185923

City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, January 20, 2021 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, January 20, 2021 at 2:35 p.m. in the Council Chambers.

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

The Mayor and Councilmembers attended the meeting virtually. Councilman DiCiccio temporarily left the voting body prior to the vote on Item 53, returned at the beginning of Item 54, temporarily left during testimony on Item 54 and returned during the vote on Item 54.

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-6792 through G-6798; S-47187, S-47238 through S-47259; and Resolutions 21890 through 21892 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 individual was recommended for appointment by Mayor Gallego:

Central City Village Planning Committee

Appoint Rodney Boden, for a partial term to expire Nov. 19, 2021

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

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

No: 0

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

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.

A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that Items 2-13 be recommended for approval, except Item 13. The motion carried by the following voice vote:

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

No: 0

2 Liquor License - Coma Sushi and Izakaya Japanese Concept

Request for a liquor license. Arizona State License Application 120056.

Summary

Applicant

Duy Nguyen, Agent

License Type
Series 12 - Restaurant

Location
17155 N. 51st Ave., Ste. 122 & 124
Zoning Classification: PSC
Council District: 1

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

The 60-day limit for processing this application was Nov. 10, 2020. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona
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.

Angelina's Vietnamese Cuisine Pho & Grill (Series 12)
5350 W. Bell Road, Ste. 123-124, Glendale
Calls for police service: N/A - not in Phoenix
Liquor license violations: In April 2017, a fine of $375.00 was paid for delinquent taxes.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been in the restaurant industry for 30 year and never got convicted to any incident of mishandle. Also, I have a Clear record."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I's acknowlag and Certified training title 4 Liqor in Arizona.."

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

Attachments
Liquor License Data - Coma Sushi and Izakaya Japanese Concept
Liquor License Map - Coma Sushi and Izakaya Japanese Concept

This item was recommended for approval.

3 Liquor License - Latino Restaurant #2

Request for a liquor license. Arizona State License Application 124283.

Summary

Applicant
Lubna Mamou, Agent

License Type
Series 12 - Restaurant

Location
2948 E. Bell Road, Ste. 102
Zoning Classification: C-2
Council District: 2

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

The 60-day limit for processing this application was Jan. 1, 2021. However, the applicant submitted a written request for more time.

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

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

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

comment period.

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I previously own several business with beer, wine & 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:
"Because our restaurant family oriented upon request by many of our customers to make it convenient to have spirit with dinner."

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 - Latino Restaurant #2
Liquor License Map - Latino Restaurant #2

This item was recommended for approval.

4 Liquor License - Ash Lounge

Request for a liquor license. Arizona State License Application 06070799.

Summary

Applicant
Alexander Kaminski III, Agent

License Type
Series 6 - Bar

Location

4516 N. 19th Ave.
Zoning Classification: C-2
Council District: 4

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

The 60-day limit for processing this application is Jan. 24, 2021.

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:
"Attended Arizona State University where I Received my Bachelors of

Science with a Degree in Housing and Urban Development in 2007. During college, I worked in the Bar/Restaurant/Nightclub industry. I have been successfully managing in the bar industry for 11 consecutive years now. I am very familiar with City Codes and Regulations. I have received Certified Liquor Training through the State of Arizona every two years, including Certified Manager Liquor Training. I have also created and implemented detailed policies and procedures to ensure that my staff understands the importance of health and safety in the establishment."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "I have been informed this No. 6 liquor license has been at this location for over 30 years and I do not believe there are other No. 6 liquor licenses located nearby. In addition to live music (after COVID-19 restrictions end), food and alcohol will be served for the neighborhood convenience."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Ash Lounge
Liquor License Map - Ash Lounge

This item was recommended for approval.

5 Liquor License - Turney Neighborhood Market

Request for a liquor license. Arizona State License Application 129597.

Summary

Applicant
Faik Ambari, Agent

License Type
Series 10 - Beer and Wine Store

Location
710 E. Turney Ave.
Zoning Classification: C-2

Council District: 4

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

The 60-day limit for processing this application is Feb. 5, 2021.

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 hold a certificate for "The Basic Liquor Law Training". This training

provided me the opportunity of learning the importance and significance of obtaining a beer and wine license. I am assured to uphold the laws and regulations about beer and wine 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 beer and wine. The location will be convenient for the people in neighborhood who may not have access to transportation. Adding the long time experience of the owner with running a 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 - Turney Neighborhood Market
Liquor License Map - Turney Neighborhood Market

This item was recommended for approval.

6 Liquor License - iPolish Nail Bar

Request for a liquor license. Arizona State License Application 07070420.

Summary

Applicant
Thieu Vu, Agent

License Type
Series 7 - Beer and Wine Bar

Location
1949 E. Camelback Road, Ste. 140
Zoning Classification: C-2 CEPCSP
Council District: 6

This request is for an ownership and location transfer of a liquor license for a beer and wine bar. This location was previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Feb. 5, 2021.

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 an independent, self-employed business owner. I have owned and operated my own businesses for 18 years. I know how to handle clients

and employees professionally."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "As a salon, it is our job to provide a relaxing environment for our clientele."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - iPolish Nail Bar
Liquor License Map - iPolish Nail Bar

This item was recommended for approval.

7 Liquor License - Character Distinctive Dining

Request for a liquor license. Arizona State License Application 126384.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
218 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 previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application was Jan. 16, 2021. However, the applicant submitted a written request for more time.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only

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

Other Active Liquor License Interest in Arizona
This 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:
"I will make sure all of my employees attend the Title 4 liquor law training and abide by 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:
"I would like to continue to offer our of age guests an alcoholic beverage if they choose."

Staff Recommendation
Staff recommends approval of this application.

Attachments

Liquor License Data - Character Distinctive Dining
Liquor License Map - Character Distinctive Dining

This item was recommended for approval.

8 Liquor License - Helio Basin Brewing Company

Request for a liquor license. Arizona State License Application 1207A767.

Summary

Applicant
Matthew Brown, Agent

License Type
Series 12 - Restaurant

Location
3935 E. Thomas Road
Zoning Classification: C-2
Council District: 8

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

The 60-day limit for processing this application is Jan. 29, 2021.

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

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

Tombstone Brewing Co (Series 3)
107 E. Toughnut St., Tombstone
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 am the sole member-manager of Tombstone Brewing Company, LLC, as well as its agent for liquor license number 03023011. We have had no liquor violations since we opened in 2016. I am also a licensed Arizona attorney (State Bar number 025213) and have managed my law practice since 2007. I am familiar with Title 4, ARS, and am committed to running a safe, responsible, lawful business just as I have for the past several years."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - Helio Basin Brewing Company

Request for a liquor license. Arizona State License Application 03073095.

Summary

Applicant
Matthew Brown, Agent

License Type

Series 3 - Microbrewery

Location
3935 E. Thomas Road
Zoning Classification: C-2
Council District: 8

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

The 60-day limit for processing this application is Jan. 29, 2021.

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

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

Tombstone Brewing Co (Series 3)
107 E. Toughnut St., Tombstone
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 am the sole member-manager of Tombstone Brewing Company, LLC, as well as its agent for liquor license number 03023011. We have had no liquor violations since we opened in 2016. I am also a licensed Arizona attorney (State Bar number 025213) and have managed my law practice since 2007. I am familiar with Title 4, ARS, and am committed to running a safe, responsible, lawful business just as I have for the past several years.”

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

10 Liquor License - Froth Coffee Roasters

Request for a liquor license. Arizona State License Application 128023.

Summary

Applicant
Walter Hirsch

License Type
Series 12 - Restaurant

Location
1447 E. McDowell Road
Zoning Classification: C-2
Council District: 8

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

The 60-day limit for processing this application is Jan. 31, 2021.

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 a responsible citizen of the state of Arizona and a former U.S. Marine Corps Major. I have the skill to manage the business and ensuring that we follow all of the rules and regulations by the city and state. We will be good citizens of the community and provide quality products and services in a manner that will enhance the community."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Our main focus is to provide the community with delicious coffee and fine food. We feel that the ability to serve spirits will enhance our value to the community by providing a safe quiet atmosphere for them to gather and enjoy themselves. We expect to increase our hours of operation to 8

pm and not become a late night bar or pub."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Froth Coffee Roasters
Liquor License Map - Froth Coffee Roasters

This item was recommended for approval.

11 Liquor License - Real Dollar Store

Request for a liquor license. Arizona State License Application 122868.

Summary

Applicant
Lauren Merrett, Agent

License Type
Series 10 - Beer and Wine Store

Location
1216 S. 7th Ave.
Zoning Classification: C-2, C3
Council District: 8

This request is for a new liquor license for a beer and wine store. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit for package liquor sales.

The 60-day limit for processing this application was Dec. 25, 2020. However, the applicant submitted a written request for more time.

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The owners are established business owners who meet all requirements set forth in Title 4 for capability and qualifications."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The customers have requested beer and wine from the opening of this location."

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 - Real Dollar Store

Liquor License Map - Real Dollar Store

This item was recommended for approval.

12 Liquor License - Secret Garden by Wedgewood Weddings

Request for a liquor license. Arizona State License Application 109889.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
2501 E. Baseline Road
Zoning Classification: MUA, MUA HP
Council District: 8

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

The 60-day limit for processing this application was July 13, 2020. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona
This 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:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sale and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Applicant will provide customized food and beverage service for weddings and events at the Secret Garden. The Secret Garden is a unique historical venue located in the foothills of South Mountain, surrounded by mature trees, gardens, and lawns - perfect for weddings, outdoor dining, family and corporate events. Applicant would like to offer alcoholic beverages to guests 21 and over as an incident to the meals served."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Secret Garden by Wedgewood Weddings
Liquor License Map - Secret Garden by Wedgewood Weddings

This item was recommended for approval.

13 Liquor License - Island Vybz Bar & Grill

Request for a liquor license. Arizona State License Application 122569.

Summary

Applicant
Charmaine Anderson

License Type
Series 12 - Restaurant

Location
220 E. Southern Ave., Ste. 1 & 2
Zoning Classification: C-2, C-2 SP SPVTABDO
Council District: 7

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

The 60-day limit for processing this application is Jan. 12, 2021. However, the applicant submitted a written request for more time.

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

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"My family has sucessfully ran "Denise Jerk Hut" in Kingston, Jamaica for which 15 years, the restuarant sold tranditional Jamaican foods and spirits. I ran the Denise's as operation manager for 3 years before emigrating to America, this consisted of vendor management, personnel and payroll management as well as season marketing themes. Prior to this growing up in the restaurant business I played the following roles: dishwasher, prep ched, delivery, and sou chef."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We are promoting diversity through our location which doesnt have varied restaurant options Island Vybz Bar and Grill will transport you to a Jamaican Oasis were laid back music, great food and island vybz are abound."

Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on concerns with possible hidden ownership and failure to meet the criteria for a restaurant as outlined in Arizona Revised Statutes - Title 4. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments

Liquor License Data - Island Vybz Bar & Grill
Liquor License Map - Island Vybz Bar & Grill
Liquor License Police Department Recommendation - Island Vybz Bar & Grill

A motion was made by Councilman Nowakowski, seconded by Vice Mayor Williams, that this item be recommended for disapproval based on a Police Department recommendation for disapproval due to concerns with possible hidden ownership and the restaurant operating like a nightclub. The motion carried by the following vote:

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

No: 0

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Note: One electronic comment was submitted for the record in opposition of Item 29.

A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that Items 14-54 be approved or adopted, except Items 30, 33 and 50-54; noting that Item 32 is withdrawn and Items 30 and 54 are as corrected. The motion carried by the following vote:

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

No: 0

Items 14-16, Ordinance S-47238 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.

14 Sky Construction & Engineering, Inc.

For $10,500.00 in payment authority to provide ongoing maintenance, bi-annual systems testing, cleaning, and efficiency reports of the Photovoltaic (solar) systems at the Burton Barr Central Library for the Public Works Department. There are currently 84 panels installed on the library's covered parking structure. Solar panel efficiency diminishes when dirt and dust buildup become excessive. Cleaning and testing of the system will help keep the solar panels operating at their peak performance levels, providing more power and optimum efficiency.

This item was adopted.

15 Salt River Project Agricultural Improvement and Power District doing business as SRP

For $10,173.00 in payment authority to remove and reinstall 1,800 linear feet street light wiring and conductors at the intersection of Broadway Road and 51st Avenue for the Street Transportation Department. Work includes de-energizing and re-energizing 10 streetlights per City Project ST85100371-1.

This item was adopted.

16 Low Mountain Construction, Inc.

For $43,381.00 in additional payment authority for Agreement 152339, for Change Order 1, Project 8640600010 for the Edison Park Activity Hub Project for the Housing Department. The additional funds include a partial redesign of the ramada structures, stage roofs, and substructures due to constructability issues and to cover the extension of the project schedule. The change order includes extra work in materials and shop drawings to provide the modified ramada design and painting, costs for extended general conditions, and a credit back for removing the powder coating. The items were enhancements to the original design, necessary to meet code compliance and improve life safety issues. The project will use federal Housing and Urban Development funds. No General Funds are being used.

This item was adopted.

