Fillmore Associates, LP (Ordinance S-47048)

Request authorization for the City Manager, or his designee, to amend the Affordable Housing Loan Agreement #105833 (Loan Agreement) between the City of Phoenix (City) and Central and Fillmore Associates, LP, an Arizona limited partnership, (Owner) to extend the term of the City Loan by up to five years for the Westward Ho Apartments. Authorization

is also requested for the City Manager, or his designee, to execute all necessary documents. There is no impact to the General Fund.

Summary

The Loan Agreement, in the original amount of $1,400,000 of taxable General Obligation Bond funds, was executed on April 1, 2003 to assist with the development of the 289-unit Westward Ho Apartments located at 618 N. Central Ave. The Westward Ho Apartments provides affordable housing to seniors and persons with mobility impairments. The Loan Agreement was last modified in 2015 to facilitate a transfer of ownership of the property. The Loan Agreement currently secures 65 City Affordable units serving households whose income does not exceed 50 percent of the Area Median Income. The Loan Agreement is currently in a subordinate position to a U.S. Department of Housing and Urban Development (HUD) insured 221(d)(4) Primary Mortgage.

The Owner desires to refinance the Primary Mortgage with a new HUD insured 221(d)(4) loan with a lower interest rate. A requirement for this financing is that all subordinate debt have a term which coincides with the Primary Mortgage. The Owner has requested that the City amend the term of its Loan Agreement by up to five years to facilitate this transaction. All other conditions of the City's Loan Agreement will remain the same and no additional City funds are being requested.

The proposed refinance will lower the Primary Mortgage debt obligation on the property. As a result, the transaction is expected to increase payments made to the City Loan which is paid from surplus cash from the operation of the property. The equity position of the property will remain the same as 221(d)(4) loans do not allow cash out.

Financial Impact

There is no impact to the General Fund.

Location

618 N. Central Ave.
Council District: 7

This item was adopted.

33 Authorization to Amend and Extend Terms for Homeless and

Victim Services Contracts (Ordinance S-47035)

Authorization for the City Manager, or his designee, to (a) amend the following contracts to extend the terms for an additional year from July 1, 2021 through June 30, 2022: Chicanos Por La Causa (147432), Community Bridges, Inc.-Rapid Rehousing (147511), Native American Connections, Inc. (147431), Southwest Behavioral Health Services, Inc. (147433), Arizona Coalition to End Sexual and Domestic Violence (147434) and Community Bridges, Inc.-Veteran Navigation (143959) and (b) approve funding for these vendors to continue to provide contracted services through the extended terms. The aggregate value of the contracts will not exceed $990,637 during the one-year extension period. Further request authorization for the City Controller to disburse all funds related to this item for the life of the contracts. Funds are available from a combination of Emergency Solutions Grant, Community Development Block Grant and City of Phoenix General Funds.

Summary

As a result of the COVID-19 pandemic, Human Services Department (HSD) staff were required to develop, establish and execute emergency services contracts to support residents who have been negatively impacted by the COVID-19 pandemic, and this meant staff was unable to dedicate the necessary time to work on and plan for the homeless and victim services request for proposal (RFP) scopes of work. As such, HSD is requesting authorization to extend the contracts for one year outlined herein and conduct a RFP for homeless and victim services during the summer of 2021. A RFP process can take from six months to a year, depending on the complexity of the services needed. This extension would provide HSD staff sufficient time to conduct the procurement process.

The City is currently contracted with the following vendors for the services identified below:

<u>Victim Services</u>

Arizona Coalition to End Sexual and Domestic Violence: $200,000 per year.

This contract provides oversight, coordination, and operation of a 24-hour hot line for emergency shelter screening and housing vouchers

assistance for individuals and families experiencing domestic, sexual violence or sex trafficking in Maricopa County.

Emergency Crisis Shelter for Families
Chicanos Por La Causa, Inc.: $166,818 per year.
This contract provides emergency shelter operations and services for families identified by City of Phoenix Police, Fire and Human Service departments.

Rapid Rehousing Bridge Support for Individuals Moving from Homelessness to Permanent Housing
Community Bridges, Inc.: $174,665 per year.
This contract provides bridge support for individuals moving from unsheltered homelessness to permanent housing.

Rapid Rehousing Support Services for Unaccompanied Youth
Native American Connections, Inc.: $97,650 per year.
This contract provides rapid rehousing support services for unaccompanied youth.

Navigation and Wrap Around Services for Justice Involved Individuals Experiencing Homelessness
Southwest Behavioral Health: $226,504 per year.
This contract provides navigation and support to persons charged in Phoenix Municipal Court with repeat misdemeanor offenses related to their homelessness.

Veteran Navigation and Coordination Services
Community Bridges, Inc.: $125,000 per year.
This contract supports full-time navigators who work to engage and connect homeless Veterans to permanent housing.

Contract Term
The extended contract terms will be July 1, 2021 through June 30, 2022.

Financial Impact
Expenditures will not exceed $990,637 during the extension period of the contracts. Funds are available from a combination of Emergency

Solutions Grant, Community Development Block Grant and City of Phoenix General Funds upon annual budget approval.

Concurrence/Previous Council Action
Council approved the initial contract with Community Bridges, Inc. (CBI) - Veteran Navigation on November 9, 2016 with Ordinance S-42987. Council approved exercising the extension option for CBI-Veteran Navigation through June 30, 2021 on June 5, 2019 with Ordinance S-45713.

Council approved the initial contracts for Arizona Coalition to End Sexual and Domestic Violence (ACESDV), Chicanos Por La Causa (CPLC), CBI-Rapid Rehousing, Native American Connections, Inc. (NACI), and Southwest Behavioral Health (SWBH) on May 2, 2018 with Ordinance S-44540.
Council approved exercising the extension options for ACESDV, CPLC, CBI-Rapid Rehousing, NACI, and SWBH through June 30, 2021; and added additional funding to SWBH on May 15, 2019 with Ordinance S-45647.

This item was adopted.

34 Authorization to Amend Contract with Arizona Community Action Association dba Wildfire for Emergency Utility Assistance Funding (Ordinance S-47054)

Request authorization for the City Manager, or his designee, to amend Contract 152442 with the Arizona Community Action Association dba Wildfire (ACAA) to accept additional emergency utility assistance funding in the amount of $119,856 for a new contract total of $502,136. The term of the contract is from July 1, 2020 through June 30, 2021. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to these items. There is no impact to the General Fund.

Summary
Funds provided to the City of Phoenix through ACAA are used to assist low-income individuals and families by removing barriers to self-sufficiency through employment and education resources, housing assistance, and emergency utility assistance. This funding will allow the City of Phoenix to provide approximately 225 additional households with

emergency utility assistance.

Contract Term
This term of the contract is for one year from July 1, 2020 through June 30, 2021.

Financial Impact
The aggregate value of this contract shall not exceed $502,136. Funding is provided from various funding sources (**Attachment A**). There is no impact to the General Fund.

Concurrence/Previous Council Action
On May 6, 2020, City Council authorized staff to enter into contract with ACAA, the City Treasurer to accept and City Controller to disburse funds with Ordinance S-46573.

This item was adopted.

35 Graffiti Removal Solutions Contracts (Ordinance S-47044)

Request to authorize the City Manager, or his designee, to enter into contracts with Clean Sweep Pressure Washing, Inc. dba Clean Sweep Property Services and Sherwin-Williams Company to provide graffiti removal solutions for the Neighborhood Services Department (NSD). Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $144,000 over the life of the contracts including all option years.

Summary
The Neighborhood Services Department Graffiti Busters program is responsible for abating graffiti from a variety of surfaces throughout the city of Phoenix. Program staff employ a variety of methods and tools to achieve this goal, including the utilization of color-matched paint, power washing, and the application of specialized chemicals designed to remove graffiti from non-painted, porous surfaces such as masonry, block, brick, metal, and concrete. The Graffiti Busters team has identified two products, Elephant Snot and Graffiti X, which have proven to be far superior for removing graffiti from porous surfaces than other products used for such removals.

Procurement Information

The Neighborhood Services Department invited qualified offerors to submit bids for two graffiti removal products, Elephant Snot and Graffiti X. An Invitation for Bid (IFB), NSD-IFB-20-006, was issued on June 4, 2020, in accordance with Administrative Regulation 3.10. Four offers were received by NSD on June 18, 2020: two bids for Group I (Elephant Snot) and two bids for Group II (Graffiti X). The following four offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility:

Group I (Elephant Snot)
Clean Sweep Pressure Washing, Inc. dba Clean Sweep Property Services: $55 per gallon
Pressure Equipment Sales, LLC: $75 per gallon

Group II (Graffiti X)
Clean Sweep Pressure Washing, Inc. dba Clean Sweep Property Service: $42 per gallon (Vendor Rescinded Its Offer)
Sherwin Williams Company: $49.59 per gallon

Based on the bids received, the NSD Director recommends that the bids from Clean Sweep Pressure Washing, Inc. dba Clean Sweep Property Services for Group I (Elephant Snot) and Sherwin Williams Company for Group II (Graffiti X) be accepted as the lowest-priced, responsive and responsible offers.

Contract Term
The contracts will be for one year, commencing on or about Nov. 15, 2020, with four, one-year options to extend, which may be exercised in the discretion of the City Manager or his designee.

Financial Impact
The aggregate value of the contracts will not exceed $144,000 (including applicable taxes) over five years. The contracts are funded through the General Fund and the U.S. Department of Housing and Urban Development Community Development Block Grant.

This item was adopted.

36 Murphy Elementary School District Intergovernmental Agreement

(Ordinance S-47059)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Murphy Elementary School District No. 21 (District) for the construction, use and maintenance of a shared use parking lot. The parking lot is located at Kuban Park, near Kuban School.

Summary

The Murphy Elementary School District, at its sole cost, will design, engineer and construct a parking lot on approximately .4 acres, located at 3275 W. Sherman St. (**Attachment A**).

The District shall have priority for use of the parking lot during the school day, during the school year. The City and the public shall have use of the parking lot during park hours. The District shall construct a pedestrian gate and sidewalk that connects the parking lot and Kuban Park.

Contract Term

The IGA has a term of 25 years. Provisions of the IGA include an option to extend the term for an additional 10 years, which may be exercised by written notice sent to the other party a minimum of 30 calendar days prior to the expiration of the IGA.

Financial Impact

No City funds will be expended to execute or administer this IGA.

Concurrence/Previous Council Action

This item was heard as an information item to the Parks and Recreation Board on Oct. 22, 2020.

Location

The address of Kuban Park is 3275 W. Sherman St. The parking lot is located adjacent to Kuban Park, to its immediate southwest.
Council District: 7

This item was adopted.

38 **Amend Ordinance to Modify Terms with Equus-Ellis Limited Partnership for Redevelopment of Former City-Owned Property at 135 N. 2nd Ave. (Ordinance S-47052)**

Request to authorize the City Manager, or his designee, to amend the terms of a disposition and redevelopment agreement S-45119, and other agreements as necessary (Agreements), with Equus-Ellis Limited Partnership or its City-approved designee (Developer), associated with the sale and redevelopment of the former City-owned Ellis Building located at 135 N. 2nd Ave. (Site).

Summary

In November 2018, City Council authorized business terms to enter into Agreements with the Developer for the purchase and redevelopment of the Ellis Building from the City. Following this authorization, the Developer performed their due diligence and closed on the sale of building in April 2019 for $2,250,000. The Developer commenced work on the Site in the summer of 2019 with a project that included ground floor and basement retail and restaurant uses with office on the remaining floors. A deed restriction limited allowable uses to office on the upper floors. The Developer was also required to complete the project within 24 months with one floor of a leasable office suite being completed by Sept. 1, 2020.

Work has continued at the Site since commencement and the Developer is preparing to open the building this fall with a day care user, a food and beverage user and a wellness clinic. The leasable office suite on the 6th floor is also nearing completion. However, due to the COVID-19 global pandemic’s impact on office users and resulting uncertainty of the near-term market for commercial space, the Developer has asked the City for an allowance to lease three floors of the building as co-living residential use rather than an office use. Additionally, the Developer has requested acknowledgement that obligations to pay for chilled water services from the City have been satisfied.

The following business terms have been negotiated:

Amend the Agreements to allow for no more than three floors of the Building to be utilized for a co-living residential use.
Completion of the 6th floor leasable office space shall be extended by three months to Dec. 1, 2020.
Project completion date shall be extended by 12 months to July 9, 2022,

to allow additional time for completion of the co-living residential space.

The City will waive chilled water charges owed for the period after Nov. 21, 2019, provided that Developer is connected to Clearway Energy's chilled water loop by Dec. 31, 2020.

All other terms and conditions of the Agreements shall remain in full force and effect.

Concurrence/Previous Council Action

On Nov. 7, 2018, City Council authorized business terms with the Developer for the sale and redevelopment of the building through Ordinance S-45119. On Jan. 12, 2019 via Ordinance S-45340, City Council approved a 90-day extension for the Developer to conduct additional due diligence and, on Aug. 28, 2019, City Council authorized the Developer to utilize the right-of-way along 2nd Avenue for construction staging through Ordinance S-45982.