17 Proposed Old West Trail Right-of-Way Annexation (Ordinance S-47247)

An ordinance extending and increasing the corporate limits of the City of Phoenix, Arizona, pursuant to the provisions of Arizona Revised Statutes, Section 9-471(N), by annexing a certain tract of land contiguous to and not embraced within the present limits of the City of Phoenix, contingent upon the approval by the Maricopa County board of Supervisors, designated as Old West Trail Right-of-Way Annexation, No. 509.

Summary

This annexation process will be in accordance with Arizona Revised Statutes, Section 9-471(N) which provides that the annexation of County right-of-way may be accomplished by the mutual consent of the governing bodies of the County and City. When the proposed annexation is approved by both bodies at public meetings, and both actions become effective, the annexation is complete.

Location

This requested annexation of right-of-way is for the unincorporated right-of-way on 43rd Avenue from approximately 145 feet south of Old West Trail to approximately 810 feet north of Old West Trail and 65 feet wide, as recommended by the City of Phoenix Street Transportation Department. The area being annexed (**Attachment A**) is approximately 1.67 acres (0.0026 square miles).

Council District: 1

This item was adopted.

18 Grant of Irrigation Easement to Salt River Project for McClellan Ranch at Dobbins Road and 67th Avenue (Ordinance S-47250)

Request to authorize the City Manager, or his designee, to grant an irrigation easement to Salt River Project (SRP) within the Dobbins Road right-of-way, at 67th Avenue, for consideration in the amount of the appraised value and other consideration. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

The irrigation easement is required to connect to SRP's existing irrigation lines and ditch located along Dobbins Road at 67th Avenue for irrigation flow to accommodate the McClellan Ranch single-family housing development at the northwest corner of 67th Avenue and Dobbins Road. The easement is triangular in shape and consists of approximately 489 square feet.

Financial Impact
Revenue will be reflective of the market value of the easement.

Location
Along Dobbins Road, west of 67th Avenue
Council District: 7

This item was adopted.

19 Acceptance of an Easement for Drainage Purposes (Ordinance S-47254)

Request for the City Council to accept an easement for drainage; 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: Copart of Arizona, Inc., its successor and assigns
Purpose: Drainage
Location: 24125 N. 7th Ave.
File: FN 200582
Council District: 1

This item was adopted.

20 Acceptance and Dedication of Deeds and Easements for Roadway, Sidewalk, Public Utility and Bus Pad Purposes (Ordinance S-47252)

Request for the City Council to accept and dedicate deeds and easements for roadway, sidewalk, public utility and bus pad 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.

Deed (a)

Applicant: Copart of Arizona, Inc., its successor and assigns
Purpose: Roadway
Location: 24125 N. 7th Ave.
File: FN 200582
Council District: 1

Easement (b)
Applicant: Copart of Arizona, Inc., its successor and assigns
Purpose: Sidewalk
Location: 24125 N. 7th Ave.
File: FN 200582
Council District: 1

Deed (c)
Applicant: KFH 7th & Roma, LLC, its successor and assigns
Purpose: Roadway
Location: 4433 N. 7th St.
File: FN 200598
Council District: 4

Easement (d)
Applicant: NASS 3 Property, LLC, its successor and assigns
Purpose: Sidewalk
Location: 6655 W. Indian School Road
File: FN 200588
Council District: 5

Easement (e)
Applicant: Robert W. Proctor and Loretta Sheryl Proctor, its successor and assigns
Purpose: Public Utility
Location: 1275 W. Broadway Road
File: FN 200609
Council District: 7

Deed (f)
Applicant: QTS Investment Properties Phoenix, LLC, who acquired title as Phoenix Retail Co., LLC, its successor and assigns

Purpose: Bus Pad
Location: 1200 N. 40th St.
File: FN 200590
Council District: 8

This item was adopted.

21 Vacation of Right-of-Way - Along West Van Buren Street, East of North 9th Avenue (Resolution 21890)

Applicant: Parks and Recreation Department
Request: To vacate certain dedicated right-of-way upon which the Capitol Mall Building (Building) is located, on the southwest corner of North 9th Avenue and West Van Buren Street, for the purposes of enabling a sale process for the Building.
Date of Hearing: N/A. Pursuant to Phoenix City Code Section 31-64, right-of-way determined to no longer be necessary may be presented to the City Council for vacation.

Summary

In January 2020, staff requested and received Parks and Recreation Board approval to proceed with the necessary steps for selling the Building. The Building is currently unoccupied and has numerous facility deficiencies. No funds are currently budgeted in the Parks and Recreation Department's five-year Capital Improvement Program for the repairs and improvements needed to make the Building safe and suitable for use.

In discussions with the Planning and Development as well as the Finance departments, it was determined that the Building is located within a dedicated right-of-way. This conclusion is supported by the historical record, including a recently-discovered 1996 memo from then-Parks and Recreation Director Jim Colley that stated the Woodland Parkway property is legally right-of-way that has been maintained by the Parks and Recreation Department since approximately 1930. Planning and Development staff did not locate any abandonments of the right-of-way where the Building and Woodland Parkway are located. As such, it is staff’s professional opinion that the right-of-way must be vacated for an Assessor Parcel Number (APN) to be assigned and the Building to be saleable.

The Law Department has reviewed the matter and concluded that the result of vacation of the right-of-way would be that the City would take fee title to the vacated road. The City technically owns the fee title to the roads, dedicated per plat in 1897; and therefore, the fee title would vest to the City following the conclusion of the vacation process.

Pursuant to Phoenix City Code Section 31-64, the Street Transportation Department may make a determination that right-of-way is no longer necessary and present it to the City Council for vacation. The Street Transportation Department is supporting the Parks and Recreation Department's request to vacate the right-of-way in question to enable the proposed sale of the Building.

Once the right-of-way is vacated, staff can work with the Maricopa County Assessor to assign an APN as reflected in **Attachment A.** A separate item is being prepared by the Real Estate Division of the Finance Department for City Council approval to proceed with a brokered sale process for the building.

Location
Along West Van Buren Street, East of North 9th Avenue
Council District: 7

Financial Impact
No impact to the General Fund from the vacation of the right-of-way. Funds from the sale of the Building would be deposited into the Phoenix Parks and Preserves Initiative (PPPI) fund.

Concurrence/Previous Council Action
The Land Use and Livability Subcommittee recommend to approve vacation of the right-of-way upon which the Building is located, as well as approval for a declaration of restrictive covenant and sale process for the Building on Nov. 18, 2020, by a vote of 4-0.

This item was adopted.

22 Authorization to Sell City-Owned Property Located at 747 W. Van Buren St. (Ordinance S-47253)

Request to authorize the City Manager, or his designee, to sell a

City-owned property located at 747 W. Van Buren St. via City-contracted broker. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The one-story building, adjacent to Woodland Parkway, consists of approximately 2,600 square feet. The building, previously used by the Capitol Mall Association, is currently unoccupied and has been deemed excess by the Parks and Recreation Department. The property is located within right-of-way to be vacated by resolution of the City Council. The site is roughly 9,000 square feet with the final site size to be determined after the right-of-way is vacated.

The property will be advertised on the open market by a City contracted broker at market value to be determined by an appraisal, broker's opinion of value or other valuation method accepted by the City. Further requesting authorization to negotiate with offeror(s) in order to yield the highest dollar return to the City, as deemed acceptable by the City Manager or designee. The City Manager, or designee, will select the highest responsive and responsible offer based upon market value, and enter into an agreement for the purchase and sale of City-owned property, containing terms and conditions deemed necessary and appropriate by the City. The subsequent fee simple conveyance will be by special warranty deed.

Financial Impact

Revenue will be reflective of market value. Funds from the sale will be deposited into the Phoenix Parks and Preserves Initiative (PPPI) fund.

Concurrence/Previous Council Action

The Land Use and Livability Subcommittee recommended City Council approval of this item on Nov. 18, 2020, by a vote of 4-0.

Location

Council District: 7

This item was adopted.

23 Authorization to Amend Lease with Domino's Pizza, LLC to Extend Term (Ordinance S-47245)

Request to authorize the City Manager, or his designee, to amend Agreement 130746 with Domino's Pizza, LLC to extend the lease term for a three-year period plus two additional one-year options. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

Domino's Pizza, LLC leases approximately 1,495 square feet of interior space located on City-owned property controlled by the Public Transit Department at 1945 W. Dunlap Ave., Suite #205. The current contract term expires April 30, 2021. The contract will be amended to extend the term for a three-year period plus two additional one-year options to extend. Base rent during the initial one-year extension is $1,557.29 per month, plus applicable taxes, which is within the range of market rents as determined by the Real Estate Division. The base rent will increase three percent each year thereafter. Each option period will be exercised upon mutual agreement of the City and tenant. Domino's Pizza is a long-term tenant in good standing.

Financial Impact

Revenue during the first year of the initial three-year extension period will be $18,687.48 per year, plus applicable taxes.

Concurrence/Previous Council Action

The City Council approved:
Agreement 130746 (Ordinance S-35376) on Aug. 28, 2008;
Amendment to Agreement 130746 (Ordinance S-37261) on July 7, 2010; and
Amendment to Agreement 130746 (Ordinance S-40154) on Aug. 28, 2013.

Location

1945 W. Dunlap Ave., Suite 205
Council District: 5

This item was adopted.

24 Additional Expenditures for Vehicle Wash Services - Requirements

Contract - IFB 19-141 (Ordinance S-47257)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contracts 150872, 150873, 150874, 150875, 150881, and 150882 with True Blue Car Wash LLC, 2831 Indian School LLC dba Rinse n Ride, Uptown Self-Serve LLC dba Weiss Guys Express Wash, PacWest Energy LLC dba Jacksons Car Wash, Foothills Car Wash LLC, and US Metro Center Phoenix LLC dba Ultra Suds Car Wash, for the purchase of vehicle wash services for citywide use. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $365,000.

Summary

These contracts provide vehicle washing services, including labor, cleaning supplies, materials, equipment, and supervision necessary to clean City cars, trucks, SUVs, cargo and passenger vans, Police Department mobile command and specialty Humvee-type vehicles. Services include automated, interior, exterior, and hand wash services. Additional funds are needed due to usage that has been higher than anticipated. Because of COVID-19, City Departments have increased the frequency in which their department-owned vehicles are washed, to ensure cleanliness for all employee users of the City's vehicles. Additionally, the Police Department has increased its fleet of vehicles by 200 cars since these contracts were executed on Oct. 1, 2019.

Contract Term

The contract term is Oct. 1, 2019 through Sept. 30, 2024.

Financial Impact

Upon approval of $365,000 in additional funds, the revised aggregate value of these contracts will not exceed $965,000. Funds are available in the various departments' budgets.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Aug. 28, 2019.

This item was adopted.

25 Authorization to Apply, Accept, Disburse Funds and Enter into Agreements for Vitalyst Systems Change Grant (Ordinance

S-47255)

Request approval for the City Manager, or his designee, for the City of Phoenix Office of Environmental Programs to submit a grant application to the Vitalyst Health Foundation for a $175,000 Systems Change grant to strengthen the local food system through creation of a Community Food Network, and if awarded, to execute all contracts and Memorandums of Agreement (MOA) necessary to accept and disburse the grant funds. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, grant funds in accordance with the terms of the aforementioned grant and agreement.

Summary

The Vitalyst Health Foundation Systems Change Grants are available to catalyze collaborative work that transforms systems through changes to policies and practices to improve the health of communities. Up to $175,000 is available over a three-year grant period. The grant criteria are focused on a policy or practice change, intersection of two or more elements of a healthy community, identification of the system where the change will occur, and defined partners to select the policy/practice change.

The Coronavirus pandemic has brought to light the inadequacies and fragility of our existing local food system and the immediate need for resilience in growing, processing, and distribution. The Office of Environmental Programs (OEP) submitted a Letter of Intent to Vitalyst on Oct. 30, 2020 and received an invitation to submit a full proposal on Dec. 7, 2020, along with only four other organizations. The grant proposal is for $175,000 to foster a resilient local food system through the development of a county-wide *Community Food Network*. A *Community Food Network* connects, empowers, and creates economic opportunities and access to healthy, affordable food for all participants in the local food system from growing, processing, distributing, selling, eating, food rescue and waste. The local food system is defined as within the boundaries of Maricopa County with Phoenix at the core as the largest and most populous city. Phoenix would benefit from creation of a *Community Food Network* through increased economic opportunities such as new job creation and investment, a stronger supply chain, and market innovation that results in lower prices and greater availability of

local products for consumers, particularly vulnerable populations affected by food apartheid/food deserts. Health outcomes are addressed by providing greater and equitable access to locally grown (and processed) food.

Phoenix is leading the way to improve access to healthy food through goals established in our comprehensive general plan, PlanPHX, in our 2050 Environmental Sustainability goals, and in the recently approved 2025 Phoenix Food Action Plan. The 2025 Phoenix Food Action Plan contains a goal for development of a resilient food system with policies and actions that address local and global challenges posed by climate change, urbanization, political and economic crises, population growth and other factors.

The grant funding would be used for the following activities:
- Convenings with local food producers and other food system stakeholders to provide guidance and recommendations on the elements of the *Community Food Network*. Stakeholders include, but are not limited to wholesale/retail sales, processors, distributors/aggregators, consumers, municipal and institutional leaders, and residents representing marginalized communities impacted by food insecurity;
- Education and training to food producers and aggregators in business and marketing planning and/or individuals desiring to enter the market;
- Research and support for data collection and analysis; and
- Connections to nonprofits and the private sector to foster entrepreneurship and innovation.

The grant will be managed by the OEP in coordination with the Community and Economic Development (CED) Department, who have been actively working with OEP on several food initiatives. CED has included a Food System Entrepreneurship & Innovation strategy within their 2020-21 Economic Development Strategic Action Plan and this grant complements those strategic objectives.

The grant proposal deadline is Jan. 22, 2021. Award announcements are expected in April 2021.

Contract Term

The grant term is for up to three years.

Financial Impact
No match or General Fund dollars are required for this grant.

This item was adopted.

26 Authorization to Sell City-owned Modular Building Located at Alfred F. Garcia Elementary School Campus (Ordinance S-47251)

Request to authorize the City Manager, or his designee, to sell a City-owned modular building via direct sale to the entity purchasing the school campus. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary
The Human Services Department has identified a modular building that is no longer needed and is appropriate for sale. The modular building is located on the Alfred F. Garcia Elementary School campus in the Murphy Elementary School District. The City purchased this building in 2003 to provide more Head Start classrooms in the Murphy Elementary School District. Head Start children occupied this building until December 2017 when environmental hazards were identified.

This school campus was permanently closed in January 2018, and the district is pursuing a sale of the campus. Staff has determined that it is cost prohibitive to move the modular building and recommends disposal to the entity purchasing the school campus. The modular building is considered personal property and will be conveyed via bill of sale.

Financial Impact
The Head Start Birth to Five Program received approval for the sale of this modular building on Dec. 15, 2020 from the U.S. Department of Health and Human Services, Administration for Children and Families, allowing the proceeds, which are subject to federal interest, to be used to pay rent for classroom space in a different Head Start classroom in the Murphy Elementary School District. Revenue will be based on appraised value.

Concurrence/Previous Council Action
The Head Start Birth to Five Policy Council approved this item on Feb. 10, 2020.

Location
Alfred F. Garcia Elementary School, 1441 S. 27th Ave.
Council District: 7

This item was adopted.

27 Authorization to Enter into Development Agreement with Kroger Company (Ordinance S-47239)

Request authorization for the City Manager, or his designee, to enter into a development agreement, and to execute any other instruments or documents necessary with Kroger Company for the development of an automated online grocery fulfillment center in Phoenix. Further request the City Controller to disburse funds in an amount not to exceed $692,000 with this action. Funding is available in the Strategic Economic Development Fund.

Summary
After a search involving multiple states and regions, Kroger Company (Kroger) and Ocado Solutions (Ocado) expressed a desire to expand their operations into Phoenix. This unique partnership includes Kroger Company, known as Fry's Food Stores, in the local market. Kroger, established in 1883, is the nation's largest supermarket by revenue and second largest general retailer. Ocado, a British online supermarket, is the world's largest dedicated online grocery retailer. Ocado has no chain of stores and does all home deliveries from warehouses. Ocado has made advances in robotics technology and is considered a leader in the online grocery industry. The Kroger-Ocado partnership started in 2018 when they announced their intent to deliver 20 automated customer fulfillment facilities in the U.S.

This expansion will result in an $89 million capital investment by Kroger for construction of an approximately 222,850 square foot building. The Kroger operations in Phoenix will result in up to 692 new jobs to be phased in during Fiscal Year 2022-23 through 2025-26, with an average annual base salary of $44,000.

The City recognizes the resulting substantial economic impacts to the City and region from the Kroger expansion into Phoenix. This innovative technology will deliver fresh food quickly and accurately, and streamline grocery supply chains. To remain competitive on an international level and ensure innovative technology positions are created in Phoenix, the terms of a Development Agreement (DA) are as follows:

Kroger agrees to expand into the City with the development of an automated customer fulfillment facility in Phoenix.
Kroger intends to create up to 692 total new jobs within five years of entering into the DA. The City realizes 692 jobs is a program model estimate and is not contingent upon the exact total job creation nor is contingent upon the jobs created by each company.
The City will provide $1,000 to Kroger for each net new employee earning an annual wage exceeding $44,000 in their second year of employment. If the jobs are not created in the specified timeline, the City will not be obligated to pay.
Entering into the DA and participation in the job creation fund does not preclude Kroger from working with the City's Workforce Innovation Opportunity Act Program or any other local and/or State program.
The DA may contain other terms and conditions deemed necessary by City staff.

Financial Impact

The total contract amount will not exceed $692,000 over a four-year period. Funding is available in the Strategic Economic Development Fund.

Location

Kroger is conducting due diligence for locations within Phoenix and a site will be identified before entering into a Development Agreement.

This item was adopted.

28 Phoenix Business and Workforce Development Board Memorandum of Understanding and Infrastructure Funding Agreement (Ordinance S-47240)

Request to authorize the City Manager, or his designee, to approve the Workforce Innovation and Opportunity Act (WIOA) Phoenix Business and

Workforce Development (PBWD) Board Memorandum of Understanding (MOU) and Infrastructure Funding Agreement (IFA) with the ARIZONA@WORK City of Phoenix Workforce System Partners (Partners). The City will receive approximately $717,354 in funds from the Partners, to be incorporated into the City's WIOA budget, and the City will be responsible for expenditures in an amount not to exceed $1,345,164 over the three-year term of the agreements. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary

The WIOA section 121(c)(1) requires the PBWD Board, with the agreement of the Chief Elected Official, to develop and enter into a MOU between the Board and the Partners identified below:

WIOA Title I Adult, Dislocated Worker and Youth Programs (City of Phoenix Human Services Department), Native American Programs (Phoenix Indian Center)
WIOA Title II Adult Education and Literacy Act, Literacy Volunteers of Maricopa County
WIOA Title III Wagner Pyser, Arizona Department of Economic Security, Employment Services
WIOA Title IV Vocational Rehabilitation, Arizona Department of Economic Security, Rehabilitation Services Administration
WIOA Title V Senior Community Service Employment Program, AARP Foundation
U.S. Department of Housing and Urban Development (City of Phoenix Housing Department)
Trade Adjustment Assistance and Jobs for Veterans State Grants, Arizona Department of Economic Security, Employment Services

The MOU is an agreement relating to the operation of the workforce system in the City of Phoenix. The PBWD Board develops the MOU through local discussion and negotiation, and executes the agreement between the Board, the Mayor, and the Partners.

The MOU contains a plan for how the PBWD Board and Partners will fund

1) shared costs between the Partners and 2) the infrastructure costs of the one-stop centers.

Shared costs are common operating costs and communal services necessary for the general operation of the ARIZONA@WORK City of Phoenix Job Centers and Affiliate Sites, such as the One-Stop Operator (OSO), whose role is to coordinate integrated services at the one-stop centers, manage customer flow at the centers and serve as a liaison to the required one-stop partners, as well as the virtual lobby management tool, which are currently paid for by the City via federal WIOA funding. Shared costs will be calculated using the number of full-time employees delivering workforce services for each Partner at the one-stop center. Partners are responsible for paying their respective portions of the shared costs to the City, approximately $239,118 annually, which will be distributed into the City's WIOA budget.

Infrastructure costs of one-stop centers are non-personnel costs that are necessary for the general operation of the one-stop center, such as initial intake, assessment of skills needed for employment, business services and referrals to other Partners. Infrastructure costs will be calculated between the City and the Partners based on each entity's designated amount of square foot space within the one-stop center. The City's share of infrastructure costs under the IFA range from $45,669 to $120,378 per location but will not exceed $1,345,164 over the full three-year term of the IFA, and will be distributed to the Arizona Department of Economic Security as owner of the one-stop centers. The MOU and IFA may contain other terms and conditions deemed necessary by the City Manager.

When fully executed, the MOU will contain the signatures of the PBWD Board Chair, Partners, the Chief Elected Official, and the time period in which the agreement is effective. The MOU must be updated not less than every three years to reflect any changes in the signatory official of the Board, one-stop partners, and Chief Elected Official, or one-stop infrastructure funding.

Financial Impact

The City's annual portion of the infrastructure costs is $448,387.99 for a

total amount not to exceed $1,345,164 over the course of three years, beginning in Fiscal Year 2020-2021. There is no impact to the General Fund. Funding is available from the City's allocation of federal WIOA funds. Additionally, the City will receive funding from the Partners, anticipated at $239,118 annually with a total amount of approximately $717,354 to be collected over the three-year period. Funding received from the Partners will reimburse the City's WIOA budget.

Concurrence/Previous Council Action

The Phoenix Business and Workforce Development Board approved the MOU and IFA at its Executive Leadership Committee meeting on Dec. 10, 2020.

This item was adopted.

29 Additional Expenditures for Firefighting Personal Protective Equipment - Coop PS16008 (A) (Ordinance S-47249)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 148481 with LION First Responder PPE, Inc., for the purchase of Firefighting Personal Protective Equipment for the Phoenix Fire Department (PFD). Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $8,500,000.

Summary

Fire protective coats, pants, and panels (turnout gear) are used by Phoenix firefighters to protect the firefighters from radiant and thermal exposure, unexpected flashover conditions, puncture and abrasion hazards during firefighting. This Personal Protective Equipment (PPE) protects firefighters from extreme heat and flames, while battling fires. This gear is a critical part of the Fire Department's efforts to provide life safety services to the public. PFD is requesting additional funds for the continued purchase of protective coats, pants and turnout gear needed for newly hired recruits, and to replace any expired or damaged PPE to stay current with the National Fire Protection Association standards.

Contract Term

The contract term is Sept. 19, 2018 through Aug. 31, 2023.

Financial Impact

Upon approval of $8,500,000 in additional funds, the revised aggregate value of the contract will not exceed $14,725,000. Funds are available in the Fire Department's budget.

Concurrence/Previous Council Action

The City Council approved the Firefighting Personal Protective Equipment Contract 148481 on Sept. 19, 2018.

This item was adopted.

31 General Police Towing Services - RFP 13-006B (Ordinance S-47246)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contracts 135126 and 135191 with ACT Towing, dba All City Towing, Contract 135125 with DV Towing, LLC, and Contract 135124 with Western Towing of Phoenix, Inc. for the purchase of general police towing services for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $571,067.

Summary

The Police Department requires general towing services to assist with the removal of vehicles for citizens involved in vehicle crashes, towing abandoned vehicles, vehicles left in the roadways, illegally parked vehicles and other law enforcement impoundments. The department also requires auctioning services when vehicles have been lawfully impounded and determined to be abandoned by the Arizona Department of Transportation Motor Vehicle Division. Additional funds are being requested because of the new contracted rate and the annual Consumer Price Index increase. Towing services are essential to the Police Department and mandated by the Arizona Revised Statutes, Phoenix City Codes and Police Department policies.

Contract Term

The contract term is Feb. 1, 2013 through Dec. 31, 2026.

Financial Impact

Upon approval of $571,067 in additional funds, the revised aggregate value of the contract will not exceed $1,329,832. Funds are available in the Police Department’s budget.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Feb. 1, 2013.

This item was adopted.

32 (CONTINUED FROM DEC. 16, 2020) - Substitute Ground Lease with American Greyhound Racing (Ordinance S-47187)

Request to authorize the City Manager, or his designee, to enter into a substitute ground lease with American Greyhound Racing, Inc. (Greyhound) at Phoenix Sky Harbor International Airport.

Summary

Greyhound leases the greyhound race track located at 3801 E. Washington St. Greyhound currently uses the location for a community swap meet market. Greyhound has requested a five-year lease extension for their current lease. The current lease has undergone numerous amendments resulting in changes to the boundaries of the original leased premises. This substitute lease will replace the current lease and clarify the description of the lease premises.

Contract Term

The term of the lease will be five years and will contain one option to extend the term on a month-to-month basis for up to two years. The option may be exercised at the sole discretion of the Aviation Director.

Financial Impact

Rent for the first year of the lease will be approximately $954,240 ($0.78 per square foot), plus applicable taxes. Rent will be adjusted annually thereafter according to the Phoenix-Mesa-Scottsdale Consumer Price Index. Total anticipated revenue over the five-year term will be approximately $4,771,200.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board recommended this item for approval on Nov. 19, 2020, by a vote of 9-0.

The Transportation, Infrastructure and Innovation Subcommittee recommended this item for approval on Dec. 2, 2020, by a vote of 4-0.

Location
3801 E. Washington St.
Council District: 8

This item was withdrawn.

34 Airport Luggage Cart Service - Request to Issue Revenue Contract Solicitation

Request to authorize the City Manager, or his designee, to issue a revenue contract solicitation (RCS) for the airport luggage cart services at Phoenix Sky Harbor International Airport (PHX).

Summary
PHX is America's Friendliest Airport® when it comes to customer service. As the largest economic engine in the state of Arizona, PHX strives to deliver a world-class experience to every customer, every day. The contract for airport luggage cart rental services will provide passengers with an option to manage their luggage on demand through PHX to their destination.

The City of Phoenix Aviation Department is seeking proposals from qualified firms to manage and operate a first-class luggage cart rental service. PHX has a responsibility to provide practical, economical, reliable, and attractive luggage cart rental service at a reasonable price to its customers. Luggage cart rental services will cover the following airport locations:
Terminal 3 pre/post security;
Terminal 4 pre/post security;
Curbside locations at Terminals 3 and 4;
Rental Car Center;
Airport parking garages and Sky Train Stations; and
Select non-public access areas of the airport such as the Federal Inspection Station at Terminal 4.