Location

135 N. 2nd Ave.
Council District: 7

This item was adopted.

39 Urban Interface Fire Fighting Gear for Fire Department - National Purchasing Partners Cooperative Contract - 00000170A (Ordinance S-47040)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 150751 with L.N. Curtis and Sons for the purchase of Urban Interface Fire Fighting Gear for the Fire Department in amount of $130,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Urban Interface Fire Fighting Gear are essential tools for the Fire Department to accurately and efficiently fight brush fire operations. The tools and equipment assist the Fire Department, to provide life safety services to the public, in critical incidents, and complicated scenes to protect structures, land, and people from the threat of fire when limited water supply is available. Additional funding is needed due to an

unusually high fire season and assisting other municipalities during large fires, which has led to an increase in demand for the replacement of many damaged tools and equipment.

Contract Term
The five-year contract term will end on Aug. 31, 2024.

Financial Impact
Upon approval of $130,000 in additional funds, the revised aggregate value of the contract will not exceed $162,000. The funds are available in the Fire Department's budget.

Concurrence/Previous Council Action
This contract was originally approved by the City Council on Sept. 4, 2019.

This item was adopted.

40 Proposed Future Fire Station 62 at 93rd Avenue and Lower Buckeye Road (Ordinance S-47064)

Request to authorize the City Manager, or his designee, to approve the provision of a new Fire Station (Station 62), which would be located at 93rd Avenue and Lower Buckeye Road. This would include activities to construct, equip, and staff a new 15,000-square-foot, four-bay fire station, one new full-time engine company, one new full-time rescue (ambulance) company, and the associated 22 new positions. Initial estimated capital costs are $7.7 million that would be paid with impact fees. Operating costs for the new station would be built into the General Fund budget upon completion of the station and are estimated at $4 to $4.5 million annually, which includes ongoing costs for sworn personnel, fleet maintenance, fuel, and facility maintenance. Further request authorization for the City Controller to disburse funds required for this item.

Summary
Over the last decade, the Fire Department service delivery system capacity has remained relatively unchanged (increase of four percent), while the demand for service delivery has increased by over 40 percent. As a result, response times to portions of the City have continued to rise and currently do not meet the established National Fire Protection

Association (NFPA) 90th percentile standard.

While the increasing demand for service and corresponding increasing response times are occurring across the City, the recent completion of L-202 in southwest Phoenix has caused that portion of the City to be the most impacted. Simply put, growth has outpaced the Department's service delivery capacity for this area of the City. Because both residential and commercial growth in Southwest Phoenix is currently forecasted to remain robust for the foreseeable future, the negative impact to service delivery is expected to continue.

After a comprehensive analysis of the Department's current capacity, response times, volume of calls for service, and projected growth, the Fire Department is requesting approval to construct, equip and staff new Fire Station 62. Fire Station design, plan, and build includes the following proposed three-year cycle: year one - land acquisition, year two - station design, and year three - station build. Because the City of Phoenix currently owns the property, the timeline is estimated to be expedited at two years for completion once approval and funding are received.

Financial Impact

Based on the Department's request to build an approximately 15,000-square-foot station, and the addition of one new Engine, and one new Rescue, the initial estimated capital cost for the project would be $7.7 million and will be paid for with impact fees. The operating costs for the new station will be built into the General Fund budget upon completion of the station. Operating costs are estimated at $4 million to $4.5 million and includes ongoing costs for sworn personnel, fleet maintenance, fuel, and facility maintenance.

Concurrence/Previous Council Action

This item was approved by the Public Safety and Justice Subcommittee unanimously on Oct. 14, 2020.

Location

93rd Avenue and Lower Buckeye Road
Council District: 7

This item was adopted.

41 Donation from Phoenix Police Foundation (Ordinance S-47057)

Request authorization for the City Manager, or his designee, to accept a donation of a utility terrain vehicle (UTV) from the Phoenix Police Foundation valued at approximately $20,000.

Summary

This donation is for a four-passenger UTV that will be utilized by the Police Department's Downtown Operations Unit during special events. This UTV will support operations such as transporting officers to traffic positions or other locations to better protect persons and property, as well as delivering water, supplies and other equipment. It can also be used to quickly extract and/or transport civilians and/or officers in need of medical attention to Fire Department personnel during crowd management incidents. This UTV is capable of operating on a variety of terrains and is safer and more versatile in navigating through crowds for both officers and the public compared to traditional police vehicles.

The Phoenix Police Foundation is a 501(c)(3) charitable organization. The Foundation is committed to addressing unmet capital needs of the Phoenix Police Department, providing financial assistance in crisis situations and recognizing those who protect our community.

Financial Impact

Costs to the City will include standard operation and maintenance expenses. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

This item was unanimously approved by the Public Safety and Justice Subcommittee at their Oct. 14, 2020, meeting.

This item was adopted.

43 Authorization to Amend Rental Car Center Busing Contract 125318 (Ordinance S-47046)

Request to authorize the City Manager, or his designee, to amend Contract 125318 with Transdev Services, Inc. (Transdev) at Phoenix Sky Harbor International Airport by adding maintenance, service and operation of six COBUS 3000 (COBUS) vehicles, which will be used to

transport passengers between terminals and hardstand operations on the non-public secure side of the airport. The estimated annual cost for this additional work will not exceed $259,000 and does not increase the current annual cost under Contract 125318.

Summary

The City contracts with Transdev to provide shuttle bus services to transport passengers to and from the Rental Car Center and between terminals. Transdev currently provides the day-to-day maintenance, service, and operations of the shuttle bus fleet, as well as stores, fuels, and cleans 84 City-owned buses used for the shuttle bus service.

This amendment will add the necessary maintenance and airfield operations to the six COBUS vehicles recently added to the fleet. The COBUS operation will be used to transport passengers between terminals and hardstand operations on the non-public secure side of the airport. Transdev will ensure COBUS drivers successfully pass the airport's Airfield Driving Program and follow designated routes while driving on the airfield. To ensure the mechanical integrity and the safe operation of the COBUS, the contractor will operate the six vehicles, an estimated but not limited to 14 hours per week including idle and exercise time. All other terms and conditions of Contract 125318 will remain the same.

Contract Term

This amendment will not change the current contract term which expires on June 30, 2022.

Financial Impact

No additional funds are requested and the estimated annual cost in the amount of $259,000 for COBUS vehicles is available in the original estimated annual $14.5 million for this contract.

Concurrence/Previous Council Action

The current contract extension was authorized by City Council on June 20, 2018, through Ordinance S-44809.

Location

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.

Council District: 8

This item was adopted.

44 Federal Aviation Administration Reimbursable Agreement for Flight Inspection of Runway 07L Instrument Landing System at Phoenix Sky Harbor International Airport (Ordinance S-47050)

Request to authorize the City Manager, or his designee, to enter into a Reimbursable Agreement (Agreement) with the Federal Aviation Administration (FAA) to conduct a flight inspection and certification of the Instrument Landing System for Runway 07L at Phoenix Sky Harbor International Airport. Further request to authorize the City Controller to disburse the necessary funds related to this item. The fee for services will not exceed $15,000.

Summary

The Utility Vault Upgrade and Infield Paving Construction Project AV08000074, currently underway at Phoenix Sky Harbor International Airport, involves adjustments to F North 4 Infield. The Instrument Landing System for Runway 07L may be impacted during construction of this project. Under the Agreement, FAA staff will perform a flight inspection and certification after the infield work is completed. This flight inspection is necessary to accommodate the Utility Vault Upgrade and Infield Paving Construction Project and to maintain safe air traffic services at Phoenix Sky Harbor International Airport. This Agreement is essential to the health, safety, and welfare of the public and critical operations for the City.

Financial Impact

This Agreement will authorize a reimbursement amount to the FAA not to exceed $15,000. Payments may be made up to Agreement limits for all rendered Agreement services, which may extend past the termination of the Agreement. Funding is available in the Aviation Department’s Capital Improvement Program budget.

Location

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

This item was adopted.

45 Contract Recommendation for Delta Energy Management Control Systems Parts and Service (Ordinance S-47045)

Request to authorize the City Manager, or his designee, to enter into an agreement with Arizona Control Specialists, Inc. for purchase of parts and service for Delta Energy Management Control Systems (EMCS) on an as-needed basis. Further request authorization for the City Controller to disburse all funds related to this item. This item will have an aggregate amount of $500,000.

Summary

The Public Works Department is responsible for maintaining the control systems that regulate the temperatures and energy consumption in City-owned buildings. The Delta EMCS is currently installed in the Arizona Science Center and Cesar Chavez Library to maintain temperature controls in the facilities. This agreement will allow necessary maintenance and repairs on these systems, which is necessary for proper operation and to maintain temperatures in these public facilities.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a determination memo citing that Arizona Control Specialists, Inc. is the sole source provider in the region for parts and service for Delta EMCS.

Contract Term

The initial three-year contract term will begin on or about Dec. 1, 2020, with two one-year options to extend in increments of up to one year, for a total contract term of up to five years.

Financial Impact

The aggregate value of the contract including all option years is $500,000, including all applicable taxes, with an estimated annual expenditure of $100,000. Funds are available in the Public Works Department's budget.

Location

Cesar Chavez Library, 3635 W. Baseline Road
Arizona Science Center, 600 E. Washington St.

Council Districts: 7 and 8

This item was adopted.

46 Contract Recommendation for Alerton Energy Management Control Systems Parts and Service (Ordinance S-47049)

Request to authorize the City Manager, or his designee, to enter into an agreement with Climatec, LLC for purchase of parts and service for Alerton Energy Management Control Systems (EMCS) on an as-needed basis. Further request to authorize the City Controller to disburse all funds related to this item. This item will have an aggregate amount of $500,000.

Summary

The Public Works Department is responsible for maintaining the control systems that regulate the temperatures and energy consumption in City-owned buildings. The Alerton EMCS is currently installed in the Pecos Community Center, Agave Library, and the Children's Museum of Phoenix to maintain temperature controls in the facilities. This agreement will allow necessary maintenance and repairs on these systems, which is necessary for proper operation and to maintain temperatures in these public facilities.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a determination memo citing that Climatec, LLC is the sole source provider in the region for parts and service for Alerton EMCS.

Contract Term

The initial three-year contract term will begin on or about Dec. 1, 2020, with two options to extend in increments of up to one year, for a total contract term of up to five years.

Financial Impact

The aggregate value of the contract including all option years is $500,000, including all applicable taxes, with an estimated annual expenditure of $100,000. Funds are available in the Public Works Department's budget.

Location
Agave Library, 23550 N. 36th Ave.
Children's Museum of Phoenix, 215 N. 7th St.
Pecos Community Center, 17010 S. 48th St.
Council Districts: 1, 6, and 8

This item was adopted.

47 Contract Recommendation for Smoke Control Systems Inspections and Testing (Ordinance S-47065)

Request to authorize the City Manager, or his designee, to enter into a contract with Fisher Engineering, Inc. for smoke control systems inspections and testing. Further request to authorize the City Controller to disburse all funds related to this item. The total aggregate amount is $750,000 over the life of the contract.

Summary
The Public Works Department is responsible for inspecting and testing smoke control systems in three downtown buildings: Phoenix City Hall; Phoenix Municipal Court; and Burton Barr Central Library. These are specialized systems in multi-story buildings with atriums that remove smoke from the building in the event of a fire. Testing and inspecting these systems is required by the National Fire Protection Association Code, International Building Code, International Fire Code, and Phoenix Fire Code. This contract will allow these systems to be tested and inspected as required and will determine if the systems have any deficiencies that require repairs.

Procurement Information
Invitation for Bid 21-FMD-014 was conducted in accordance with Administrative Regulation 3.10. Five bids were received by the Public Works Department on Aug. 12, 2020. The offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offer submitted by Fisher Engineering, Inc. was deemed to be fair and reasonable.

Contract Term
The initial five-year contract term will begin on or about Dec. 1, 2020, with one five-year option to extend, for a total contract term of up to 10 years.

Financial Impact

The aggregate value of the contract including all option years is $750,000, including all applicable taxes, with an estimated annual expenditure of $75,000. Funding is available in the Public Works Department's budget.

Location

Phoenix City Hall, 200 W. Washington St.
Phoenix Municipal Court, 300 W. Washington St.
Burton Barr Central Library, 1221 N. Central Ave.
Council District: 7

This item was adopted.

48 Small Diameter Sanitary Sewer Rehabilitation 2020 - Design-Bid-Build Services - WS90500118 (Ordinance S-47031)

Request to authorize the City Manager, or his designee, to accept Insituform Technologies, LLC (Insituform) as the lowest-priced, responsive and responsible bidder and to enter into an agreement with Insituform for Design-Bid-Build Services for the Small Diameter Sanitary Sewer Rehabilitation 2020 project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $4,705,708.