There is no charge for luggage carts at the Federal Inspection Station.

Luggage carts at the Rental Car Center will remain no cost until the Sky Train is completed in Q2 or 2022.

The successful respondent will provide labor, materials, equipment, supervision, and a method of communication for the non-exclusive right to furnish, operate, maintain, and manage a luggage cart rental service program for the traveling public at all locations where luggage cart equipment is required throughout PHX. Luggage cart rental services generated sales of $542,630 in 2019 (pre-COVID). Current year to date (as of October), cart rental services have generated sales of $203,540.

Procurement Information
The Aviation Department will issue an RCS to select a service provider to provide the required luggage cart rental services. Aviation intends to issue the RCS in December 2020 and estimates that the contract will be awarded in July 2021.

Evaluation Criteria
Evaluation criteria for responsive and responsible respondents is as follows:
Experience and qualifications;
Management plan;
Operational plan; and
Maintenance plan.

Contract Term
The term of the contract will be five years and will contain no option to extend the term.

Financial Impact
The successful respondent will pay monthly based on a percentage of gross sales.

Concurrence/Previous Council Action
The Phoenix Aviation Advisory Board recommended this item for approval on Nov. 19, 2020, by a vote of 7-1.
The Transportation, Infrastructure and Innovation Subcommittee recommended this item for approval on Jan. 6, 2021, by a vote of 4-0.

Location

Phoenix Sky Harbor International Airport - 3400 E. Sky Harbor Blvd.
Council District: 8
This item was approved.

35 Phoenix Goodyear Airport Drainage Improvements - Engineering Services - AV41000074 (Ordinance S-47243)

Request to authorize the City Manager, or his designee, to enter into an agreement with Dibble & Associates Consulting Engineers, Inc., to provide Engineering Services that include construction administration and inspection (CA&I) services for the Phoenix Goodyear Airport Drainage Improvements project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $160,000.

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

Summary
The purpose of this project is to improve the drainage system at Phoenix Goodyear Airport by converting open ditches to underground storm-drain piping. This wildlife-mitigation project consists of constructing a covered storm-water pipeline to replace the current open-drainage ditch that runs through the airport northwest and southeast of the runway and taxiways. Dibble & Associates Consulting Engineers, Inc. will be providing CA&I services needed to oversee project construction.

Dibble & Associates Consulting Engineers, Inc.'s CA&I services include, but are not limited to: project administration; construction meetings; inspection and review of contractor's work; certifying contractor progress payments; preparing Federal Aviation Administration reports and a

construction management plan; providing post-construction services; and other related CA&I services as required.

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.). Scoring and selection were made in conjunction with the engineering services (design) selection process.

Contract Term
The agreement's term is five years from the date the notice to proceed issues. Work scope identified and incorporated into the agreement before the end of the term may be amended by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The contract amount for Dibble & Associates Consulting Engineers, Inc. will not exceed $160,000, including all subconsultant and reimbursable costs.

Aviation has received a signed grant agreement from the Arizona Department of Transportation. Funding is available in the Aviation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability before execution of any amendments. Payments may be made up to agreement limits for all rendered services, which may extend past the agreement termination.

Concurrence/Previous Council Action
The City Council approved:
Professional Services Agreement 143091 (Ordinance S-42716) on June 22, 2016.

Location

Phoenix Goodyear Airport - 1658 S. Litchfield Road, Goodyear, Ariz.
Council District: Out of City

This item was adopted.

36 April 2021 Proposed Bus Service Improvements (Ordinance S-47256)

This report requests City Council authorize the City Manager, or his designee, to implement the April 2021 bus service changes. If approved, the service changes will take effect April 26, 2021.

Summary

Bus service changes are coordinated regionally and occur in April and October of each year. The Public Transit Department (PTD) is focused on improving the efficiency and reliability of Phoenix's transit system to best serve our passengers' needs. The semiannual bus service review considers public input and staff analysis to identify potential improvements, such as schedule changes, service efficiencies, or route-connection additions.

In early 2020, in response to the COVID-19 pandemic, the PTD implemented numerous measures to keep public passengers and transit employees safe. These measures include: enhancing cleaning protocols; altering service delivery with social distancing; and modifying transit facility access and hours to reflect operations at other city facilities. In addition to these efforts, PTD also modified bus service to address ridership in decline, impacts to transit workforces, and uncertainty from potential revenue shortfalls. Peak and mid-day local route frequencies were maintained to avoid higher vehicle loads and promote social distancing on buses. These measures will remain in place until conditions throughout the transit environment permit the restoration of services and an eventual return to normal operations.

PTD suspended planned service enhancement proposals for October 2020 due to the continuing conditions of the pandemic, specifically the fluctuation of ridership and potential revenue shortfalls. As PTD continues to monitor existing service levels and develops plans to restore services using a phased approach, PTD and Valley Metro solicited public comments on the following proposed service changes that would take effect in April 2021 if approved by the Phoenix City Council (see maps in

Attachment A).

Local Route 32 (32nd Street) - Eliminate Baseline Road service duplication

Route 32 is funded jointly by Phoenix and Tempe and was last extended in April 2018 to provide service on south 40th Street in Phoenix and then connect to Arizona Mills Mall in Tempe via Baseline Road. The Baseline Road segment currently duplicates with Route 77, which the proposed change would eliminate as a cost savings measure. If implemented, any necessary transfers can take place between Routes 32 and 77 at Baseline Road and 40th Street.

Local Route 108 (Elliot Road/48th Street) - Modify Saturday/Sunday frequency

Route 108 is funded jointly by Phoenix, Tempe, and Valley Metro. The west end of the route runs for four miles on 48th Street and Elliot Road in Phoenix, with the rest of the route operating in Tempe, Chandler, and Gilbert. Currently, the route operates every 30 minutes on Saturdays and Sundays for the shorter Phoenix segment of the trip, and every 60 minutes in the other cities. But the higher weekend frequency in Phoenix is currently suspended as part of COVID-19 related service reductions, so Phoenix's segment now matches the majority of the route's 60-minute schedule. In response to low ridership, the proposed service change would make that service frequency permanent, with the ability to restore 30-minute frequency should ridership demand it in the future.

Express Route 522 (South Tempe Express) - Eliminate neighborhood pick-up service

Route 522 is an Express Route funded by Valley Metro, connecting South Phoenix (Ahwatukee) and Tempe to Downtown Phoenix during peak service hours. The primary park-and-ride this route serves is the Tempe Sports Complex, along with service along Hardy Drive, Elliot Road, Warner Road, and Interstate 10.

For inbound (morning) routing, half of the trips begin pick-up service in Ahwatukee (on 48th Street between Elliot and Warner roads) before servicing the Tempe Sports Complex and then proceeding downtown. The other half of the route’s inbound trips begin in Tempe neighborhoods

in the vicinity of Warner and Elliot roads before connecting to the Tempe Sports Complex and then proceeding downtown. For the outbound (afternoon) trips, the service is reversed.

Due to low ridership, the proposed service change initiated by Tempe is to eliminate neighborhood pick-ups, resulting in all Route 522 trips beginning and ending at the Tempe Sports Complex. If approved, pick-up service in Ahwatukee would transition to the sports complex. Phoenix currently funds a portion of the route via the City's share of the regional Public Transportation Fund (PTF).

The process for successfully implementing the proposed service changes, beginning April 26, 2021, includes the following:
Conduct required public outreach and public hearing (regional effort): Completed on Dec. 4, 2020;
Receive Citizens Transportation Commission (CTC) approval: Approved on Dec. 17, 2020;
Submit to Transportation, Infrastructure and Innovation Subcommittee and City Council for approval by February 2021;
Prepare transit books, develop operational plan, and coordinate with service providers: February - April 2021; and
Implement approved bus service improvements: April 26, 2021.

Financial Impact
The annual impact of the April 2021 proposed changes is a net savings of $284,000 for Phoenix's Transportation 2050 fund and a net savings of $45,000 for Phoenix's share of the regional Public Transportation Fund, see **Attachment B**.

Concurrence/Previous Council Action
This item was recommended for approval at the Citizen's Transportation Commission meeting on Dec. 17, 2020, by a vote of 10-0.
This item was recommend for approval at the Transportation, Infrastructure and Innovation Subcommittee on Jan. 6, 2021, by a vote of 4-0.

Public Outreach
The Public Transit Department and Valley Metro used the following public

outreach process for the proposed April 2021 bus service changes, including:
Public comment period between Nov. 2, 2020 and Dec. 4, 2020;
Proposed service change details and online survey posted at:
www.valleymetro.org/maps-schedules/service-changes/april-2021;
On-board announcements requesting passengers to provide input on the proposed service changes;
Flyers posted at impacted stops along the routes; and
Public hearing held online by Valley Metro on Nov. 18, 2020.

There were 145 total comments and suggestions received about the proposed April 2021 service changes, with 67 of those registering an opinion on Phoenix's routes. **Attachment C** summarizes the feedback by route for the service changes within Phoenix.

Based on the feedback received, PTD's planning staff further reviewed the frequency reduction proposal for Route 108 (Saturday and Sunday services). Currently, the route is scheduled to operate every 30 minutes in Phoenix and every 60 minutes outside of Phoenix on weekends (every other Phoenix trip continues east to Tempe and Chandler, in which the majority of the route operates). These shorter trips in Phoenix are averaging three passengers per trip. The longer trips are averaging nine passengers per trip on weekends. With the short trips in Phoenix eliminated, the longer trips will still have the capacity to provide a reliable ride for passengers impacted by the elimination of the shorter trips. If ridership increases in the future, Phoenix can reconsider the schedule changes.

As required by Federal Transit Administration Circular 4702.1B, a Title VI analysis for the proposed service changes was conducted. Per the City’s Title VI policies, neither service change proposal qualifies as a major service change that would potentially impact low-income and/or minority populations.

Location
Council Districts: 6, 7 and 8

This item was adopted.

37 Diagnostic Software - Contract Recommendation (Ordinance S-47241)

Request to authorize the City Manager, or his designee, to enter into agreements with Empire Southwest, LLC; IDSC Holdings, LLC dba Snap On Business Solutions; and Norwood Equipment, Inc. for purchase of diagnostic software. Further request to authorize the City Controller to disburse all funds related to this item. These agreements will have an aggregate amount of $73,850.

Summary

The Public Works Department is responsible for repair and maintenance of over 6,500 vehicles and items of equipment. To help expedite the repair and maintenance process, Fleet Services purchases and maintains licenses for diagnostic software that allows technicians to view error codes on the vehicles and equipment. This software is used to diagnose fire apparatus, refuse vehicles, street sweepers, and other heavy-duty equipment used for City services.

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

Procurement Information

In accordance with Administrative Regulation 3.10 normal competition was waived via a determination memo citing sole source. The diagnostic software being purchased under this agreement is proprietary software that can only be purchased from the respective vendors at the following pricing:

Norwood Equipment Inc.: Elgin Diagnostic Software - $2,036.25 per year
Snap on Business Solutions: Detroit Diesel Diagnostic Software - $3,600 per year
Empire Southwest, LLC: Caterpillar Diagnostic Software - $7,270.18 per year

Contract Term

This agreement will begin on or about City Council approval on Jan. 20, 2021, with a five-year contract term.

Financial Impact

This item will have an estimated annual expenditure of $14,770, with a total aggregate amount of $73,850. Funds are available in the Public Works Department's budget.

This item was adopted.

38 Generac Generators Maintenance and Repair Services - Agreement Recommendation (Ordinance S-47248)

Request to authorize the City Manager, or his designee, to enter into an agreement with Bud Griffin & Associates - Arizona, LLC to provide maintenance and repair services for Generac brand generators. Further request to authorize the City Controller to disburse all funds related to this item. This contract will have an aggregate amount of $200,000.

Summary

The Public Works Department is responsible for the maintenance and repair of generators located at City facilities all over the valley, including 77 Generac generators. These generators provide backup power sources to critical locations such as wastewater lift stations, fueling stations, and 911 dispatch centers. The repair of this equipment requires calibrations that only the Original Equipment Manufacturer (OEM) dealer can provide. It is necessary to have repairs completed by the OEM dealership to ensure the proper operation of the generators in the event of a power failure. Generators that are not functioning properly can result in loss of power that can affect public health and safety.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived in lieu of a determination memo citing sole source. Bud Griffin & Associates - Arizona, LLC is the sole source provider of OEM Generac maintenance and repair services in Maricopa County with the below labor rate:

Bud Griffin & Associates - Arizona, LLC: $85 per hour labor rate

Contract Term

This agreement will begin on or about March 1, 2021, with four, one-year option years, to be exercised in increments of up to one year, for a total contract term of five years.

Financial Impact

This agreement will have an estimated annual expenditure of $40,000, with an aggregate amount of $200,000 over the life of the contract.

This item was adopted.