Summary

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

Insituform's services include, but are not limited to: rehabilitation of approximately 161,000 feet of primarily 8-inch to 15-inch diameter vitrified clay sewer pipe within the City wastewater collection system. Rehabilitation will include installation of cured-in-place-pipe lining, performance of cleanout, removal or replacement; manhole repair; lateral reinstatement; and odor control.

This agreement is essential to the health, safety, and welfare of the public and critical operations for the City.

Procurement Information
The selection was made using an Invitation for Bids procurement process as set forth in section 34-201 of the Arizona Revised Statutes. Three bids were received on Aug. 18, 2020. A Small Business Enterprise (SBE) goal has not been established for this project due to a lack of availability of SBE contractors for this type of work.

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

Engineer's Estimate: $5,197,740.00
Insituform Technologies, LLC: $4,705,708.00
SAK Construction, LLC: $4,841,618.20
S.J. Louis Construction, Inc.: $5,396,816.80

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

Contract Term
The term of the agreement is 400 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for Insituform will not exceed $4,705,708, including all subcontractor and reimbursable costs.

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

Concurrent/Previous Council Action
The City Council approved:

Construction Administration and Inspection Services Agreement 147034 (Ordinance S-44298) on March 7, 2018.

Public Outreach

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

Location

Council Districts: 4 and 5

This item was adopted.

49 Cave Creek Wastewater Reclamation Plant Rehabilitation - Construction Manager at Risk Pre-Construction Services - WS90300008 (Ordinance S-47034)

Request to authorize the City Manager, or his designee, to enter into an agreement with Sundt Construction, Inc. to provide Construction Manager at Risk (CMAR) Preconstruction Services for the Cave Creek Wastewater Reclamation Plant (WRP) Rehabilitation project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $6 million.

Summary

The Cave Creek WRP is an eight-million-gallons-per-day conventional activated sludge wastewater treatment plant with nitrogen removal and final filtration. Wastewater flow is obtained by pumping from sewers located on Cave Creek Road and Deer Valley Road. The facility was originally placed into operation in 2002 and removed from services in 2009.

The facility was initially designed with on-grade or below-grade facilities to maintain a low-profile aesthetic for visual and noise attenuation purposes. New facilities will be designed and constructed to continue this aesthetic.

Sundt Construction, Inc. will begin in an agency support role for CMAR Preconstruction Services. Sundt will assume the risk of delivering the project through a Guaranteed Maximum Price (GMP) agreement.

Sundt Construction, Inc.'s services will include, but are not limited to: bidding, awarding and managing subcontractors; conducting constructability reviews; value engineering analysis; providing cost tracking, construction work planning and scheduling, long-lead equipment procurement; and other support tasks during preparation of the project plans and specifications as necessary for preparation of the GMP.

A Small Business Enterprise goal will be established for this project during the preconstruction services and reviewed prior to the start of construction.

This Agreement is essential to the health, safety, and welfare of the public and critical operations for the City.

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: Sundt Construction, Inc.

Additional Proposers
Rank 2: McCarthy Building Companies, Inc.
Rank 3: PCL Construction, Inc.
Rank 4: Kiewit Infrastructure West Co.
Rank 5: Archer Western Construction, LLC
Rank 6: The Weitz Company, LLC

Contract Term
The term of the agreement is 30 months 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 Sundt Construction, Inc. will not exceed $6 million, including all subcontractor and reimbursable costs.

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

Concurrence/Previous Council Action

The City Council approved:

Engineering Services Agreement 145603 (Ordinance S-43772) on July 6, 2017; and

Engineering Services Agreement 145603 - Amendment 1 (Ordinance S-46230) on Dec. 18, 2019.

Location

Cave Creek Wastewater Reclamation Plant

Council District: 2

This item was adopted.

50 Downtown Traffic Management System (Re-Bid) - Design-Bid-Build Services - ST89360028 (Ordinance S-47036)

Request to authorize the City Manager, or his designee, to accept Roadway Electric, LLC as the lowest-priced, responsive and responsible bidder and to enter into an agreement with Roadway Electric, LLC for Design-Bid-Build Services for the Downtown Traffic Management System project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $1,190,209.75.

Summary

The purpose of this project is to upgrade the existing Downtown Traffic Management System (DTMS) to provide flexibility for event traffic management. This project is located in downtown Phoenix, in the area bounded by I-10 and I-17.

Roadway Electric, LLC's services include, but are not limited to: furnishing and installing new traffic signal foundations, poles, and mast arms; underground conduit and pull boxes; closed circuit television cameras; digital message signs; anonymous re-identification devices, and other miscellaneous work items as required to complete the project.

This Agreement is essential to the health, safety, and welfare of the public and critical operations for the City.

Procurement Information
The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Five bids were received on Aug. 18, 2020, and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Disadvantaged Business Enterprise (DBE) program requirements.

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

Engineer's Estimate: $1,602,475
Roadway Electric, LLC: $1,190,209.75
C S Construction, Inc.: $1,229,000
AJP Electric, Inc.: $1,399,850

Bidders who were deemed non-responsive are listed below, in alphabetical order:
B&F Contracting, Inc.: $1,194,558.09
Sturgeon Electric Company, Inc.: $1,704,711

The bid award amount is within the total budget for this project. The Engineer evaluated the contractor bids received by the City compared to the Engineer's Estimate, or Opinion of Probable Cost, unit prices for the

DTMS Upgrades Project and did not find any severe variations of unit prices that would cause concern to prevent the City from moving forward with awarding this project to Roadway Electric, LLC.

Contract Term

The term of the agreement is 120 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for Roadway Electric, LLC will not exceed $1,190,209.75, including all subcontractor and reimbursable costs.

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations Part 26 and the U.S. Department of Transportation DBE Program. Funding is available in the Street Transportation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Location

Downtown Phoenix - Approximately bounded by I-10 and I-17.
Council Districts: 7 and 8

This item was adopted.

51 Water Main Replacements QS: 10-33 Washington to Van Buren Streets from 20th to 36th Streets - Construction Manager at Risk Preconstruction Services - Rescind and Award - WS85509026 (Ordinance S-47042)

Request to authorize the City Manager, or his designee, to rescind the award to Achen-Gardner Construction, to accept J. Wise Corp. as the next responsive proposer, and to enter into an agreement with J. Wise Corp. to provide Construction Manager at Risk (CMAR) Preconstruction Services for the Water Main Replacements QS: 10-33 Washington to

Van Buren Streets from 20th to 36th Streets project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $20,000.

Summary

The purpose of this project is to evaluate and replace aging water mains within the City of Phoenix. The primary focus of the program is currently water mains in alleys and easements which have historically had high break rates and are difficult to repair. Work for this project will include installation of new 6-inch to 12-inch water mains, multiple cut and plugs, and installation or relocation of fire hydrants.

J. Wise Corp. will begin in an agency support role for CMAR Preconstruction Services. J. Wise Corp. will assume the risk of delivering the project through a Guaranteed Maximum Price agreement.

J. Wise Corp.’s services include, but are not limited to: reviewing design plans and specifications; developing cost models through detailed cost estimating and knowledge of marketplace conditions; advising the City on ways to gain efficiencies in project delivery; project planning and scheduling; construction phasing and scheduling that will minimize interruption to the City; alternate systems evaluation and constructability studies; long-lead procurement studies and initiating procurement of long-lead items; assisting in permitting processes; and protecting the Owner's sensitivity to quality, safety, and environmental factors. A Small Business Enterprise goal will be established for this project upon substantial completion of Preconstruction Services and prior to the start of construction.

This agreement is essential to the health, safety, and welfare of the public and critical operations for the City.

Procurement Information

The selection was made using a qualifications-based selection process as set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-303(H), the City may not publicly release information on proposals received or scoring results until an

agreement is awarded. Twelve proposals were received and three CMARs were selected; each being assigned a specific section of water main. Achen-Gardner Construction was originally the second-highest ranked proposer and was chosen to be awarded one of the three contracts, but after negotiations was unable to enter into contract. J. Wise Corp. was the next-highest ranked proposer and is now being recommended for this project. Twelve firms submitted proposals and are listed in **Attachment A**.

Contract Term

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

Financial Impact

The agreement value for J. Wise Corp. will not exceed $20,000, including all subcontractor and reimbursable costs.

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

Concurrence/Previous Council Action

The City Council approved:

Professional Services Agreement 151697 (Ordinance S-46394) on March 4, 2020; and

CMAR Preconstruction Services Agreement 152343 (Ordinance S-46694) on June 3, 2020.

Location

QS 10-33: Washington to Van Buren Streets from 20th to 36th Streets
Council District: 8

This item was adopted.

52 Request Authorization to Enter into Applicant Agreement with Arizona Department of Emergency and Military Affairs for Palm Lane Storm Drain Mitigation Project (Ordinance S-47055)

Request to authorize the City Manager, or his designee, to enter into an Applicant Agreement with the Arizona Department of Emergency and Military Affairs (Arizona DEMA) for the Palm Lane Storm Drain Mitigation Project. This agreement specifies rights and responsibilities between agencies and the ability for the City to request Arizona DEMA reimbursement costs associated with the 2017 Flood Mitigation Assistance Program. Further request to authorize the City Treasurer to accept all funds related to this agreement.

Summary

The purpose of this Agreement is to specify the rights and responsibilities of Arizona DEMA in administering the distribution of 2017 Flood Mitigation Assistance (FMA) funds to the City of Phoenix (as the Subrecipient), as well as the rights and responsibilities of the City as the recipient of these funds.

To take advantage of an opportunity for additional funding to reduce local and regional costs of the project, the City applied for grant funding through the Federal Emergency Management Agency (FEMA) FMA program, administered by the Arizona DEMA. The project was successful in the grant process and was awarded $1,597,234 in Spring 2019, with the remaining project costs to be split equally between the City and FCDMC.

Arizona DEMA will provide the City with $1,597,234 of the costs expended for approved services, supplies and equipment incurred during the agreement term, as referenced in the 2015 Hazard Mitigation Assistance Guidance based on Arizona DEMA’s award letter in April 2019. The City will provide Arizona DEMA with complete documentation of all expenditures of funds provided under this Agreement as soon as such documentation becomes available to the City. The City will provide all necessary financial and managerial resources to meet the terms and conditions of receiving funds under this Agreement. The City will use the funds provided by Arizona DEMA and the matching contributions made by the City and the Flood Control District of Maricopa County (FCDMC) to

acquire the services, supplies and equipment identified in the agreement.

The City and FCDMC agreed to construct the Palm Lane Storm Drain and to split the project costs 50/50 between the City and the FCDMC. The project consists of constructing a storm drain along Palm Lane between 28th Street and 31st Street. The City is the lead agency for the project.

Contract Term
The initial term of the Applicant Agreement is through March 22, 2021, with two, one-year options for the City to extend.

Financial Impact
The DEMA/FEMA grant will provide up to $1,597,234 toward the cost of the project.

Concurrence/Previous Council Action
The City Council approved the IGA with the FCDMC for this project on April 20, 2016 (Ordinance S-42476).
The Transportation and Infrastructure Subcommittee recommended City Council approval of the submission of an Arizona DEMA grant application and entering into an intergovernmental agreement with the FCDMC for this project by a vote of 4-0 on May 9, 2017 meeting.
The City Council approved submission of an Arizona DEMA grant application and entering into an intergovernmental agreement with the FCDMC for the revised project scope and budget on June 21, 2017 (Ordinance S-43645).
The Transportation, Infrastructure and Innovation Subcommittee recommended City Council approval to enter into an Applicant Agreement with Arizona DEMA by a vote of 3-0 on Oct. 7, 2020.

Location
The proposed storm drain is along Palm Lane between 28th Street and 31st Street.
Council District: 8

This item was adopted.

53 Request Authorization to Enter into Applicant Agreement with

Arizona Department of Emergency and Military Affairs for Mandan Street Flood Mitigation Project (Ordinance S-47056)

Request to authorize the City Manager, or his designee, to enter into an Applicant Agreement with the Arizona Department of Emergency and Military Affairs (Arizona DEMA) for the Mandan Street Flood Mitigation Project. This agreement specifies rights and responsibilities between agencies and the ability for the City to request Arizona DEMA reimbursement costs associated with the 2017 Pre-Disaster Mitigation Program. Further request to authorize the City Treasurer to accept all funds related to this agreement.

Summary

The purpose of this Applicant Agreement is to specify the rights and responsibilities of Arizona DEMA in administering the distribution of 2017 Pre-Disaster Mitigation (PDM) funds to the City of Phoenix (as the Subrecipient), as well as the rights and responsibilities of the City as the recipient of these funds.

To take advantage of an opportunity for additional funding to reduce local and regional costs of the project, the City applied for grant funding through the Federal Emergency Management Agency (FEMA) PDM program, administered by the Arizona DEMA. The project was successful in the grant process and was awarded $692,377.50 in Spring 2019, with the remaining project costs to be split equally between the City and FCDMC.

Arizona DEMA will provide the City with $692,377.50 of the costs expended for approved services, supplies and equipment incurred during the agreement term, as referenced in the 2015 Hazard Mitigation Assistance Guidance based on Arizona DEMA’s award letter in April 2019. The City will provide Arizona DEMA with complete documentation of all expenditures of funds provided under this Agreement as soon as such documentation becomes available to the City. The City will provide all necessary financial and managerial resources to meet the terms and conditions of receiving funds under this Agreement. The City will use the funds provided by Arizona DEMA and the matching contributions made by the City and the Flood Control District of Maricopa County (FCDMC) to acquire the services, supplies and equipment identified in the agreement.

The City and FCDMC agreed to construct the Mandan Street Flood Mitigation Project and to split the project costs 50/50 between the City and the FCDMC. The project consists of constructing a floodwall behind several residential structures adjacent to the Phoenix Mountain Preserve and will help prevent flood hazards to several residential structures in the area. The FCDMC is the lead agency for the project.

The proposed flood mitigation project will have minimal impacts within the Phoenix Mountain Preserve boundary adjacent to the affected residential properties. However, due to these impacts and in accordance with Phoenix Charter Chapter XXVI, City of Phoenix Mountain Preserves, Section 3(c)4, the project received approval from the Parks and Recreation Board on April 26, 2018.

Contract Term

The initial term of the Applicant Agreement is through March 22, 2021, with two one-year options for the City to extend.

Financial Impact

The DEMA/FEMA grant will provide up to $692,377.50 toward the cost of the project.

Concurrence/Previous Council Action

The Parks and Recreation Board approved the proposed project for City Council authorization on April 28, 2016. The City Council approved submission of an Arizona DEMA grant application for the project on May 4, 2016 (Ordinance S-42514).

The Transportation and Infrastructure Subcommittee recommended City Council approval of the submission of an Arizona DEMA grant application and entering into an intergovernmental agreement with the FCDMC for this project by a vote of 4-0 at its May 9, 2017 meeting.

The City Council approved submission of an Arizona DEMA grant application and entering into an intergovernmental agreement with the FCDMC for this project on June 21, 2017 (Ordinance S-43645).

The Parks and Recreation Board approved a proposed modification of the original concept due to utility coordination efforts on April 26, 2018.

The City Council approved to amend the IGA with the FCDMC for this project on April 15, 2020 (Ordinance S-46532).

The Transportation, Infrastructure and Innovation Subcommittee recommended City Council approval to enter into an Applicant Agreement with Arizona DEMA by a vote of 3-0 at its Oct. 7, 2020 meeting.

Location

The proposed floodwall will be constructed in the vicinity of Mandan Street and Sacaton Street.

Council District: 6

This item was adopted.

54 Alfa Laval Centrifuge Maintenance and Parts Amendment (Ordinance S-47051)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 143636 with Alfa Laval Inc. to provide additional centrifuge maintenance and repair parts for the Water Services Department Water Treatment Plants (WTPs). 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 $200,000.

Summary

The purpose of this agreement is to provide continued maintenance and repair by the manufacturer of the highly specialized and proprietary centrifuges used at the Water Services Department's WTPs. Centrifuges are equipment used to remove water from debris found in surface water and are a critical part of the water treatment process.

This amendment is necessary because in December 2019, the Deer Valley WTP incurred a catastrophic gear box failure that resulted in an unanticipated $108,000 expense.

Financial Impact

The initial agreement for Centrifuge Maintenance / Parts was authorized for a fee not-to-exceed $325,000. This amendment will increase the

agreement by an additional $200,000, for a new total not-to-exceed agreement value of $525,000.

Concurrence/Previous Council Action
The City Council approved Centrifuge Maintenance / Parts Agreement 143636 (Ordinance S-42725) on June 22, 2016.

This item was adopted.

55 Final Plat - Summit at Deem Hills - PLAT 200529 - South of Dynamite Boulevard and East of 39th Avenue Alignment

Plat: 200529
Project: 19-190
Name of Plat: Summit at Deem Hills
Owner(s): Taylor Morrison/Arizona, Inc.
Engineer(s): Hubbard Engineering
Request: A 43 Lot Residential Plat
Reviewed by Staff: Sept. 28, 2020
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 concurrent or after Resolution of Abandonment for ABND V190083A. The sequence of recording is as follows: the resolution is recorded first, and the plat is recorded second.

Location
Generally located south of Dynamite Boulevard and east of 39th Avenue Alignment.
Council District: 1

This item was approved.

56 Final Plat - Citynorth - PLAT 200549 - Southwest Corner of Deer Valley Drive and 56th Street

Plat: 200549
Project: 04-4082
Name of Plat: Citynorth
Owner(s): CPF Vaseo Associates, LLC

Engineer(s): Coe & Van Loo Consultants, Inc.
Request: A 13 Lot Commercial Plat
Reviewed by Staff: Oct. 1, 2020
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. Abandonments 190012, 190096, and 200259 must be recorded prior to the recordation of this plat.

Location

Generally located on the southwest corner of Deer Valley Drive and 56th Street.
Council District: 2

This item was approved.

57 Final Plat - 15th Ave Estates - PLAT 200530 - Southeast Corner of 15th Avenue and Osborn Road

Plat: 200530
Project: 18-161
Name of Plat: 15th Ave Estates
Owner(s): 15th Ave & Osborn, LLC
Engineer(s): Miller & Sons Surveying
Request: A 1 Lot Residential Plat
Reviewed by Staff: July 14, 2020
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the southeast corner of 15th Avenue and Osborn Road.
Council District: 4

This item was approved.

58 Final Plat - Quiktrip Store #1432 - PLAT 200558 - Northwest Corner

of Buckeye Road and Highway 202

Plat: 200558
Project: 18-2262
Name of Plat: Quiktrip Store #1432
Owner(s): Quiktrip Corporation, an Oklahoma Corporation
Engineer(s): The WLB Group, Inc.
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Sept. 22, 2020
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the northwest corner of Buckeye Road and Highway 202.
Council District: 7

This item was approved.

59 Abandonment of Right-of-Way - ABND V190083A - Southeast Corner of Dynamite Boulevard and 39th Avenue (Resolution 21877)

Abandonment: V190083A
Project: 19-190
Applicant: Eric Hopkins; Kimley Horn
Request: To abandon 40 feet of right-of-way, along 39th Avenue
Date of Hearing: Jan. 23, 2020

Summary

The resolution of the abandonment and the subdivision plat Final Plat for "SUMMIT AT DEEM HILLS", Plat 200529, 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

Southeast corner of Dynamite Boulevard and 39th Avenue

Council District: 1

Financial Impact

A fee was also collected as part of this abandonment in the amount of $3,784.60.

This item was adopted.

60 Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-3-20-2 (Companion Case Z-36-20-2) - Northwest Corner of 32nd Street and Paradise Lane (Ordinance G-6763)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-3-20-2 and rezone the site from C-2 to C-2 SP for a self-service storage facility and all underlying C-2 uses. This item must be heard prior to the companion case Z-36-20-2.

Summary

Current Zoning: C-2
Proposed Zoning: C-2 SP
Acreage: 2.45
Proposed Use: Self-service storage facility and all underlying C-2 uses.

Owner: Amerco Real Estate Company
Applicant: Abigail Ayala, RKAA Architects, Inc.
Representative: Robert W. Kubicek, RKAA Architects, Inc.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Paradise Valley Village Planning Committee heard this case on Aug. 3, 2020, and recommended denial by a 10-2 vote.
PC Action: The Planning Commission heard this case on Oct. 1, 2020, and recommended approval, per the staff memo dated Sept. 24, 2020 with an additional stipulation by a 7-0 vote.

Location

Northwest corner of 32nd Street and Paradise Lane
Council District: 2
Parcel Address: 16218 and 16220 N. 32nd St.

This item was adopted.

61 **Amend City Code - Ordinance Adoption - Rezoning Application Z-36-20-2 - Northwest corner of 32nd Street and Paradise Lane (Ordinance G-6764)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-36-20-2 and rezone the site from C-2 (Pending C-2 SP) to C-2 SP HGT/WVR for a height waiver for a self- service storage facility and all underlying C-2 uses. This case must be heard after the companion case Z-SP-3-20-2.

Summary
Current Zoning: C-2 (Pending C-2 SP)
Proposed Zoning: C-2 SP HGT/WVR
Acreage: 2.45
Proposed Use: Self-service storage facility and all underlying C-2 uses with a height waiver.

Owner: Amerco Real Estate Company
Applicant: Abigail Ayala, RKAA Architects, Inc.
Representative: Robert W. Kubicek, RKAA Architects, Inc.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Paradise Valley Village Planning Committee heard this case on Aug. 3, 2020, and recommended denial by a 10-2 vote.
PC Action: The Planning Commission heard this case on Oct. 1, 2020, and recommended approval, per the staff memo dated Sept. 24, 2020 with an additional stipulation and modified stipulations by a 7-0 vote.

Location
Northwest corner of 32nd Street and Paradise Lane
Council District: 2
Parcel Address: 16218 and 16220 N. 32nd St.

This item was adopted.

62 **Amend City Code - Ordinance Adoption - Rezoning Application Z-62-19-4 - Approximately 135 Feet South of the Southeast Corner of 17th Avenue and Denton Lane (Ordinance G-6761)**

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

Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-62-19-4 and rezone the site from R1-6 (Single-Family Residence District) and R-3 (Multifamily Residence District) to WU Code T4:3 SL (Walkable Urban Code, Transect 4:3 District, Solano Character Area) for townhome development.

Summary

Current Zoning: R1-6 (Single-Family Residence District) and R-3 (Multifamily Residence District)
Proposed Zoning: WU Code T4:3 SL (Walkable Urban Code, Transect 4:3 District, Solano Character Area)
Acreage: 1.69 acres
Proposed Use: Townhome development

Owner: McDonald 4141, LLC
Applicant: McDonald 4141, LLC
Representative: William F. Allison, Withey Morris

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Alhambra Village Planning Committee heard this case on Aug. 25, 2020 and recommended approval, per the staff recommendation with an additional stipulation by a 10-4 vote.
PC Action: The Planning Commission heard this case on Oct. 1, 2020 and recommended approval, per the Alhambra Village Planning Committee recommendation by a 7-0 vote.

Location

Approximately 135 feet south of the southeast corner of 17th Avenue and Denton Lane
Council District: 4
Parcel Addresses: 5245 and 5307 N. 17th Ave.

This item was adopted.

63 Amend City Code - Ordinance Adoption - Rezoning Application Z-12-20-7 - Northwest Corner of 59th Avenue and Baseline Road (Ordinance G-6762)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-12-20-7 and rezone the site R1-8 (Single-Family Residence District),

R-2 (Multifamily Residence District), R-3A (Multifamily Residence District), C-1 (Neighborhood Retail), and C-2 HGT/WVR (Intermediate Commercial, Height Waiver) to PUD (Planned Unit Development) to allow commercial, multifamily, and single-family residential development.

Summary

Current Zoning: R1-8 (0.57 acres), R-2 (0.41 acres), R-3A (18.72 acres), C-1 (3.12 acres), and C-2 HGT/WVR (48.93 acres)
Proposed Zoning: PUD
Acreage: 71.75 acres
Proposed Use: Commercial, multifamily, and single-family residential development

Owner: Lines Brothers Farms, LLC
Applicant: Barclay Group
Representative: Susan E. Demmitt, Gammage and Burnham

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Laveen Village Planning Committee heard this case on Sept. 14, 2020, and recommended approval per the staff recommendation with additional stipulations by a 4-3 vote.
PC Action: The Planning Commission heard this case on Oct. 1, 2020, and recommended approval, per the staff memo dated Oct. 1, 2020, with additional and modified stipulations by a 7-0 vote.

Location

Northwest corner of 59th Avenue and Baseline Road
Council District: 7
Parcel Address: 5910 W. Baseline Road

This item was adopted.

27 Authorization to Enter Into Contract with Hunkapi Farms for COVID-19 Pet Fostering (Ordinance S-47060)

Request to authorize the City Manager, or his designee, to enter into contract with Hunkapi Farms, Inc. to support infrastructure upgrades to provide fostering services for pets belonging to individuals who are experiencing homelessness and impacted by COVID-19. The contract term will begin on or about Nov. 4, 2020 and will end Dec. 30, 2020. The aggregate value of the contract will not exceed $50,000 during this

contract term. Further request authorization for the City Controller to disburse funds related to this item. Funding is provided through one-time Coronavirus Relief Funds.

Summary

As a result of the COVID-19 pandemic, individuals experiencing homelessness who have pets do not have a place to shelter their pets while receiving services. Hunkapi Farms proposes to convert horse stalls into proper shelter for up to 34 dogs at a time. Sheltered pets will receive veterinary care and pet therapy. In partnership, Community Bridges Inc. (CBI) will transport the pets to Hunkapi Farms for sheltering and will provide ongoing support to keep clients engaged with their pets during treatment. CBI estimates three pets per week with the average time in foster care to be 30-90 days.