39 Manhole Covers, Rings and Meter Boxes - Amendment 3 (Ordinance S-47242)

Request the City Manager, or his designee, for additional funding in the amount of $317,000 through Dec. 14, 2021, for Agreement 144688 with Arizona Waterworks Supply, Inc., for the purpose of providing manholes, rings and meter boxes for the Water Services Department (WSD). Further request to authorize the City Controller to disburse all funds related to this item.

Summary

Additional funding is needed to purchase manhole, rings and meter boxes for new installation, replacement and repair of damaged equipment. The unanticipated expenditures occurred due to an accelerated overlay project by the Street Transportation Department after the contract start date, in addition to the Public Works Department purchasing from this contract utilizing quantities that were reserved for WSD. These expenditures greatly reduced the remaining contract aggregate value.

Contract Term

The contract term is effective through Dec. 14, 2021.

Financial Impact

The initial aggregate agreement value was executed in the amount of $350,000. Ordinances S-44957 and S-45861 added a total of $300,000 in additional funding to the agreement, for a new total aggregate amount of $650,000. This amendment will provide an additional $317,000 of funding for a new aggregate agreement value not to exceed $967,000.

Funding is available in the Water Services Department operating and Capital Improvement Program budget.

Concurrence/Previous Council Action

The City Council approved:
Manhole Covers, Rings, and Meter Boxes Agreement 144688 (Ordinance S-43122) on Dec. 14, 2016;
Manhole Covers, Rings, and Meter Boxes Agreement 144688 (Payment Ordinance S-44957) on Sept. 5, 2018; and
Manhole Covers, Rings, and Meter Boxes Agreement 144688 (Ordinance S-45861) on June 26, 2019.

This item was adopted.

40 Rosemount Non-Contact Level Meters Contract (Ordinance S-47244)

Request to authorize the City Manager, or his designee, to enter into an agreement with Rosemount, Inc. to provide Rosemount non-contact level meters and replacement parts for the Water Services Department (WSD). 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 total agreement value will not exceed $180,000.

Summary

Rosemount non-contact level meters and replacement parts are used at the WSD Water Treatment Plants, Wastewater Treatment Plants and other locations to provide a constant measurement of liquids and solids in storage tanks, weirs, digesters and flumes. City staff will be responsible for installation, maintenance, repairs or replacement of parts.

Procurement Information

Per Phoenix City Code section 43-11(D) and the City's Administrative Regulation 3.10, the competitive process was waived because Rosemount is the sole source for these essential Rosemount parts. Rosemount does not have authorized distributors and therefore all purchases must be made through Rosemount, the manufacturer.

The WSD requests a waiver from Phoenix City Code section 42-18(B). Rosemount seeks a limitation of liability and if approved, it would limit its liability under any theory of recovery to four times the contract price received by Rosemount under the contract.

Contract Term

The term of the agreement is six years and will begin on or about Feb. 1, 2021.

Financial Impact

The agreement value for Rosemount will not exceed a total value of $180,000 over the life of the contract. Funding is available in the Water Services Department's Operating budget.

This item was adopted.

41 Final Plat - Quiktrip Store #1410 - PLAT 200541 - 400 N. 75th Ave.

Plat: 200541
Project: 19-370
Name of Plat: Quiktrip Store #1410
Owner(s): Quiktrip Corporation
Engineer(s): The WLB Group
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Dec. 16, 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

400 N. 75th Ave.
Council District: 7

This item was approved.

42 Final Plat - Dobbins Manor - PLAT 190009 - South of Dobbins Road and West of 27th Avenue

Plat: 190009
Project: 18-1101
Name of Plat: Dobbins Manor
Owner(s): KB Home Phoenix, Inc.
Engineer(s): RS Team Land Surveyors, LLC
Request: A 266 Residential Subdivision Plat

Reviewed by Staff: Dec. 16, 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 south of Dobbins Road, and west of 27th Avenue.
Council District: 8

This item was approved.

43 Map of Dedication - Phoenix Logistics Center (87th Avenue) - MOD 150004 - 87th Avenue and Buckeye Road

Map of Dedication: 150004
Project: 07-4205
Name of Map of Dedication: Phoenix Logistics Center (87th Avenue)
Owner(s): Phoenix Logistics Center, LLC
Engineer(s): Survey Innovation Group, Inc.
Request: A Commercial Subdivision Map of Dedication
Reviewed by Staff: Dec. 22, 2020
Map of Dedication requires Formal Action Only

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

Location
Generally located at 87th Avenue and Buckeye Road
Council District: 7

This item was approved.

44 Amend City Code - Official Supplementary Zoning Map 1209 (Ordinance G-6792)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1209. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with

Z-54-88-8 and Z-12-90-8 and the entitlements are fully vested.

Summary

To rezone a parcel located on the southeast corner of 44th Street and Chandler Boulevard.
Application No.: Z-54-88-8 and Z-12-90-8
Zoning: R-3A
Owner: SRGMF II CHANDLER PHOENIX, LLC
Acreage: 14.26

Location

Southeast corner of 44th Street and Chandler Boulevard
Address: 4411 E. Chandler Blvd.
Council District: 6 (Previously in District 8)

This item was adopted.

45 Amend City Code - Official Supplementary Zoning Map 1210 (Ordinance G-6793)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1210. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-54-88-8 and the entitlements are fully vested.

Summary

To rezone a parcel located on the southeast corner of 45th Street and Chandler Boulevard.
Application No.: Z-54-88-8
Zoning: C-O
Owner: PPHC Ahwatukee LLC; HHP Ahwatukee LLC; Foothills MP Development LC; Foothills Medical Properties, LLC; Suite 114, LLC; and MT Holdings, LLC
Acreage: 6.95

Location

Southeast corner of 45th Street and Chandler Boulevard
Address: 4505 E. Chandler Blvd. and 4530 E. Muirwood Drive
Council District: 6 (Previously in District 8)

This item was adopted.

46 Modification of Stipulation Request for Ratification of Dec. 16, 2020 Planning Hearing Officer Action - PHO-3-20_Z-14-05-1 - Approximately 633 Feet East of the Northeast Corner of 7th Avenue and Misty Willow Lane

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Dec. 16, 2020. This ratification requires formal action only.

Summary

Application: PHO-3-20--Z-14-05-1
Existing Zoning: A-1 DVAO
Acreage: 24.07

Applicant: Happy Valley II, LLC
Owner: Happy Valley II, LLC
Representative: Law Office of David Cisiewski, PLLC

Proposal:

Modification of Stipulation 1 regarding general conformance to the site plan date stamped Aug. 31, 2007.
Deletion of Stipulation 2 regarding a master architectural theme.
Modification of Stipulation 3 regarding landscape setbacks along 7th Avenue, Misty Willow Lane, and internal streets.
Deletion of Stipulation 5 regarding parking lot landscaping.
Modification of Stipulation 7 regarding recording documents that disclose the existence and characteristics of Goodrich-Universal Propulsion Company.
Technical correction to Stipulation 4.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee heard this case on Nov. 19, 2020 and recommended approval with a modification, by a 10-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Dec. 16, 2020, and recommended approval with modifications and additional stipulations. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended

stipulations.

Location
Approximately 633 feet east of the northeast corner of 7th Avenue and Misty Willow Lane
Parcel Address: 500 W. Misty Willow Lane
Council District: 1

This item was approved.

47 Amend City Code - Ordinance Adoption - Rezoning Application Z-33-20-2 (Optima Kierland Center Phase II PUD) - Approximately 415 Feet North of the Northwest Corner of Scottsdale Road and Kierland Boulevard (Ordinance G-6795)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-33-20-2 and rezone the site from C-2 PCD (Intermediate Commercial, Planned Community District) to PUD (Planned Unit Development) for multifamily residential and commercial.

Summary
Current Zoning: C-2 PCD
Proposed Zoning: PUD
Acreage: 1.93 acres
Proposed Use: Multifamily residential and commercial

Owner: Kierland Center, LLC
Applicant: Optima
Representative: Nick Wood, Snell & Wilmer, LLP

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Paradise Valley Village Planning Committee heard the case on Dec. 7, 2020 and recommended approval, per the staff recommendation with an additional stipulation by a 6-1 vote.
PC Action: The Planning Commission heard the case on Jan. 7, 2021 and recommended approval, per the Paradise Valley Village Planning Committee recommendation by a 9-0 vote.

Location
Approximately 415 feet north of the northwest corner of Scottsdale Road

and Kierland Boulevard
Parcel Addresses: 15450 N. Scottsdale Road and 7190 E. Kierland Blvd.
Council District: 2

This item was adopted.

48 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-20_Z-36-17-7 - Southwest Corner of 103rd Avenue and Buckeye Road (Ordinance G-6794)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Dec. 16, 2020.

Summary
Application: PHO-1-20_Z-36-17-7
Existing Zoning: CP/GCP
Acreage: 20.13

Applicant: Adam Baugh, Withey Morris, PLC
Owner: Virtua Buckeye 103 LLC
Representative: Adam Baugh, Withey Morris, PLC

Proposal:
1. Review and approval of site plan and elevations by the Planning Hearing Officer per Stipulation 9.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this case on Dec. 15, 2020 and recommended approval, by a 5-0 vote.
PHO Action: The Planning Hearing Officer heard this case on Dec. 16, 2020 and recommended approval with additional stipulations. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Southwest corner of 103rd Avenue and Buckeye Road

Parcel Address: N/A
Council District: 7

This item was adopted.

49 Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-6-20-7-8 - Approximately 170 Feet South of the Southwest Corner of 59th Avenue and Baseline Road (Ordinance G-6796)

Request to 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-SP-6-20-7-8 and rezone the site from C-2 (Intermediate Commercial District) to C-2 SP (Intermediate Commercial District, Special Permit) to allow a massage establishment and all underlying C-2 uses.

Summary
Current Zoning: C-2
Proposed Zoning: C-2 SP
Acreage: 0.06 acres
Proposed Use: Massage establishment and all underlying C-2 uses

Owner: LB 59th, LLC
Applicant: PCRK Group
Representative: Wendy Riddell, Esq., Berry Riddell

Staff Recommendation: Approval.
VPC Action: The Laveen Village Planning Committee heard this case on Dec. 14, 2020, and recommended approval, per the staff recommendation, by an 11-0 vote.
PC Action: The Planning Commission heard this case on Jan. 7, 2021, and recommended approval, per the Laveen Village Planning Committee recommendation, by a 9-0 vote.

Location
Approximately 170 feet south of the southwest corner of 59th Avenue and Baseline Road
Parcel Address: 7620 W. 59th Ave.
Council Districts: 7 and 8

This item was adopted.

30 Arizona Department of Emergency and Military Affairs Public Assistance for Disaster Recovery Grant Funding (Ordinance S-47258)

This report requests City Council approval of the authorization for the City Manager, or his designee, to approve an application from the Office of Homeland Security and Emergency Management to apply for, accept, and enter into agreements with the Arizona Department of Emergency and Military Affairs Public Assistance for Disaster Recovery grant funding. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

As a result of the Governor's Declaration, Arizona Department of Emergency and Military Affairs issued a Public Assistance grant to assist jurisdictions across Arizona with disaster-related costs surrounding riot-related expenses that are above and beyond the local jurisdictions ability to recover without State assistance.

The Office of Homeland Security and Emergency Management worked with the Fire, Police and Public Works departments to assess damage to facilities, identify labor, equipment, materials, and other expenses surrounding the damages and emergency protective measures taken by the City in response to riot activity. Expenses totaling $6,900,000 will be submitted to request reimbursement as part of this public assistance application, if approved by City Council. The State of Arizona will review documentation received and determine eligibility amounts to be disbursed statewide.

Concurrence/Previous Council Action

This item was recommended by the Public Safety and Justice Subcommittee at its Dec. 9, 2020 meeting by a vote of 4-0.

Discussion

City Manager Ed Zuercher stated this was a request to receive reimbursement from the State for costs the City incurred during the protests in downtown Phoenix between May 28 and June 11, 2020. He

conveyed this item would authorize staff to submit to the State for reimbursement a portion of the City's expenses for protective services, property damage, cleanup and repair which was estimated to be approximately $5.3 million.

Kelly Kwok requested Council vote no on this reimbursement because of officers response to these non-violent protests.

Camille Johnson urged Council to vote no on this item.

Harper Rowan requested Council vote no on this reimbursement because of officers response to these non-violent protests.

Vanessa DiCarlo spoke in opposition to this item.

Anesia Groves urged Council to vote no on this item.

Mr. Zuercher emphasized this was reimbursement of expenses already paid for by the City. He stated the costs were incurred between May 28 and June 11 when Governor Ducey declared a state of emergency related to damage from protests. Mr. Zuercher cited reimbursement was for lost vehicles and damaged buildings as well as time for police officers. He added these funds would provide resources for Council to use for any other activity they desired.

Mayor Gallego asked where the grant title language came from.

Mr. Zuercher replied it was related to the executive order from Governor Ducey which specifically used the word riot.

Councilmember Garcia questioned if the reimbursement included overtime pay.

Mr. Zuercher responded it did include labor costs from several departments, noting police was the largest one.

Councilmember Garcia said he wanted to know about the vehicle lost during the protest.

Mr. Zuercher stated the City lost two or three police cars, but was reimbursed by insurance for them. He remarked a Planning and Development Department vehicle that was parked on the street during that time was also damaged.

Mayor Gallego asked if this reimbursement included graffiti damage.