Procurement Information

The City of Phoenix has obtained all necessary federal waivers to alleviate the need to comply with federal procurement guidelines.

Contract Term

The term of the contract will begin on or around Nov. 4, 2020 and will end Dec. 30, 2020. The contract may be extended based on continuous need and available funding and may be exercised in the discretion of the City Manager or designee.

Financial Impact

Funding will be provided through one-time Coronavirus Relief Funds. There is no impact to the General Fund.

Discussion

Councilwoman Pastor thanked Hunkapi Farms because the biggest obstacle for homeless people to get services in shelters was to house their pets.

Mayor Gallego agreed this does address a major barrier to housing.

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

37 **Amend Intergovernmental Agreement with Maricopa County Community College District for Culinary Support Services Hub Feasibility Study (Ordinance S-47058)**

Request to authorize the City Manager, or his designee, to amend the Intergovernmental Agreement (IGA) with the Maricopa County Community College District (MCCCD) for the Center for Entrepreneurial Innovation (CEI) at GateWay Community College (GWCC), to extend the term and increase funding for a feasibility study on a culinary support services hub. Further request authorization for the City Controller to disburse an additional $10,000 related to this item. There is no impact to the General Fund.

Summary

On Feb. 5, 2020, City Council approved entering into a contract with GWCC to fund a feasibility study on a culinary support services hub. The goal of the feasibility study is to determine the market to support a commercial culinary hub and to prepare a preliminary business plan addressing the potential to convert a vacant property into a culinary incubator center. The CEI at GWCC of the MCCCD, is requesting $10,000 in additional funding to support an extension of their services under the existing IGA to include the coordination of project partners needed to create the business and collaboration agreements necessary to complete the study. CEI will secure the services of experienced subject matter experts to assist CEI staff with data collection and report generation. The City, in partnership with CEI, seeks to complete a feasibility study for the adaptive reuse of vacant commercial property into a culinary support services hub for K-12 and community college education, business incubation, workforce development and training purposes.

This study aligns with the Community and Economic Development

Department's action plan to cultivate entrepreneurship and emerging enterprise ecosystems by supporting incubator and accelerator space, mentoring and business planning to promote and facilitate business ownership, in addition to assisting in retaining and expanding food-related businesses in support of the City's 2050 Local Food System Sustainability Goal.

Contract Term

If approved, the term of the IGA for the feasibility study (City Contract 153040) will be extended from Oct. 31, 2020 to Dec. 31, 2020.

Financial Impact

If approved, total funding for the IGA will increase from $35,000 to an amount not to exceed $45,000. Funding is available in the Downtown Community Reinvestment Fund. There is no impact to the General Fund.

Concurrence/Previous Council Action

On Feb. 5, 2020, City Council authorized payment authority to fund a feasibility study on a culinary support services hub through Ordinance S-46357.

Location

Council District: 5

Note: Councilwoman Pastor declared a potential conflict of interest and withdrew from the voting body on this item.

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

Yes:	8 -	Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego
No:	0	
Conflict:	1 -	Councilwoman Pastor

42 (CONTINUED FROM OCT. 21, 2020) - Bishop Henry Lee Barnwell Proposed Ceremonial Street Signage

Request City Council approval to install ceremonial street signage recognizing Bishop Henry Lee Barnwell at the intersection of 19th Avenue and Roeser Road.

Summary

Based on biographical information provided by Bishop Barnwell's daughter Darlene Barnwell, Henry Lee Barnwell was born in 1934 in Blountstown, Florida, as the only child of Deacon Leroy and Eula Houston. Several experiences as a child led to his lifelong dedication to civil rights, social justice, and community advancement. He joined the United States Air Force to serve his country and completed a tour in Vietnam. During his service in the military, Technical Sergeant Barnwell received numerous awards, including the Expert Rifleman Award, National Defense Award, Heroism Award, Air Force Airman Medal, Air Force Good Conduct Award, and numerous other commendations. It was while he served in the military that Arizona became his home.

After being stationed in Chandler, Arizona, he strengthened his relationship with Jesus Christ under his mentor Pastor H. Y. Stevenson and answered the call to ministry. In 1966, Reverend Barnwell began his service as senior pastor of First New Life Missionary Baptist Church in Phoenix, Arizona, which at the time served about 30 members. The congregation grew to more than 1,000 members before his retirement after 40 years in ministry. He was ordained a bishop in 1999. Bishop Barnwell remained committed to the congregation of First New Life Missionary Baptist Church by serving as pastor emeritus until his passing.

Bishop Barnwell shared his wisdom and faith with countless people both inside and outside the church. He had an amazing ability to engage with and influence people from every walk of life. As such, he was consistently called upon to take many positions in the community and allowed his passion for people to make him a bridge builder and reconciler. When groups were at a stalemate, Bishop Barnwell was able to gather all involved to the table and gain resolution in such a way that all felt heard and valued. Recalling the experiences he witnessed as a child led Bishop Barnwell to be a lifelong supporter of civil rights and social justice. He was able to channel his passion and leverage his relationships with stakeholders from various governmental, community, and clergy arenas to fight for civil and social justice for all.

Bishop Barnwell's love for the community was evident in all that he did. He served as a chaplain at the Adobe Mountain School for young men within the Arizona Department of Juvenile Corrections System. The Adobe Mountain Chapel was dedicated in Bishop Barnwell's honor in 2009. Bishop Barnwell provided counseling for the young men and teaching for chaplains at the school. He also was a strong advocate for much-needed supplies, donations, volunteers, and chaplains for the school. When Bishop Barnwell saw a need in the community, he was never afraid to speak up and fight for fulfillment of that need. This was evidenced in the work he did to get a traffic signal placed at the intersection of 19th Avenue and Roeser Road.

Bishop Barnwell's humanitarian and religious efforts reached well beyond the inner city. He served as president of the Interdenominational Ministry Alliance of Phoenix, Bible instructor of Zion Rest District Association, regional director for (Arizona and Mexico) National Evangelism Movement and first vice-president of the General Missionary Baptist State Convention of Arizona. Additionally, he conducted religious workshops through the United States, Canada, and Trinidad.

Bishop Barnwell also served as a board member of BridgeBuilders International, Phoenix Opportunities Industrialization Center, St. Mary’s Food Bank, the Mayor’s Human Relations Commission, and the Sheriff's Religious Advisory Committee of Maricopa County.

Perhaps his most championed cause was his efforts to declare Dr. Martin Luther King, Jr. 's birthday a state holiday in Arizona. After working along with several others, Bishop Barnwell saw the first holiday for Dr. Martin Luther King, Jr. realized in Arizona in 1993.

Bishop Barnwell was the recipient of numerous awards recognizing his contributions to our community. Those awards include:

Recognition from the Maricopa County Branch of the National Association for the Advancement of Colored People for his service and community support.
The Calvin C. Goode Lifetime Achievement Award.

The Blue Cross Blue Shield Ageless Hero Award.
Named Arizona Pastor of the Year in 1989 and made an “Honorary Citizen” of Tucson, Arizona.
Bishop Barnwell received the Living Legends Award from the Dr. Martin Luther King, Jr. Holiday Committee.

Bishop Barnwell never let his age hinder him from the critical work needed for civil rights and social justice. He always believed persistence of these efforts and trust in the Lord would result in justice for all. To this very day, those who knew him still respond as he would when greeted: "Trusting in the Lord!”.

The blue ceremonial signs will be placed on the mast arms of the northeast and southwest traffic signal poles at 19th Avenue and Roeser Road.

Financial Impact
The fabrication and installation costs of the ceremonial signs will be funded by Council District 4.

Location
19th Avenue and Roeser Road
Council Districts: 7 and 8

Discussion
Mayor Gallego thanked Councilwoman Pastor, Councilmember Garcia and others who had been working on this project that was moving forward with this dedication.

Councilwoman Pastor provided Bishop Barnwell's history which started when he served as a pastor in Phoenix in 1966, noting he retired from ministry after 40 years. She conveyed his influence went beyond the church to the inner-community working with stakeholders to fight for civil rights and social justice for everyone. She said it was special that this ceremonial topper was being placed at the intersection of 19th Avenue and Roeser since he worked to get the traffic signal placed there. She indicated his most championed cause was his efforts to declare Dr. Martin Luther King, Jr.'s birthday an Arizona state holiday which was realized in 1993. She read comments submitted by individuals who

supported this item. She expressed Bishop Barnwell's family had been a part of her family for a long time, so this was a great honor for her.

Councilmember Garcia thanked Councilwoman Pastor for making this happen as Bishop Barnwell was an activist who mentored many people in the community. He expressed he was appreciative the City recognized folks that fought for the civil rights of all people.

Councilwoman Williams stated this was most appropriate, noting she had worked with Bishop Barnwell for many years. She conveyed he was a strong leader and made a tremendous impact on the City as he believed in honor and justice for everyone.

Vice Mayor Guardado thanked Councilwoman Pastor for this item, plus Bishop Barnwell's family for everything they had done and continued to do for the community.

Councilman Nowakowski recalled when he was first elected in 2007 there were gang problems at Lindo Park. He said he sat down with Bishop Barnwell and they came up with the program "Take Back Our Neighborhoods" which brought everybody together, from church leaders, community leaders, businesses and the Police Department. He stated they also created a campaign called "Keeping Your Neighborhoods Crime Free" which used the principles and core values of Caesar Chavez and Martin Luther King, Jr. He indicated they found out that Lindo Park and the property behind it that was owned by the County was the main location for gang problems. He conveyed they took back the park and provided more lighting as well as created activities for the kids, such as movies in the park. He thanked Bishop Barnwell for bringing everyone together and creating a program that would live on forever just like his legacy. He also thanked the Barnwell family for allowing their father to be a great leader and making things happen in South Phoenix.

Mayor Gallego stated the story of Lindo Park was a great example of how a community took a difficult situation and worked together to come up with a great outcome. She conveyed the City was grateful for the Barnwell family and Bishop Barnwell who was a great leader from civil rights to fighting poverty and hunger. She added he also created a better city and

a better South Phoenix, noting these instances were his legacy.

Pastor Aubrey Barnwell thanked former Mayor Greg Stanton for starting this process prior to his departure as well as Mayor Gallego for her efforts in bringing this forward. Pastor Barnwell also thanked Councilwoman Pastor and her staff for making this happen. He recognized that his father was known for being a pillar in the community and had significant relationships and influence with local and national elected officials. He noted his father was also known as a bridge builder who could bring people together. He conveyed his father realized that 19th Avenue and Roeser Road was a dangerous intersection when First New Life Church moved to that location. He said his father contacted the county and insisted that a light be installed, so it was befitting that this sign be placed there. He expressed he was grateful for the opportunity to celebrate his father's legacy and hoped to continue working together as a community and city to continue that legacy.

Prior to his vote, Councilman DiCiccio stated he had the opportunity to know Bishop Barnwell and to honor him in this way was a blessing. He expressed Bishop Barnwell's legacy would live on through all the people he touched and influenced. Councilman DiCiccio also thanked Councilwoman Pastor for bringing this forward.

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

64 Public Hearing and Resolution Adoption - General Plan Amendment GPA-SA-CC-1-19-8 - Infill Development District Expansion (Resolution 21878)

Request to hold a public hearing on a General Plan Amendment for the following item to consider the Planning Commission's recommendation

and the related resolution if approved to amend the City of Phoenix General Plan to expand the boundary of the Infill Development District. This item is a companion case to Z-TA-5-19-8 and is to be heard first, followed by Z-TA-5-19-8.

Summary

Application: GPA-SA-CC-1-19-8
Request Change: Amend Page 65, “Policy Documents and Maps” of the City of Phoenix General Plan to expand the boundary of the Infill Development District.
Reason for Proposed Change: Apply Infill Development District policies and provisions to encourage development in the two expansion areas as proposed in Exhibit A.
Acreage: Approximately 1,050 acres
Applicant: City of Phoenix, Planning Commission
Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Staff recommends approval of the request as proposed in Exhibit A.
VPC Action: The Central City Village Planning Committee heard this case on Sept. 14, 2020 and recommended approval (with direction to update the Infill Development District policies to align with City Council adopted policy plans and initiatives related to trees and shade) by a vote of 14-0.
PC Action: The Planning Commission heard this case on Oct. 1, 2020 and recommended approval, per the Central City Village Planning Committee recommendation by a 7-0 vote.

Location

Approximately 432 acres generally bounded by 12th Street and 16th Street on the west, Interstate 10 on the north, Interstate 10 on the east, and the existing Infill Development District boundary on the south (Washington Street and Roosevelt Street, and lots directly north of those streets); and approximately 618 acres generally bounded by 10th Street, 9th Street, and 8th Place on the west; Harrison Street, Buckeye Road, and Interstate 17 on the north; 12th Street, 16th Street, and 21st Street on the east; and University Drive on the south.
Council District: 8
Parcel Addresses: Several

Discussion

Planning and Development Director Alan Stephenson advised Items 64 and 65 could be heard together, but would need separate motions. He said Item 64 was a General Plan Amendment and Item 65 was the zoning case. He conveyed both items would amend the policy documents and the zoning ordinance to expand the infill development district area for about 1,000-acre area. He displayed an aerial that showed the two expansion areas which were the Choice neighborhoods area for the infill development and the Sky Harbor land reuse area west of the runway from Sky Harbor Airport. He pointed out the area was consistent with the Planning documents the City worked on within both of these areas.

Mr. Stephenson advised the Central City Village Planning Committee recommended approval with modification to one of the requirements within the standards. He explained if an infill site had a tree that the property owner and developer would have to do a study to show its location and health. He stated the existing infill policies did not require that, noting staff does have them look at it but does not require submittal. He said this would rectify that so if there was a tree on-site it would require submittal of an analysis by a landscape architect to make sure the tree was reused on-site or somewhere else if the tree was healthy. He added the Planning Commission recommended approval, noting staff recommended approval per the Planning Commission recommendation for both items.

Mayor Gallego stated this was a good example of how the Village Planning Committee process helped strengthen City policy. She declared the public hearing open. Noting there was no one wishing to speak, she declared the public hearing closed.

One electronic comment was submitted for the record with no position on Item 64.

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

65 **Public Hearing and Ordinance Adoption - Text Amendment Application Z-TA-5-19-8 - Infill Development District Expansion (Ordinance G-6760)**

Request to hold a public hearing on a Text Amendment application for the following item to consider the Planning Commission's recommendation and the related ordinance if approved. Request to amend Section 608.E.8. (Residence Districts) of the Phoenix Zoning Ordinance to expand the boundary of the Infill Development District. This item is a companion case to GPA-SA-CC-1-19-8 and should be heard after GPA-SA-CC-1-19-8.

Summary

Application: Z-TA-5-19-8
Request: Amend Section 608.E.8. (Residence Districts) of the Phoenix Zoning Ordinance to expand the boundary of the Infill Development District.
Proposal: To expand the boundary of the Infill Development District.
Acreage: Approximately 1,050 acres
Applicant: City of Phoenix, Planning Commission
Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval, as proposed in Exhibit A of the Staff Report.
VPC Action: The Central City Village Planning Committee heard this case on Sept. 14, 2020 and recommended approval (with direction to update the Infill Development District policies to align with City Council adopted policy plans and initiatives related to trees and shade) by a vote of 14-0.
PC Action: The Planning Commission heard this case on Oct. 1, 2020 and recommended approval, per the Central City Village Planning Committee recommendation by a 7-0 vote.

Location

Approximately 432 acres generally bounded by 12th Street and 16th Street on the west, Interstate 10 on the north, Interstate 10 on the east, and the existing Infill Development District boundary on the south (Washington Street and Roosevelt Street, and lots directly north of those streets); and approximately 618 acres generally bounded by 10th Street, 9th Street, and 8th Place on the west; Harrison Street, Buckeye Road, and Interstate 17 on the north; 12th Street, 16th Street, and 21st Street on the east; and University Drive on the south.
Council District: 8
Parcel Addresses: Several

Note: Refer to Item 64 for discussion related to this item.

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

66 Public Hearing and Resolution Adoption - General Plan Amendment GPA-AL-1-20-5 - Approximately the Northwest Corner of I-17 and Camelback Road (Resolution 21876)

Request to hold a public hearing on a General Plan Amendment for the following item to consider the Planning Commission's recommendation and the related resolution if approved. Request to amend the General Plan Land Use designation on approximately 31.06 acres from Residential 3.5 to 5 dwelling units per acre, Residential 10 to 15 dwelling units per acre, Residential 15+ dwelling units per acre, and Commercial to Public / Quasi-Public. This is a companion case to Z-3-D-10-5 and should be heard first, followed by Z-3-D-10-5.

Summary

Application: General Plan Amendment GPA-AL-1-20-5
Current Designation: Residential 3.5 to 5 dwelling units per acre (1.05

acres), Residential 10 to 15 dwelling units per acre (14.86 acres), Residential 15+ dwelling units per acre (4.97 acres), and Commercial (10.18 acres)
Proposed Use: Public / Quasi-Public (31.06 acres) to allow for the expansion of Grand Canyon University

Owner: Grand Canyon University, et al c/o James Kossler
Applicant: Taylor Earl, Earl & Curley, P.C.
Representative: Taylor Earl, Earl & Curley, P.C.

Staff Recommendation: Approval.
VPC Action: The Alhambra Village Planning Committee heard this case on Sept. 22, 2020 and recommended approval, per the staff recommendation by a 10-2 vote.
PC Action: The Planning Commission heard this case on Oct. 1, 2020 and recommended approval, per the Alhambra Village Planning Committee recommendation by a 7-0 vote.

Location
An area generally bounded by 35th Avenue to the Interstate 17 freeway, and Missouri Avenue to Camelback Road; plus a property approximately 130 feet east of the southeast corner of 27th Avenue and Camelback Road; and a property at the southwest corner of 29th Avenue and Camelback Road
Council District: 5
Parcel Addresses: Several

Discussion
Planning and Development Director Alan Stephenson conveyed Item 66 was a General Plan Amendment (GPA) and Item 67 was the zoning case for Grand Canyon University (GCU) for expansion of their campus. He stated the GPA was a request to go from Residential 3.5 to 5, 10 to 15 and 15-plus dwelling units per acre and Commercial to Public/Quasi Public for about 31 acres of acquired land. He noted staff recommended approval per the Planning Commission recommendation and displayed a map that showed the acquired parcels. He said Item 67 was the zoning case for expansion of the Planned Unit Development (PUD) for about 296 acres which was a major amendment to the GCU PUD. He noted staff recommended approval per the Planning Commission

recommendation and adoption of the related resolution and ordinance. He presented a slide that showed the proposed additional land for the PUD and an aerial of the property's boundaries.

Councilwoman Pastor said she knew there was a future veteran housing project underway near GCU that involved Mr. Palmer. She asked if the project had the full cooperation of the Planning Department moving forward since it abutted GCU.

Mr. Stephenson replied an application had not been filed for that site, but staff was willing to work with whomever brought that project to fruition.

Mayor Gallego declared the public hearing open.

Gail Palmer expressed GCU had done a lot for the neighborhood, but it also hurt people with their growth.

Mayor Gallego said she looked forward to working with Mr. Palmer on veteran housing, noting the Planning Department stood ready as well.

Taylor Earl stated he had been working with Mr. Palmer and appreciated the positive comments about GCU's improvements to the neighborhood.

Tollisa Williams spoke in opposition of GCU obtaining more land and building walls. She conveyed GCU was the largest private Christian university in the country whose students enjoyed amenities, such as hotels, restaurants, sports facilities, swimming pools, golf courses and dorms. She remarked students outside of those walls experienced crime-ridden parks, pot-holed roads without streetlights, over-crowded buses with dark bus stops and liquor stores where kids ate their school lunch. She stated GCU was consuming her community, noting the rezoning case at the corner of 35th Avenue and Camelback was prime property with existing businesses.

Mayor Gallego declared the public hearing closed.

Vice Mayor Guardado thanked Mr. Palmer for his commitment to the neighborhood.

Prior to his vote, Councilman DiCiccio said GCU was an incredible partner and a great educational facility with students from all over the state.

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

67 **Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-3-D-10-5 - Approximately the Northwest Corner of I-17 and Camelback Road (Ordinance G-6759)**

Request to hold a public hearing and authorize the City Manager, or his designee, to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-3-D-10-5, the City Council approve as proposed by the Planning Commission and rezone the site from PUD (Planned Unit Development), P-2 (Parking), R1-6 (Single-Family Residence District), R1-6, approved R-3 (Single-Family Residence District, Approved Multifamily Residence District), R-3 (Multifamily Residence District), R-3A (Multifamily Residence District), R-4 (Multifamily Residence District), C-1 (Neighborhood Retail), C-2 (Intermediate Commercial), and C-3 (General Commercial) to PUD (Planned Unit Development) for a major amendment to the Grand Canyon University PUD to add additional property to the PUD and modify the PUD standards. This item is a companion file to GPA-AL-1-20-5 and should be heard following GPA-AL-1-20-5.

Summary

Current Zoning: PUD (258.36 acres), P-2 (4.99 acres), R1-6 (8.54 acres), R1-6 (Approved R-3) (1.04 acres), R-3 (11.13 acres), R-3A (0.42 acres), R-4 (1.42 acres), C-1 (0.45 acres), C-2 (3.85 acres), and C-3

(5.87 acres)
Proposed Zoning: PUD (296.07 acres)
Acreage: 296.07 acres
Proposed Use: A major amendment to the Grand Canyon University Planned Unit Development (PUD) to add additional property to the PUD and modify the PUD standards.

Owner: Grand Canyon University, et al c/o J Kossler
Applicant: Grand Canyon University, et al c/o J Kossler
Representative: Taylor Earl, Earl & Curley, P.C.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Alhambra Planning Committee heard this case on Sept. 22, 2020 and recommended approval, per the staff recommendation with additional and modified stipulations by an 11-2 vote.
PC Action: The Planning Commission heard this case on Oct. 1, 2020 and recommended approval, per the Alhambra Village Planning Committee recommendation, with an additional stipulation by a 7-0 vote.

Location
An area generally bounded by 35th Avenue to the Interstate 17 freeway, and Missouri Avenue to Camelback Road; plus a property approximately 130 feet east of the southeast corner of 27th Avenue and Camelback Road; and a property at the southwest corner of 29th Avenue and Camelback Road.
Council District: 5
Parcel Addresses: Multiple

Note: Refer to Item 66 for discussion related to this item.

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

68 **Public Hearing and Ordinance Adoption - Rezoning Application Z-TA-1-20-8 - Amend Downtown Code Density Map and Evans Churchill East Character Area (Ordinance G-6757)**

Request for public hearing for a proposed text amendment to the zoning ordinance, Text Amendment Z-TA-1-20-8, regarding Amending Chapter 12, Section 1202.D. (Regulating Maps, Density Map) to amend the density provisions at the southeast corner of 6th Street and Garfield Street and amend Section 1214.B. (Evans Churchill East, Development Standards) to allow a height bonus and increase the maximum lot coverage south of Garfield Street within the Evans Churchill East Character Area in the Downtown Code. Staff recommends approval of Z-TA-1-20-8 as reflected in the proposed Ordinance (**Attachment A**).

Summary

The intent of this proposed text amendment is to amend Chapter 12, Section 1202.D. (Regulating Maps, Density Map) of the Zoning Ordinance to replace the Downtown Code Density Map to amend the allowable density from a maximum of 218 dwelling units per acre to No Density Limit at the southeast corner of 6th Street and Garfield Street, and amend Section 1214.B. (Evans Churchill East, Development Standards) to allow a height bonus, and to increase the maximum lot coverage south of Garfield Street within the Evans Churchill East Character Area in the Downtown Code from 50 percent to 90 percent. The Evans Churchill East Character area is generally bounded by Moreland Street to the north, 7th Street to the east, McKinley Street to the south from 6th Street to 7th Street, Garfield Street to the south from 4th Street to 6th Street, and 4th Street to the west.

Concurrence/Previous Council Action

The Central City Village Planning Committee heard the item on June 8, 2020 for information only. The Central City Village Planning Committee heard the item on Sept. 14, 2020 and recommended approval per the staff recommendation by a vote of 7-4.

The Design Standards Committee heard the item on Aug. 31, 2020 and recommended approval per the staff recommendation by a vote of 5-0.

The Planning Commission heard the item on Oct. 1, 2020 and recommended approval, per the Central City Village Planning Committee recommendation by a vote of 7-0.

Location

Southeast corner of 6th Street and Garfield Street.
Council District: 8
Address: 815, 817, and 821 N. 6th St.

Discussion

Planning and Development Director Alan Stephenson stated this was a text amendment to the Downtown Code for the southeast corner of 6th Street and Garfield. He explained this request would amend the dwelling unit density map from 218 dwelling units per acre maximum to no density limit, plus increase the height bonus and maximum lot coverage south of Garfield Street from 50 percent to 90 percent. He added the request was for a .7 acre parcel and displayed maps of the subject site, including all of the Evans Churchill East area, which was close to the Bio Med character area. He presented the proposed area with the height change which would be governed by the standards of building on-site in terms of height and lot coverage. He also showed the applicant's conceptual site plan and rendering of the proposed project. He conveyed the Central City Village Planning Committee recommended approval by a 7-4 vote and the Planning Commission recommended approval by a 7-0 vote. He noted staff recommended approval per the Planning Commission recommendation.

Mayor Gallego declared the public hearing open.

Nick Wood indicated he represented the applicant, Hubbard, and was present to answer questions.

Mayor Gallego declared the public hearing closed.