Mr. Zuercher replied the City recorded about $9,000 worth of time spent by the Neighborhood Services Department Graffiti Busters team who removed graffiti from City buildings and surrounding properties in downtown Phoenix.

Johanna Haygood urged Council to vote no on this item.

Marissa Leyva spoke in opposition to this item.

Katelain Saunders requested Council vote no on this harmful measure.

Hava Derby spoke in opposition and said she wanted to see receipts as she thought the number was too high.

Michelle Meyer urged Council to vote no on this item.

Lily Villa requested Council vote no on this reimbursement because of officers response to these non-violent protests.

Tina Luna urged Council to vote no on this item and wondered why this reimbursement included costs for lost vehicles which were already reimbursed by insurance. She also expressed concern that a precedent would be set regarding peaceful protestors being called rioters.

Hana Hehman urged Council to vote no on this item.

Sarah Ford requested Council vote no on this reimbursement.

Amy Meglio spoke in opposition to this item.

Tara Lowman-Rojas requested Council vote no on this reimbursement because of officers response to these non-violent protests.

Patricia Pagliuca spoke in opposition to this item.

Jessica Spencer urged Council to vote no on this item and said she wanted to see receipts for this reimbursement.

Ryn Orr requested Council vote no on this reimbursement because of officers response to these non-violent protests.

Kurt Anderson demanded Council vote no on this reimbursement because of officers response to these non-violent protests.

Damian Green requested Council vote no on this reimbursement.

Three electronic comments were submitted for the record with no position and 227 were submitted in opposition to this item.

Councilmember Garcia thanked everyone who commented on this item and recognized staff for correcting the language regarding riots. He said he wanted to know the amount of this grant going towards overtime.

Mr. Zuercher replied overtime was for the Fire and Police departments which together was about $5.25 million.

Councilmember Garcia asked if the amounts were separated or combined.

Mr. Zuercher responded they were separated, citing the Fire Department was about $244,000 and the Police Department was approximately $5,006,000. He added there was a small amount for the Graffiti Buster team which was straight time and overnight, but the majority was in the Fire and Police departments.

Councilmember Garcia questioned where the money would come from if the City was unable to get this grant.

Mr. Zuercher replied the money had already come from the budgets of the listed departments.

Councilmember Garcia recalled staff providing Council a higher number for police overtime and wanted to know the total number based on the months being discussed.

Mr. Zuercher reminded Council this was for the two-week period as outlined in Governor Ducey's emergency declaration which was May 28 to June 11. He pointed out the amount for police was specifically related to downtown Phoenix.

Councilmember Garcia expressed the Police Department over-reacted in how they handled the demonstrations. He said he would be voting no on this item and hoped the City would spend better on future grant opportunities. He remarked he was concerned about how decisions were being made on how to spend this money without coming to the full Council. He urged the county attorney drop the charges on folks who were unjustly arrested during the protests.

Councilman DiCiccio conveyed there were individuals that were at the protests who were violent and destroyed property. He argued the county attorney should not drop charges on the violent individuals that were arrested. He expressed this vote was the first step in defending police officers who protected everyone.

A motion and second was made to approve this item.

Vice Mayor Williams remarked it was important to reimburse the taxpayers for what was spent out of the budget.

Councilwoman Pastor emphasized she had been asking that reports include a breakdown of how money was being spent so that the public had a better understanding and Council has concrete numbers when voting. She asked if the City was asking for additional money that was already reimbursed by insurance.

Mr. Zuercher replied the City was not getting reimbursed by both

insurance and this grant, noting if the City was reimbursed by insurance it was not included in this reimbursement. He specified there were approximately 27 police vehicles that were damaged during that time period, such as slashed tires and broken windows. He advised the reimbursement was for things the City did not get reimbursed for by insurance.

Councilwoman Pastor asked if staff applied for reimbursement by insurance for the broken windows.

Mr. Zuercher responded the City did not get reimbursed for the broken windows, noting the City would not get both insurance and state reimbursement.

Councilwoman Pastor wanted to know if the damaged windows to City Hall and other businesses were being reimbursed.

Mr. Zuercher replied this was reimbursement for City property which included damaged windows at Burton Barr Library, Orpheum Theatre and Municipal Court along with damage to a Planning and Development Department vehicle. He conveyed the Public Works Department also had to repair City Hall and the Calvin Goode buildings as well as damage at the Transit building on North 1st Avenue. He added there were labor costs for Graffiti Buster staff who removed graffiti on City buildings downtown.

Councilwoman Pastor asked why the City did not submit reimbursement to insurance and if insurance did reimburse the City if it was included in this grant reimbursement.

Mr. Zuercher assured Council if the City applied for something from insurance it would not be included in this submittal to the state.

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

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

No: 1 - Councilmember Garcia

33 Phoenix Sky Harbor International Airport Concessionaire Relief - Consideration of Contract Term Extensions (Ordinance S-47259)

Request to authorize the City Manager, or his designee, to amend multiple Phoenix Sky Harbor International Airport (PHX) Terminal 3 and Terminal 4 Food, Beverage, and Retail concessionaire leases to extend the term of the contracts for three additional years, as requested by the concessionaires to help offset the impact of the COVID-19 pandemic.

Summary

The aviation industry continues to struggle amidst the challenging circumstances of the COVID-19 pandemic. Phoenix Sky Harbor International Airport is experiencing a secondary dip in enplanements due to the surge in COVID-19 cases after the holiday season. Enplanements are currently down about 52 percent as compared to last year.

Several rating agency reports have projected an extended negative outlook based on the uncertainty in enplanement recovery. Concessionaires at PHX have been severely impacted by the reduced passenger activity with sales down by 71 percent. Due to the reduced activity as well as the continued financial strain on these businesses, several have been unable to reopen or have reopened with limited business hours. Of the 136 total concessions operating out of PHX, 71 (52 percent) are currently open for business.

In a letter dated Nov. 1, 2020, many of the airport's small business partners requested contract term extensions in order to refinance existing debt. Currently, the contract terms expire as follows:
Terminal 3 food, beverage and retail contracts will expire in 2030;
Terminal 4 food and beverage contracts will expire in 2023; and
Terminal 4 retail contracts will expire in 2023 or 2024.

On Dec. 17, 2020, staff held a conference call with the Federal Aviation Administration (FAA) Office of Civil Rights to discuss the Airport

Concession Disadvantaged Business Enterprise (ACDBE) program. The regional compliance officer expressed appreciation for the efforts of City Council and the airport and for providing Minimum Annual Guarantee (MAG) abatement to the concessionaires, including ACDBEs. The FAA further shared that extension of terms for concessionaires is a viable option for helping concessionaires weather the pandemic. In the case of contract extensions, FAA has eased its requirement for pre-authorization of a concession contract extension if the extension does not exceed three years. This practice is aligned with FAA's April 4, 2020 guidance to airport sponsors encouraging them to consider the business circumstances created by the public health emergency and assist tenants in staying solvent so they can resume normal operations when the emergency ends.

The current business circumstances for concessionaires and ACDBEs at Sky Harbor are impacted by their capital investments. Sky Harbor's concessionaires invested in the original design, construction, furniture, and fixtures within Terminal 4. Each concession contract also requires a mid-term (five-year) refresh, so the concessionaires invested in the food and beverage refurbishment in 2017/2018. Phase 1 of Terminal 3 opened in February 2019 and Phase II in February 2020, also requiring recent significant capital investment.

Attached to this report is the Nov. 1, 2020 letter (**Attachment A**) sent from the airport's ACDBEs requesting contract extensions to allow refinancing of their debt for existing airport capital investments (in addition to the MAG relief already approved by Council). Also attached are letters from the majority of the prime contractors requesting contract extensions (**Attachments B-F**). Several prime contractors have specifically requested three-year extensions to reamortize and payoff the debt for their existing airport capital investments.

The concession leases that will be amended to allow for extended temporary financial relief are lease numbers: 116300; 116653; 131410; 133475; 143718; 143719; 143866; 144047; 144322; 144323; 144324; 145872; 145873; 145977; 146077; 146163; 146458; 146459; 147232; 147258; 147350; 147461; and 150683.

Financial Impact

Extending the contract term(s) three years for Terminal 3 and/or Terminal 4 food, beverage, and/or retail concessionaires would result in no additional cost to the airport, however it would delay the future solicitation and implementation of new contracts.

Concurrence/Previous Council Action

An update on this item was heard at the Transportation, Infrastructure and Innovation Subcommittee on Jan. 6, 2021.

Location

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

Discussion

Tracy Gunderson spoke in opposition and requested the City conduct a thorough investigation of HMS Host based on her complaint she submitted to the Equal Opportunity Department before extending their lease.

Vivian Lavely asked for additional time so that the allegations against HMS Host could be thoroughly investigated and resolved before giving them an extension.

Janell Weaver urged the City do a thorough investigation into HMS Host before granting them another lease extension.

Teresa Dominguez spoke in support of the lease extensions for concessionaires as an ACDBE business and thanked staff as well as Council for their support and leadership throughout this process.

Councilwoman Guardado stated Council had sent a letter with different stipulations to add to the leases regarding worker discrimination. She asked if Ms. Dominguez received the letter and supported it.

Ms. Dominguez replied she did receive it and was still working on a response to the letter. She assured Council that they believed in non-discrimination policies which were enforced at the company as well as equal pay.

Councilwoman Guardado questioned if Ms. Dominguez needed more time to respond to the letter.

Ms. Dominguez responded she did not since non-discriminatory issues were included as part of their contract.

Councilwoman Guardado asked if Ms. Dominguez agreed to the five points in the letter.

Ms. Dominguez replied yes.

Scott Welding indicated he worked with SSP America and wished to respond to the letter with regard to discrimination. He conveyed while SSP America was not an ACDBE company, they were in compliance and would continue to be in compliance regarding non-discrimination and would work with the City on the five topics raised in the letter. He said he supported the three-year term extension as industry experts estimated it would take three to five years before passenger traffic resumed to 2019 levels.

Councilwoman Pastor recalled Mr. Welding said he was in agreement with the letter sent by Council.

Mr. Welding affirmed that was correct.

Councilwoman Pastor asked if the ACDBE businesses under his company were also in agreement.

Mr. Welding replied many of the ACDBE partners would be speaking on this item, so he preferred that they respond on their own behalf.

Councilwoman Guardado thanked Mr. Welding and SSP America for being responsive to Council's questions and concerns.

Lieryn Jacobs, the regional HR business partner from SSP America, spoke in support of the three-year extension of their existing leases at Sky Harbor Airport. She confirmed they received the letter from

Councilman Garcia and Councilwomen Pastor and Guardado which asked for their commitment to non-discrimination policies at the airport. She emphasized SSP America maintained a zero tolerance policy for discrimination in the workplace, noting it was clearly stated in their team member handbook, orientation and training.

Councilwoman Pastor asked if SSP America's joint ventures, subtenants and licensees agreed with the points in the letter regarding non-discrimination and equal pay.

Ms. Jacobs concurred with Mr. Welding that their partners would be speaking today on their operations, but she could speak to SSP America's operations at the airport.

Councilwoman Pastor stressed this was a contract with SSP America, so she thought if they agreed to it then the joint ventures, subtenants and licensees agreed to it.

Acting Aviation Services Director Charlene Reynolds responded that language within the contract did flow down to their subtenants, sublessees and joint ventures.

Councilwoman Guardado asked what happened if the other small businesses did not comply.

Mr. Reynolds said she needed clarification since all contracts had language they had to stay compliant with, noting if they were not then it could be a material breach of contract or a simple breach that the City would allow them to cure. She inquired if the question was on their existing contract language or the proposed new language.

Councilwoman Guardado stated her question related to the proposed new language. She pointed out SSP America agreed with the five points and to put it into their lease, so if they agreed to it then the small businesses under them would also have to agree with it.

Ms. Reynolds replied that was correct, noting the current contracts were with the joint venture partners and/or the primes. She said if they agreed

with the language for their contracts then it would automatically flow down to their sublessees and subtenants.

Mario Barajas provided Spanish interpretation for Mr. Butanda and Ms. Quintana.

Manuel Butanda, an employee that worked for Kind Hospitality in the HMS building, spoke in support of the lease extension.

Carmen Quintana spoke in opposition and asked that the City look into the accusations against HMS Host before granting them a lease extension.

Alex Maestaf said he was opposed to HMS Host getting a lease extension until the City did a full investigation into the discrimination allegations.

Debbie Rutkawski stated she was opposed to HMS Host getting a lease extension and urged the City to conduct a full investigation into HMS Host.

Cheryl Grant urged the City to conduct a full investigation into HMS Host before granting them a lease extension.

Hiwet Kidane spoke in opposition to the lease extension for HMS Host.

Gonzalo Delamelena, small business owner of Sir Veza's Taco Shop at Sky Harbor Airport, spoke in support. He stressed there was an ACDBE debt crisis and a three-year extension would allow them to refinance and extend out their payments. He said he agreed with the comments on the non-discrimination and equal pay topic.

Councilwoman Pastor requested clarification because she understood the joint ventures had to agree along with the prime.

Ms. Reynolds replied the joint venture was a legal entity, so all partners would have to agree because the joint venture was the entity that had a contract with the City.

Councilwoman Pastor requested additional clarification that all would have to agree.