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

69 **Public Hearing and Ordinance Adoption - Rezoning Application Z-TA-2-20-7 - Amend Downtown Code Height Map and Taylor Street Paseo Guidelines (Ordinance G-6758)**

Request for a public hearing for a proposed text amendment to the zoning ordinance, Text Amendment Z-TA-2-20-7, amending Chapter 12, Section 1202.C. (Regulating Maps, Height Map) to amend the height provisions for a site located approximately 200 feet south of the southeast corner of 2nd Avenue and Fillmore Street and amending Section 1209.C.1.a. (Taylor Street Pedestrian Paseo Guidelines) to move the Taylor Street Pedestrian Paseo approximately 100 feet north of the required alignment within the Business Core Character Area in the Downtown Code. Staff recommends approval of Z-TA-2-20-7 as reflected in the proposed Ordinance (Attachment A).

Summary

The intent of this proposed text amendment is to amend Chapter 12, Section 1202.C. (Regulating Maps, Height Map) to increase the allowable height from a maximum of 525 feet to a maximum of 540 feet for a site located approximately 200 feet south of the southeast corner of 2nd Avenue and Fillmore Street, and amend Section 1209.C.1.a. (Taylor Street Pedestrian Paseo Guidelines) to move the Taylor Street Pedestrian Paseo approximately 100 feet north of the required alignment.

Concurrence/Previous Council Action

Staff recommends approval as detailed in the Staff Report**.**
The Central City Village Planning Committee heard this item for information only on June 8, 2020 and for recommendation on Sept. 14, 2020. The Central City Village Planning Committee recommended approval, per the staff recommendation by a vote of 8-4.

The Planning Commission heard the item on Oct. 1, 2020 and recommended approval per the Central City Village Planning Committee recommendation by a vote of 7-0.

Location

Approximately 200 feet south of the southeast corner of 2nd Avenue and Fillmore Street.
Council District: 7
Parcel Addresses: 325, 337, 339, 347, 351, 357, 359, 369, 373, and 377 N. 2nd Ave.

Discussion

Planning and Development Director Alan Stephenson stated this was a text amendment to the Downtown Code located at 2nd Avenue and Fillmore Street. He explained the request would amend the height map from a maximum of 525 feet to 540 feet, plus realign the Taylor Street Pedestrian Paseo and move it approximately 100 feet north of the alignment, but still connect it through downtown. He added this request was for a 2.84 acre site and displayed maps of the subject site area along with the existing Downtown Code and Business Core character area. He also presented maps of the existing and proposed maximum height and Taylor Street Paseo alignment which went through the parcel and allowed them to have two larger parcels of development. He displayed the proposed site plan that showed the Paseo going through the middle of the project, plus the conceptual massing and renderings of the proposed project that was being done by Empire Group. He stated the Central City Village Planning Committee recommended approval by an 8-4 vote and the Planning Commission recommended approval per the Village by a 7-0 vote. He noted staff recommended approval per the Planning Commission recommendation and adoption of the related ordinance.

Mayor Gallego declared the public hearing open.

Ryan Boyd said he represented Urban Phoenix Project in opposition to this text amendment due to two concerns, one that it would widen 2nd Avenue from two lanes to an additional two-way center turn lane. He conveyed the other concern was how the process was handled as it was not really open to the public because it was staff administration response

to the expansion project. He indicated not enough effort was being put on improvements for pedestrians and streetscape with widening of the street. He stated they also had on-going concerns with the use of text amendments for spot zoning, noting the Code should be stronger so developers knew what was going on. He emphasized amendments to the Code should be made for specific community benefits, noting 15 feet in additional height was not a necessary item as the developer could have done other things.

Councilwoman Pastor said she thought administrative changes used to go through subcommittee.

Mr. Stephenson replied it was text amendments to the zoning ordinance, noting they went back and forth on whether or not they should go to subcommittee. He advised text amendments were required to have a public hearing before the full Council, so at times they did not go to subcommittee as that body could not approve them. He added a determination was recently made to have the public hearing at the full Council instead of having two public hearings.

Councilwoman Pastor confirmed with staff that at one time those went to subcommittee.

Councilwoman Stark conveyed she had provided that direction given the pandemic since these cases needed a hearing before the full Council, so she had taken some of the text amendments off the subcommittee calendar.

Councilman Nowakowski said this was in his district and specified the widening of the street came about because of public safety. He stated the Fire Department needed to have a fire lane in place, so they talked to the developer who agreed to widen the street.

Nick Wood indicated he represented the developer, Empire Group, noting this was their third project downtown. He pointed out the Street Transportation Director Kini Knudson took this out to the public and invited participation from downtown stakeholders. Mr. Wood thanked Mr. Knudson for doing that extra step which was not required.

Mayor Gallego declared the public hearing closed.

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

70 **Public Hearing and Formal Action - Planning Hearing Officer Action Application - PHO-1-20--Z-242-81-6 - Northwest Corner of 32nd Street and Turney Avenue**

Request to hold a public hearing on the Planning Hearing Officer application for the following item and consider adoption of the Planning Commission recommendation of Oct. 1, 2020. This item is a formal action item.

Summary
Application: PHO-1-20--Z-242-81-6
Existing Zoning: C-O
Acreage: 1.40

Applicant: Wendy Riddell, Berry Riddell LLC
Owner: Levine Investments Limited Partnership
Representative: Wendy Riddell, Berry Riddell LLC

Proposal:
Modification of Stipulation 1 regarding site plan approval.
Modification of Stipulation 2 limiting height to one story.

Concurrence
Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee heard this case on Aug. 4, 2020 and

recommended approval by an 18-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Aug. 19, 2020, and recommended approval with modifications.
Planning Commission Recommendation: The Planning Commission heard this case on Oct. 1, 2020 and recommended approval, per the Planning Hearing Officer recommendation by a 7-0 vote.

Location
Northwest corner of 32nd Street and Turney Avenue
Council District: 6
Parcel Address: 4348 N. 32nd St. and 3120 E. Turney Ave.

Discussion
Planning and Development Director Alan Stephenson stated this was a Planning Hearing Officer request to modify stipulations of a previously approved zoning case from 1981, noting the approved zoning was C-O, Commercial Office, for a 1.4 acre site. He explained the two stipulations being requested for modification were Stipulation 1 regarding the site plan and Stipulation 2 limiting height to one story. He displayed a map of the subject site from 32nd Street on the east and Turney on the south. He presented the existing zoning map which showed C-O to the north of 32nd Street and transitioned to residential south along 32nd Street. He also displayed the proposed site plan which showed the new two-story office building and parking structure running the length of the parcel along Turney. He stated the Camelback East Village Planning Committee approved the request by an 18-0 vote and the Planning Hearing Officer (PHO) approved the request with modifications. He added upon appeal of the PHO's decision, the Planning Commission approved the request for the PHO decision. He noted staff recommended approval per the Planning Commission recommendation.

Councilwoman Pastor asked how the five-foot setback came about.

Mr. Stephenson replied the five-foot landscape setback on the Turney frontage was presented on the proposed site plan by the developer. He conveyed how it came about could be answered by Ms. Riddell.

Councilwoman Pastor indicated some stipulations were put in place

because of neighborhood opposition, noting the developer would work with the community to put stipulations in place so if development did not happen the stipulations stood. She wondered if he knew about this case when it first came in.

Mr. Stephenson responded he did not work for the department in 1981 so he did not have familiarity with this case directly. He stated when zoning cases came forward there were common stipulations put in place to ensure some neighborhood compatibility. He pointed out the stipulation process had evolved over time, noting today they were more specific about height in terms of a permitted number whereas back then the stipulation said one-story with no height limit for that one-story. He advised with this case the C-O zoning district allowed up to a 56-foot-tall building, but the stipulation was written to keep it to one-story with no height limit. He remarked the property owner had the right to request modification of that stipulation which required it go back through a public hearing process. He stated in this case there was an office building that burned down sometime in the 90's and had been a parking lot with a canopy since that time, noting the developer was proposing to redevelop the whole office complex along 32nd Street.

Mayor Gallego declared the public hearing open.

Wendy Riddell spoke in support on behalf of Levine Investments who were local, long-term legacy investors in the community. She conveyed the site was located on 32nd Street and Campbell and part of a larger project they were redeveloping, noting the subject site was a small portion that was zoned C-O in 1981. She pointed out a one-story height limit was placed on the site with no specific height noted, so a maximum of 56 feet was permitted by right. She mentioned the site was built with an office project, but it was subjected to fire and replaced with parking and 11-foot-tall canopies.

Ms. Riddell showed the site as it was today, noting the proposed parking deck would integrate into the overall project. She emphasized given the medical uses, additional parking would benefit the center and the area by ensuring people parked on-site. She stated they were proposing a single office of approximately 5,000 square feet on the corner of 32nd Street

and a single parking deck. She added the maximum height of the office building was 28 feet and the maximum height to the top of the garage wall was 14 feet 2 inches with no access onto Turney. She indicated the proposal to modify the stipulation would allow the building to be two stories with a maximum height of 28 feet and adding a requirement for general conformance to the site plan which showed the location of the office building and garage deck. She pointed out the proposal was more restrictive than existing rights, noting the 5 feet was in the base underlying C-O zoning district.

Ms. Riddell stated the PHO process allowed them to redevelop this property and reinvest in this infill development which would be an upgrade of the overall project. She noted she had been talking with Mr. Berland since last July to try and address his primary concern was height. She said they looked at a rendering from Turney Avenue looking north that showed the top of the office parapet as well as the top of the garage screen wall. She added Mr. Berland provided them a photo from his home which their architects worked with to estimate what the height would do once constructed. She displayed the photo with their markings and pointed out that parking was a premium as the photo showed quite a few cars which was why they proposed additional parking. She said the photo also showed where the office would be and the parking deck which suggested that Mr. Berland's view of the mountain was protected.

Ms. Riddell remarked they had to be creative with outreach given the pandemic and set up a website for the project and mailed links of that website to everyone within the notice area. She noted the website had a portal where people could offer comments and connect with the community which resulted in calls and discussions because of that outreach. She stated they also voluntarily chose to go to the Camelback East Village to provide an additional venue for input from the community. She reiterated she had numerous discussions with Mr. Berland and her client had also reached out to him with no response. She conveyed this case had unanimous approval from the Camelback East Village and Planning Commission as well as approval from the PHO along with two emails in support from abutting property owners. She said they were unable to resolve Mr. Berland's concerns, but she requested that Council approve this case.

Councilwoman Pastor asked how the five-foot setback came about.

Ms. Riddell replied the five-foot setback was directly out of the zoning district, so it was permitted in C-O.

Councilwoman Pastor questioned if that was the reason for the stipulation.

Ms. Riddell responded the stipulation limited them to single-story height, but they wanted to do a two-story building. She stated in exchange they were proposing to restrict the height to the 28 and 14 instead of the allowed 56 feet in height.

Councilwoman Pastor asked if this changed the character of the residential neighborhood.

Ms. Riddell replied it did not as the office complex had been here for a long time.

Councilwoman Pastor said she wanted to know about the palm trees.

Ms. Riddell responded the palm trees were currently on-site, so they would enhance the existing condition.

Councilwoman Pastor suggested in the future they create a shade canopy as it would enhance the area more.

Mayor Gallego asked who would be eligible to park in the parking structure.

Ms. Riddell replied anyone who visited the site would be able to park in the garage.

Tim La Sota stated he represented Mr. Berland and Mr. Tan who lived across the street from the proposed parking garage. Mr. La Sota pointed out the prior Council put in a stipulation of one-story which meant 14 feet, so the applicant could not build the two-story building or parking garage.

He conveyed there had been extended discussions with the help of Councilman DiCiccio, but there was no agreement between the parties. He said the applicant needed more room for parking, but there was no compromise especially if the minimal five-foot setback remained. He explained when the zoning on this property changed the part along Turney went from being the front yards of residences to the side yard of a commercial property. He added it was mitigated with a stipulation to one-story with five feet of setback.

Mr. La Sota specified when this commercial office was first considered, staff said it would represent a commercial intrusion into a stable residential neighborhood. He indicated that staff and the Planning Commission recommended no, but Council approved the zoning and limited the part closest to Turney to one story which preserved the neighborhood. He noted the applicant could not give a reason why they want to negate the stipulation, but do want to construct a parking garage and two-story building within five feet of the property line. He asserted what changed was the new owner found the stipulation to be inconvenient and was not willing to negotiate the setback as there supposedly was not enough room. He stated the stipulation helped preserve the balance of office and residential over the years.

Mr. La Sota conveyed the parking garage being right up against the street would create a claustrophobic impression for anyone driving along that street. He said it was mentioned there were two-story homes on the neighborhood, noting the difference was they were set back 20 feet from Turney versus five feet from the property line as proposed by the applicant. He added the parking garage could invite a criminal element to the area, so he asked for a screening wall but that request was dismissed. He noted the applicant's rationale was the design concentrated the building massing closer to 32nd Street which was not true as the building would run the entire length of the property on Turney Avenue. He emphasized the stipulation was intended to provide a one-story buffer closest to the residential neighborhood as protection and, therefore, should stay in place.