Ms. Reynolds affirmed the joint venture that had a contract with the City would have to agree to the language.

Councilwoman Pastor asked if the subtenants were the licensees.

Ms. Reynolds replied in the case of operations at the airport the prime could have a direct lease with the subtenant and/or a sublessee, noting the requirements could flow down to the subtenants and sublessees. She added the joint venture was a legal formation whose partners had a share and a voice in that operation, so collectively they would have to agree to the requirements.

Councilwoman Pastor posed the question if she asked Mr. Delamelena if he agreed to the five points in the letter if he was part of HMS Host.

Ms. Reynolds responded it depended on the joint venture structure. She cited at Terminal 3 the joint venture was Host, San Tan Brewery which not only had Gonzalo but Nava as well, and Shake Shack.

Councilwoman Pastor remarked the paperwork she had showed Host International Terminal 3 Food and Beverage Program with Shake Shack, Gonzalo and San Tan Brewery, Nava separated.

Ms. Reynolds replied San Tan had a split ownership with Nava and Gonzalo each owning approximately 15 to 20 percent of the San Tan joint venture while Host International held a majority of that joint venture.

Councilwoman Pastor asked if Mr. Delamelena agreed to the points in the letter for all of his joint ventures.

Mr. Delamelena responded he supported the points as it related to Sir Veza's which he wholly owned in Terminal 4, but he said HMS Host was on the line and would address the broader discussion on that piece.

Councilwoman Pastor conveyed the paperwork she had showed the Terminal 3 Food and Beverage Program joint venture of Shake Shack was Gonzalo owning 100 percent of the ACDBE and San Tan Brewery was Nava owning 100 percent of the ACDBE.

Mr. Delamelena replied he and Nava owned about 15 percent of the joint venture and were assigned to those units to deliver on their areas of responsibility.

Councilwoman Pastor expressed the paperwork she was given said joint ventures and she recalled Council needed to hear from the joint ventures that were partners with HMS Host on whether they agreed to the language. She wanted to keep public comments going, but she wanted staff to answer her questions later.

Councilman Nowakowski stated he did not see the letter with five points that was being referenced. He also asked if the current contract covered discrimination and equal pay.

Ms. Reynolds responded the current contract in Terminal 4 had an anti-discrimination provision in it, noting the City enacted an equal pay provision that was incorporated in the Terminal 3 contract.

Councilman Nowakowski reiterated he did not see the five-point letter being referenced.

City Manager Ed Zuercher conveyed the letter was from council members in Districts 4, 5 and 8 to airport DBE concessionaires, noting staff just sent a copy of the letter.

Ms. Reynolds affirmed that was correct.

Councilman Nowakowski said things such as the letter were usually added to the agenda so Council knew what was being talked about.

Mr. Zuercher responded it was not part of the agenda because it was a letter sent by individual council members, so it represented their position and not the entire council. He added if Council wanted to consider the

letter it would need to be included in a motion and approved by the entire council.

Stephen Douglas, vice president of development for HMS Host, spoke in support of this item.

Councilwoman Guardado asked if HMS Host received the five-point letter and was willing to commit to the language.

Mr. Douglas requested the vice president of human resources answer that question.

Derryl Benton, executive vice president of development for HMS Host, spoke in support. He stated they received the letter but it was not on letterhead, so they did not know how to respond or if it would become airport policy. He added HMS Host currently followed all City and airport policies and would continue to do so.

Councilwoman Guardado asked if he agreed with the language.

Mr. Benton requested Ms. Seubert respond to that question.

Susan Seubert, vice president of human resources for HMS Host, spoke in support. She indicated HMS Host had been and would remain committed to establishing a workplace that provided equal employment opportunities. She said they also had long-standing policies that prohibited discrimination and procedures for responding to complaints of alleged violations. She conveyed HMS Host agreed to incorporate proposed changes to their concession agreement from staff's Jan. 13, 2021 email regarding equal employment opportunity and equal pay. She stated HMS Host agreed in principle to the Jan. 18, 2021 letter and would work with the City and airport on the details in accordance with their CBA and City adopted policy.

Councilwoman Guardado said she wanted to clarify that HMS Host agreed in principle to the letter, but needed time to work with staff to incorporate it in their lease.

Ms. Seubert replied yes.

Brian Donohoe, senior director of human resources for HMS Host, stated he was on the line to answer questions from Council.

Councilwoman Pastor asked if HMS Host agreed to Council's five-point letter.

Mr. Donohoe responded they agreed to the letter in principle and would continue to work with the airport and City on the details.

Councilwoman Pastor emphasized Council was asking for a commitment to implement those five points in the three-year contract extension.

Mr. Donohoe said he wished to defer back to Mr. Benton to provide more clarity to Council.

Kurt Mangum, a local small business owner at Phoenix Sky Harbor Airport, asked that Council approve the three-year extension so he could restructure his debt to survive this pandemic. He remarked he received the letter from council members regarding support for non-discrimination and equal pay, noting he supported the City's non-discrimination and equal pay policies as stated in the current Terminal 3 agreement.

Joya Kizer, an ACDBE prime operator and joint venture partner at Sky Harbor Airport, spoke in support. She conveyed this extension would allow her the opportunity to refinance her current debt which would permit the bank to project a longer length of repayment that would bring the monthly debt closer to depressed sales. She said she received the letter from several council members and emphasized she was in agreement with the anti-discrimination goal. She added her company was in alignment with the five points listed in the letter and remained committed to doing so.

Kristi Kinney, an ACDBE certified small business owner and vending machine operator under the master lease with SSP America at Terminal 4, spoke in support of a three-year lease extension. She stated she received the letter signed by some council members regarding

discrimination practices at the airport, noting SSP America made real efforts to make sure work environments were professional and consistent.

Louis Basile, operator of locally-owned Wildflower, spoke in support of the three-year lease extension and added he supported the letter with the five points.

Lachele Mangum, a joint venture partner with Stellar Partners, spoke in support of this three-year term extension in order to refinance their small business loans to extend their payments and pay their debt services.

Councilwoman Guardado asked if Ms. Mangum supported the five point in the letter that was sent out.

Ms. Mangum replied she received the letter and was in agreement with it in principle, noting as a joint venture partner they were contractually obligated to go along with what the joint venture agreed to.

Councilwoman Williams questioned if Ms. Mangum already had the five points in place somewhere.

Ms. Mangum responded the non-discriminatory practice and equal pay language was already in their Terminal 3 contract.

Councilwoman Guardado said she understood the contract in Terminal 3 already had this language, but she wanted to know if Ms. Mangum was in agreement with it in Terminal 4. She also questioned her answer of in principle since other concessionaires agreed to the language.

Ms. Mangum replied it was important for them to follow the City's policy, noting non-discriminatory practice and equal pay was in their guidelines and handbook.

Councilwoman Pastor stated she wished to ask HMS Host about their response in principle and wanted to know if they were committed to the five points.

Mr. Benton responded when the language became City policy and the specifics were included in the policies and procedures they would adhere to them. He pointed out some of the five points were legal and dealt with privacy issues; however, they agreed in principle to the content in the letter and needed to see how it reverted into policy and could then respond.

Councilwoman Pastor recalled Ms. Seubert said there was an agreement.

Mr. Benton explained they had a collective bargaining agreement along with the City's policies. He reiterated they agreed in principle to letter and needed to see how it converted into City policy.

Councilwoman Pastor questioned Ms. Seubert as she thought there was agreement with the five points in the letter.

Ms. Seubert replied she said they agreed in principle to the five points.

Councilwoman Pastor expressed she had an issue with their response in principle because concessionaires wanted an immediate benefit to refinance whereas she wanted an immediate confirmation that they agreed to the five points. She indicated the faster there was agreement the sooner the meeting could move along unless they needed more time and Council could continue the matter.

Mr. Benton responded he could not say yes or no because he did not know how it would be converted into City policy though in principle they did not disagree with it. He emphasized they wanted to make sure it did not violate their collective bargaining agreement and privacy issues as well as ensuring it was consistent with federal, state and local laws.

Councilwoman Pastor stated she understood that HMS Host agreed in principle to the letter and was waiting for Council to vote on the extension and make the language part of the City's policy.

Mr. Bentron replied yes.

Vice Mayor Williams asked if Council could make this policy at the airport

in the motion.

City Attorney Cris Meyer responded if Council adopted a motion and included the language it would become part of the terms of the extension. He added staff would have to adjust the language so it was consistent with the agreements and law which was the point of this discussion.

Councilwoman Guardado questioned if wording the five points in a different way would have the same effect.

Mr. Meyer replied staff would have to explain or clarify the five points, but it would accomplish the same thing.

Councilwoman Guardado thanked everyone who was on the line and committed to the five points, and expressed it was unfortunate that HMS Host was taking a different stance.

Craig Early, with Cam Concessions which operated food service establishments in Terminal 4 as an ACDBE with SSP America, spoke in support. He conveyed he was also supportive of the letter, noting this extension would allow them to refinance with the banks to continue their operations.

Symantha Lewing, general manager for Panera Bread with HMS Host, asked that Council vote yes on this extension as it would save jobs.

Nava Singam, with Kind Hospitality, indicated he was an ACDBE as well as a subtenant and joint venture with HMS Host. He stated HMS Host supported the ACDBEs throughout the pandemic and assisted them in obtaining deferment from banks as well as extended their accounts payable. He remarked his company ensured their work environment was non-discriminatory and provided equal pay among team members. He asked Council to support this three-year extension as it would assist them in refinancing their loans and pay back their debts for the capital investment in Terminals 3 and 4.

Brian Durette, controller for Kind Hospitality, spoke in support and asked that Council grant the extension of leases at Sky Harbor Airport which

would provide businesses the opportunity to recover from the financial losses incurred during this pandemic.

Don Mitchell, an ACDBE with SSP America, spoke in support of the three-year lease extension and added his company agreed with the five points.

Derek Boettcher, part of the team at Kind Hospitality, spoke in support and asked that this extension be considered by Council as it would help given the climate and the fact there was no time frame of coming out of it.

Samantha Hernandez, general manager with Kind Hospitality in Terminal 3, spoke in support of the lease extension.

Bruce Mosby, owner and operator of Peet's Coffee in Sky Harbor Airport and an ACDBE subtenant partner with SSP America, spoke in support. He indicated this extension combined with the previously approved rent relief would give them the best chance of surviving through this pandemic. He added he was committed to the non-discrimination language in Council's letter and would work with his team members to uphold non-discrimination policies.

Three electronic comments were submitted for the record in support of this item.

Vice Mayor Williams directed Mr. Meyer to rewrite the list of five points into legal language that could be incorporated into the airport policy. She expressed if this extension was not passed it would not only damage the airport but the city and state, noting Sky Harbor Airport was well known for its outstanding operation due to the employees and business owners. She made a motion to adopt the new language and incorporate it into the airport policy and to extend the airport leases an additional three years.

Councilwoman Stark seconded the motion and confirmed the motion included both terminals.

Councilwoman Guardado asked if the new language related to the five points in the letter.

Vice Mayor Williams replied yes, noting she could not state them because she did not have the letter.

Councilman Nowakowski requested Mr. Meyer go over the five points and explain the difference between the current contract and what was being proposed as well as if it was legal for Council to include it.

Mr. Meyer advised the points in the letter were legal so it was appropriate to include them in the motion. He added several of them were currently required either in the contracts or incorporated in the contracts since they were entered in the city code. He said the first point was the standard non-discrimination language that was in the city code and in the existing policy, noting there may be a difference between the Terminal 3 and 4 contracts but it was minor and were incorporated by subsequent amendments to the city code. He stated the second point regarding requirements for equal pay came from a provision in the Terminal 3 leases related to equal employment opportunity requirements and equal pay. He pointed out those were already required and were being reinforced in the proposed contract extension.

Mr. Meyer continued the third point in the letter clarified that non-compliance with the discrimination provisions was considered a material breach which was implied in the contract. He advised this would clearly state in the contract extensions that the City had a right to pursue breach of contract and termination of agreements if there were violations after the notification and curing periods. He said the fourth point was a requirement that the ACDBEs and prime submit a plan outlining their training procedures, policies and alternatives in the workplace to prevent discrimination. He stated the fifth point was a requirement that they report information and data on an annual basis that demonstrated compliance with the equal pay commitment and non-discrimination requirements, noting staff would need to provide clarity on this point. He suggested Council include in the motion that all of this was subject to local, state and federal laws and consistent with privacy interests and any collective bargaining agreements. He emphasized that would resolve the issues and allow staff to draft the provisions in the contract.

Vice Mayor Williams and Councilwoman Stark agreed to include the language provided by Mr. Meyer in the motion.

Councilman Nowakowski thanked Mr. Meyer for clarifying the points as he was concerned because he and Councilman Johnson worked hard to make sure small, minority and local businesses were at the airport. Councilman Nowakowski requested his colleagues provide the letter to Council next time and said he supported the motion.