Bobby Berland stated he received notification about this project in the mail about 10 days before it went to review. He expressed he was not

opposed to development, but he was concerned about the way things were handled. He remarked the applicant could redo the two existing buildings and make it a fantastic project instead of constructing a small new building of 5,000 square feet. He conveyed his main concerns were traffic and safety of the neighborhood based on the parking garage.

Noel Tan said he and his family purchased their home in 2018, noting less than two years later they were facing the prospect of looking at a parking garage right in front of their home. He expressed he felt helpless because a big developer was seeking to negate the rezoning stipulation and hoped they could be stopped.

Ms. Riddell pointed out the statement that one-story equaled 14 feet was not true as there were single-story buildings that were 30 feet tall or higher throughout the city. She indicated that could also occur at this site, but what they were proposing was more restrictive than the underlying property rights. She stated the reason for the PHO process was to allow infill development like this to evolve with the surrounding neighborhood and she asked that Council approve this request.

Mayor Gallego asked if she knew of any single-story buildings that were 56 feet tall.

Ms. Riddell replied she could not, but there were plenty that were 30 feet or greater.

Mayor Gallego requested she address the request from the neighbors about the screening of the wall.

Ms. Riddell stated they offered to meet with the neighbors to talk about landscaping, but the only thing the neighbors were willing to discuss was that the applicant dramatically change their proposal. She conveyed they were willing to include additional landscaping and trees if that was the desire of Council.

Councilwoman Pastor asked staff to clarify the stipulation from 1981.

Mr. Stephenson replied the stipulation said one-story building height with

no number associated with it. He added there was a general conformance to the site plan stipulation which was what the applicant was requesting to modify. He stated staff saw this quite often as a property owner after some time has passed requested to modify a stipulation to reinvest or redevelop the property, noting it occurred in a commercial office area or a home.

Councilwoman Pastor requested clarification that there was no restriction on the height with the one-story stipulation.

Mr. Stephenson responded there was no number as to what one story meant as the stipulation said it was limited to one story in height. He recalled the number stated by Mr. La Sota as 14 feet, but it depended on the actual design of the building. Mr. Stephenson explained older office buildings were probably 14 feet; however, newer ones were much taller because of the market expectations of open area. He said if the applicant wanted to construct a one-story office building they would be allowed under the stipulation.

Councilwoman Pastor asked what had changed in the neighborhood to justify the stipulation change.

Mr. Stephenson replied the PHO's decision was based on other changes in the area, noting there was a four-story facility across the street on 32nd Street. He added the PHO's findings were that this would make it better with the parking structure at a maximum height of 15 feet and the 28-foot office building confined to the corner along 32nd Street.

Councilwoman Pastor questioned if it was possible to have a shade canopy.

Ms. Riddell affirmed additional landscaping to shade the area was possible.

Mayor Gallego declared the public hearing closed.

Councilman DiCiccio remarked significant changes could occur after 39 years, like this case, or even in one year. He stated it was logical to have

this 5,000-square-foot building approximately 75 feet from residences, noting it had a significant amount of setback from the neighbors.

Mayor Gallego indicated better communication between the applicant and neighbors could have been done. She said she hoped the applicant continued to work with the neighbors on this project.

The hearing was held. A motion was made by Councilman DiCiccio, seconded by Councilwoman Williams, that this item be approved per the Planning Commission recommendation. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

71 **(CONTINUED FROM OCT. 7, 2020) - Public Hearing - Amend City Code and Ordinance Adoption - Medical Marijuana Dispensary Size - Z-TA-4-20 (Ordinance G-6746)**

Request to hold a public hearing on a proposed text amendment Z-TA-4-20 and to request City Council approve Z-TA-4-20 as proposed which amends Chapter 6, Sections 623 (Commercial C-2 District - Intermediate Commercial) and 627 (Industrial A-1 District - Light Industrial District) of the Phoenix Zoning Ordinance, to allow increasing the maximum net floor area for nonprofit medical marijuana dispensaries as recommended by the Planning Commission.

Summary

Application: Z-TA-4-20

Proposal: Amend Chapter 6, Sections 623 (Commercial C-2 District - Intermediate Commercial) and 627 (Industrial A-1 District - Light Industrial District) of the Phoenix Zoning Ordinance to increase the maximum net floor area for nonprofit medical marijuana dispensaries.

Applicant: Gammage & Burnham, PLC, Lindsay Schube

Representative: Gammage & Burnham, PLC, Lindsay Schube

The intent of this text amendment request is to amend Chapter 6, Sections 623 (Commercial C-2 District - Intermediate Commercial) and 627 (Industrial A-1 District - Light Industrial District) of the Phoenix Zoning Ordinance to increase the maximum net floor area for nonprofit medical marijuana dispensaries.

The voters of the State of Arizona passed the Arizona Medical Marijuana Act (AMMA), Proposition 203, on Nov. 2, 2010. Jurisdictions adopted the local zoning regulations before the State rules were adopted. Phoenix established a dispensary size limitation to be no larger than 2,000 square feet which includes all storage areas, retail and office space, patient lobby and check-in area, bathrooms, mechanical room, hallways, etc. This limits the retail space to between 700 and 900 square feet which is less than half of the allowable square footage. An increase in dispensary size will allow dispensaries to respond to a sustained increase in demand for medicine, improved patient privacy, and align the City's size limitation for dispensaries with other jurisdictions and previous variance approvals. Two dispensaries were granted variances to increase the dispensary size from 2,000 to 5,000 square feet since 2019. Exhibit B provides a summary of other jurisdictions' regulations for nonprofit medical marijuana dispensary sizes. Phoenix is currently at the lower end of the size restrictions while several cities do not limit dispensary sizes at all.

The Arizona Department of Health Services has reported yearly increases in the number of registered patients and the amount of medical marijuana purchased since the passage of Proposition 203. Based on the numerous reviews of existing non-profit medical marijuana dispensaries, there are not significant public safety issues or detrimental effects from these establishments. The proposed amendment will not change the number of licensed non-profit medical marijuana dispensaries within Phoenix.

The Phoenix General Plan established Five Core Values for the City. One of the Core Values is Connecting People and Places. One of the goals this Core Value promotes is the activation of underutilized property. The goal states, "vacant and underdeveloped land in the older parts of the City should be developed or redeveloped in a manner that is compatible with viable existing development and the long-term character

and goals of the area." Many of the non-profit medical marijuana dispensaries have located in existing vacant buildings in older parts of the City.

Concurrence

Staff Recommendation: Staff recommends approval of Z-TA-4-20, per the **Attachment B - Staff Report Exhibit A** language.
VPC Action: The request was heard by all fifteen Village Planning Committees and all recommended approval, per the staff recommendation, as reflected in **Attachment C - VPC Summary**.
PC Action: The Planning Commission heard this case on Sept. 3, 2020 and recommended approval, per the language in Exhibit A of the Staff Report by a 7-1 vote, as reflected in **Attachment D - PC Summary**.

Discussion

Note: Councilman DiCiccio left the voting body.

Planning and Development Director Alan Stephenson stated this was a text amendment for medical marijuana dispensary size that applied to Sections 623 and 627 of the Zoning Ordinance. He noted it pertained to the C-2 and Light Industrial portions of the ordinance and proposed to increase the maximum net floor area for non-profit medical marijuana dispensaries. He advised they were currently limited to 2,000 square feet which included all storage areas, retail and office space, patient lobby and check-in area, bathrooms, mechanical room, and hallways. He said there were also significant spacing requirements for any type of medical marijuana use. He advised those would all stay in place with this proposal, noting if Council approved it all medical marijuana uses in the City would require a use permit. He explained an existing facility would have to get a new use permit to expand their area and go back through the public hearing process which would be an additional requirement in the future if this text amendment was approved.

Mr. Stephenson conveyed the proposal was to increase from 2,000 to 5,000 square feet and was privately filed on behalf of Gammage & Burnham and three different medical marijuana dispensary property owners. He stated they originally filed for 6,000 square feet, but staff was not supportive of that and recommended 5,000 square feet which they agreed to. He displayed the comparison of dispensary size with other

cities in the region, noting Phoenix was on the low side at 2,000 while Glendale was the highest at 6,000. He indicated some had no maximum size limit, so it would come down to whether they met parking and other on-site requirements in terms of the size proposal. He noted 5,000 square feet put the City in the middle of the group. He stated all of the Village Planning Committees recommended approval as did the Planning Commission. He said staff recommended approval per the Planning Commission recommendation.

Councilwoman Stark questioned if they had a current site and wanted to increase the size they would have to go through another public hearing process.

Mr. Stephenson affirmed that was correct for the vast majority of them. He stated there might be a couple that had a larger plan for their proposed request, meaning the use permit applied to the whole shopping center when it was only for the suite.

Councilwoman Stark said she had requested the continuance because some neighborhood leaders put together an analysis with other cities. She requested that staff meet with them and asked staff to talk about that analysis.

Mr. Stephenson replied staff met with them last week and went over how the City's regulations compared to other cities in the region. He pointed out the City had a complicated zoning scheme for medical marijuana because of a number of protected uses that require spacing. He noted that Phoenix had more than the other cities in terms of the different protected uses that required spacing, such as a mile from other medical marijuana establishments and a quarter mile from schools, parks, public and youth community centers, child care facilities, homeless shelters and churches as well as 500 feet from residentially zoned properties.

Councilwoman Stark confirmed with staff this only applied to medical marijuana and they would have to pursue a different ordinance for recreational marijuana.

Mayor Gallego declared the public hearing open.

Lindsay Schube, with Gammage & Burnham, provided context as to the size of 2,000 square feet. She indicated this proposal was based on increase in demand, noting when the medical marijuana program was adopted in 2011 there were 16,000 cardholders. She said when she started this text amendment in the spring there were 245,000 cardholders and had increased to 289,000 cardholders since that time. She emphasized that was an increase of 44,000 cardholders, or 1,700 percent, noting the size of dispensaries had not changed in Phoenix.

Larry Whitesell, co-chair of the Peak Neighborhood Association, spoke in opposition as it would result in discrimination. He stated a handful of dispensaries were already operating in locations that had more square footage available than what they currently used which gave them an easy pathway through the zoning adjustment process when they wanted to increase size. He noted they would likely be approved for a use permit because increasing the useable square footage of an already operating business would have little to no adverse impact on the surrounding area. He conveyed most dispensaries would have to move to new locations and go through a contentious zoning adjustment process where a use permit could be denied. He expressed this proposal would give those represented by Ms. Schube an unfair market advantage and he asked that this text amendment be denied.

Neal Haddad spoke in opposition on behalf of the Neighborhood Coalition of Greater Phoenix. He questioned if Council should postpone this decision and first deal with recreational dispensaries since Proposition 207 to legalize recreational marijuana passed. He pointed out this text amendment was generated before it was known Prop 207 would be on the ballot. He posed several questions regarding recreational and medical marijuana dispensaries and said voting on a text amendment when the underlying conditions had changed did not make sense. He requested a task force of stakeholders be created to gain input and then make decisions based on a comprehensive approach. He asked that this text amendment be denied.

Wally Graham, with the Arcadia Osborn Neighborhood Association, spoke in opposition as he thought the text amendment was poorly written

as it did not provide any regulation adjustment. He expressed the applicant was requesting the increase in size because other municipalities were larger than Phoenix. He stated the average drug store, like Walgreens, had a drug dispensary space of 1,100 to 3,500 square feet which made him question why a medical marijuana dispensary needed 5,000 square feet. He urged Council to deny this request and ask the applicant to come back with a better text amendment.

Stephen Anderson emphasized this text amendment was narrowly written as it proposed to change one digit in the City's otherwise complex medical marijuana system. He added their concern was to provide adequate space for medical marijuana dispensaries to function properly. He conveyed Walgreens was a great example as it was around 15,000 square feet and could do dispensary activities in a small space instead of the confined space of a 2,000-square-foot medical marijuana dispensary. He indicated this was a medical marijuana issue, noting a lot of work had to be done based on the voters' decision yesterday which endorsed 10 years of experimentation with medical marijuana. He stated this was not a rush to judgment as this was the 17th hearing regarding this text amendment as it was considered and approved by all 15 of the Village Planning Committees and Planning Commission as well as approved by staff. He requested that Council endorse their recommendations of approval.

Mayor Gallego declared the public hearing closed.

Councilwoman Williams remarked this has been under consideration for months and had gone through and been approved at all the Villages, so she moved approval.

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

Yes:	7 -	Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego
No:	1 -	Councilman Waring
Absent:	1 -	Councilman DiCiccio

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

CITIZEN COMMENTS

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

Stacy Eden expressed she had been working since June 2020 to get Breonna Taylor's law passed as a Phoenix ordinance. She stated she obtained a copy of the ordinance from Louisville, Kentucky, which said police must announce themselves before breaking down the door and must have body cameras on five minutes before and after when issuing a warrant. She pointed out it protected the rights of citizens as well as helped officers and the City by reducing lawsuits.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 4:47 p.m.

MAYOR

ATTEST:

CITY CLERK

SM

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 4th day of November, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of January, 2023.

CITY CLERK