A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that this item be adopted with direction that the Law Department draft new language reflecting the five points in the Council letter dated Jan. 18, 2021, to be incorporated into the airport policy and to extend the airport leases by three additional years, subject to local, state and federal law and consistent with privacy interests and any collective bargaining agreements. The motion carried by the following vote:

Yes: 7 - Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Williams and Mayor Gallego

No: 2 - Councilman DiCiccio and Councilman Waring

50 Public Hearing and Resolution Adoption - General Plan Amendment GPA-DV-1-20-1 - Located on the Southeast Corner of 19th Avenue and Alameda Road (Resolution 21892)

Request to hold a public hearing on the request for the following item to consider adopting the Planning Commission's recommendation and the related Resolution if approved. This file is a companion case to Z-57-20-1 and should be heard first, followed by Z-57-20-1.

Summary

Current Plan Designation: Industrial (158.01 acres) and Commerce/Business Park (163.68 acres)
Proposed Plan Designation: Mixed Use (Industrial/Commerce/Business Park)
Acreage: 321.69 acres
Reason for change: General Plan Land Use Map Amendment to change the land use designation to Mixed Use (Commerce/Business Park/Industrial) to reinforce the area's location as a destination for

employment uses and address collaboration between the City of Phoenix and the Arizona State Land Department.

Owner: Arizona State Land Department
Applicant: City of Phoenix, Planning and Development Department
Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval.
VPC Action: The Deer Valley Village Planning Committee heard the case on Dec. 17, 2020 and recommended approval, per the staff recommendation, by a 7-0 vote.
PC Action: The Planning Commission heard the case on Jan. 7, 2021 and recommended approval, per the Deer Valley Village Planning Committee recommendation, by a 9-0 vote.

Location
Southeast corner of 19th Avenue and Alameda Road
Council District: 1
Parcel Addresses: 23455 N. 19th Ave. and 1850 W. Pinnacle Peak Road

Discussion
Planning and Development Director Alan Stephenson advised Items 50 and 51 could be heard together with separate motions. He stated the cases were located at the southeast corner of 19th Avenue and Alameda Road for approximately 321 acres. He explained Item 50 was a General Plan Amendment with a current designation as Commerce Park/Business Park and Industrial with a proposal to make it a mixed-use cross-hatch of Commerce Park/Business Park/Industrial. He stated the Deer Valley Village Planning Committee and Planning Commission unanimously recommended approval, noting staff recommended approval per the Planning Commission recommendation and adoption of the related resolution.

Mr. Stephenson continued Item 51 was the corresponding zoning case which was a Planned Unit Development with a proposal to go from S-1 and S-1 Special Permit within the Deer Valley Airport Overlay District to Commerce Park and Industrial. He pointed out staff was recommending Commerce Park standards regarding landscaping and design so it

looked nicer, but allowing a broader range of uses within this particular area. He stated the Deer Valley Village Planning Committee and Planning Commission unanimously recommended approval, noting staff recommended approval per the Planning Commission recommendation and adoption of the related ordinance.

Mayor Gallego declared the public hearing open on Items 50 and 51. She announced Carolyn Oberholtzer was on the line to speak in support if necessary. Mayor Gallego declared the public hearing closed.

The hearing was held. A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that this item be approved per the Jan. 7, 2021 Planning Commission recommendation, with adoption of the related resolution. The motion carried by the following vote:

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

No: 0

51 **Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-57-20-1 - Located on the Southeast Corner of 19th Avenue and Alameda Road (Ordinance G-6797)**

Request to hold a public hearing on the request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-57-20-1 and rezone the site from S-1 DVAO (Ranch or Farm Residence, Deer Valley Airport Overlay) and S-1 SP DVAO (Ranch or Farm Residence, Special Permit, Deer Valley Airport Overlay) to PUD DVAO (Planned Unit Development, Deer Valley Airport Overlay) for a mix of industrial and commerce park uses. This is a companion case to GPA-DV-1-20-1.

Summary

Current Zoning: S-1 DVAO (164.16 acres) and S-1 SP DVAO (157.53 acres)

Proposed Zoning: PUD DVAO

Acreage: 321.69 acres

Proposed Use: A mix of industrial and commerce park uses

Owner: Arizona State Land Department
Applicant: City of Phoenix, Planning and Development Department
Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard the case on Dec. 17, 2020 and recommended approval, per the staff recommendation, by a 7-0 vote.
PC Action: The Planning Commission heard the case on Jan. 7 , 2021 and recommended approval, per the Deer Valley Village Planning Committee recommendation, with an additional stipulation, by a 9-0 vote.

Location
Southeast corner of 19th Avenue and Alameda Road
Parcel Addresses: 23445 N. 19th Ave. and 1850 W. Pinnacle Peak Road.
Council District: 1

Note: Refer to Item 50 for discussion related to this item.

The hearing was held. A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that this item be approved per the Jan. 7, 2021 Planning Commission recommendation, with adoption of the related ordinance. The motion carried by the following vote:

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

No: 0

52 Public Hearing and Resolution Adoption - General Plan Amendment GPA-DV-2-20-2 - Located Approximately 1,320 Feet South of the Southeast Corner of 7th Street and Happy Valley Road (Resolution 21891)

Request to hold a public hearing on the request for the following item to consider adopting the Planning Commission's recommendation and the related Resolution if approved. This file is a companion case to

Z-58-20-2 and should be heard first, followed by Z-58-20-2.

Summary

Current Plan Designation: Floodplain (2.77 acres) and Commerce/Business Park (105.89 acres)
Proposed Plan Designation: Mixed Use (Industrial/Commerce/Business Park)
Acreage: 108.66 acres
Reason for change: General Plan Land Use Map Amendment to change the land use designation to Mixed Use (Commerce/Business Park/Industrial) to reinforce the area's location as a destination for employment uses and address collaboration between the City of Phoenix and the Arizona State Land Department.

Owner: Arizona State Land Department
Applicant: City of Phoenix, Planning and Development Department
Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval.
VPC Action: The Deer Valley Village Planning Committee heard the case on Dec. 17, 2020 and recommended approval, per the staff recommendation, by a 7-0 vote.
PC Action: The Planning Commission heard the case on Jan. 7, 2021 and recommended approval, per the Deer Valley Village Planning Committee recommendation by a 9-0 vote.

Location

Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road
Parcel Addresses: State Land Parcels not addressed.
Council District: 2

Discussion

Planning and Development Director Alan Stephenson advised Items 52 and 53 were companion cases for 108 acres located approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road. He said Item 52 was a General Plan Amendment and Item 53 was the related zoning case. He remarked the existing general plan designation was Commerce Park/Business Park with a small portion of

Floodplain with staff proposing mixed-use Industrial/Commerce Park/Business Park. He stated the Deer Valley Village Planning Committee and Planning Commission unanimously recommended approval of Item 52, noting staff recommended approval per the Planning Commission recommendation and adoption of the related resolution.

Mr. Stephenson continued Item 53 was the related zoning case for the same parcel within the Deer Valley Airport Overlay District with approved zoning as Commerce Park/General Commerce Park PCD from S-1. He conveyed staff was proposing to change it to a mix of Commerce Park and Industrial uses with Commerce Park development standards, but allowing a broader range of uses as part of the proposal. He stated the Deer Valley Village Planning Committee and Planning Commission unanimously recommended approval, noting staff recommended approval per the Planning Commission recommendation and adoption of the related ordinance.

Mayor Gallego declared the public hearing open on Items 52 and 53. She announced Carolyn Oberholtzer was on the line to speak in support if necessary. Mayor Gallego declared the public hearing closed.

Note: Councilman DiCiccio temporarily left the voting body following the vote on Item 52.

The hearing was held. A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that this item be approved per the Jan. 7, 2021 Planning Commission recommendation, with adoption of the related resolution. The motion carried by the following vote:

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

No: 0

53 **Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-58-20-2 - Located Approximately 1,320 Feet South of the Southeast Corner of 7th Street and Happy Valley Road (Ordinance G-6798)**

Request to hold a public hearing on the request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-58-20-2 and rezone the site from S-1 DVAO, (approved CP/GCP PCD DVAO) (Ranch or Farm Residence, Deer Valley Airport Overlay, approved Commerce Park/General Commerce Park, Planned Community District, Deer Valley Airport Overlay District) and S-1 DVAO (Ranch or Farm Residence, Deer Valley Airport Overlay) to PUD DVAO (Planned Unit Development, Deer Valley Airport Overlay) for a mix of industrial and commerce park uses. This is a companion case to GPA-DV-2-20-2.

Summary

Current Zoning: S-1 DVAO (Approved CP/GCP PCD DVAO) (105.88 acres) and S-1 DVAO (2.77 acres)
Proposed Zoning: PUD DVAO
Acreage: 108.66 acres
Proposed Use: A mix of industrial and commerce park uses

Owner: Arizona State Land Department
Applicant: City of Phoenix, Planning and Development Department
Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard the case on Dec. 17, 2020 and recommended approval, per the staff recommendation, by a 7-0 vote.
PC Action: The Planning Commission heard the case on Jan. 7 , 2021 and recommended approval, per the Deer Valley Village Planning Committee recommendation, with an additional stipulation by a 9-0 vote.

Location

Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road
Parcel Addresses: State Land Parcels not addressed.
Council District: 2

Note: Refer to Item 52 for discussion related to this item.

The hearing was held. A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that this item be approved per the

Jan. 7, 2021 Planning Commission recommendation, with adoption of the related ordinance. The motion carried by the following vote:

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

54 **Public Hearing - Appeal of Hearing Officer Decision - Abandonment of Right-of-Way - ABND 200545 - Arcadia Lane at South Side of Camelback Road**

Request to hold a public hearing on the request to abandon right-of-way segments (ABND 200545) located east of 56th Street and south of Camelback Road, 4430 and 4431 N. Arcadia Lane. The Abandonment Hearing Officer's decision to deny the request was appealed on Dec. 3, 2020.

The request was to abandon the north end of the Arcadia Lane right-of-way (ROW), where it ends at Camelback Road; the 22-foot right-of-way easement on the north side of 4430 N. Arcadia Lane dedicated with Ordinance S-11792, and the 15-foot right-of-way on the north side of 4431 N. Arcadia Lane dedicated with Ordinance S-11837.

The purpose of the abandonment request as stated by the applicant is as follows:
"All of the homes on Arcadia Lane wish to close access to Camelback Road and end Arcadia Lane with an 80-foot cul-de-sac. We would close the North end with a wall and add a fire hydrant. This would add a barrier to entry, which would reduce crime and provide a fire hydrant at the end of cul-de-sac and add response time for fire."

The Abandonment Hearing Officer denied the request, concluding that the ROW requested for abandonment is still necessary for public use of the ROW as a roadway.

Summary
Project: 00-1490
Abandonment Applicant: Randy and Kathy Kirsch

Date of Abandonment Hearing Officer's Decision: Nov. 19, 2020
Appellant: Earl & Curley for Dr. Patti Flint
Date of Appeal: Dec. 3, 2020

Location
Arcadia Lane at South side of Camelback Road (4430 and 4431 N. Arcadia Lane)
Council District: 7

Discussion
Note: Councilman DiCiccio returned to the voting body.

Planning and Development Director Alan Stephenson stated this request was an appeal of the Abandonment Hearing Officer's decision to deny a request to abandon a small northern portion of Arcadia Lane along with some portion of Camelback Road. He advised the Abandonment Hearing Officer recommended denial because it would result in an over-lengthened dead-end street and accessed only on Jokake Road. He explained to approve abandonment of right-of-way there had to be a determination that the roadway was no longer necessary for public purposes and the hearing officer did not think it met that criteria in this case. He conveyed if approved it would result in a de facto private street that was maintained by taxpayers while still functioning as a private street with a small portion abandoned at the end. He added it would increase traffic on Jokake Road and the east end of Arcadia Lane if approved.

Mr. Stephenson pointed out the applicants' arguments were related to issues with crime and cut-through traffic, but they did not provide any data during their presentation. He stated the Street Transportation Department offered to work with them and do a study to collect data and come up with traffic mitigation measures which the applicants declined. He stated the Street Transportation Department also did not support the abandonment due to reduction in neighborhood connectivity which was contrary to adopted plans and policies. He conveyed staff's recommendation was to support the Abandonment Hearing Officer's decision to deny the abandonment request.

Councilwoman Stark said she thought this was a request to abandon the entire street. She conveyed there was a neighborhood in her district that abandoned the local street and made it a private street with a gate into the community. She asked why the residents did not want to take ownership of Arcadia Lane.

Mr. Stephenson replied they did not have support from all of the property owners that abutted Arcadia Lane to form an HOA and take over maintenance responsibility of it. He emphasized they wanted it closed so long as the public maintained the rest of Arcadia Lane through the Street Transportation Department. He suggested she ask that question of the applicant.

Mayor Gallego declared the public hearing open.

Rodney Jarvis said he wished to address Councilwoman Stark's question and agreed with Mr. Stephenson that they did not have sufficient support from neighbors along that street. Mr. Jarvis said he took issue with the determination that doing a cul-de-sac created a de facto street, noting there were some in the Arcadia neighborhood which came off of Camelback Road that were public streets. He also asserted that having a gate not only presented practical problems but there was the expense of it. He stated his clients did not want to privatize the entire street as it would enhance safety with their tax dollars.

Kathy Kirsch indicated she met with staff as directed by the Abandonment Hearing Officer, but staff had a different view of what was appropriate for their street. She noted staff said some cut-through connectivity traffic was good and offered speed humps after a traffic study was conducted. She stated she disagreed with staff's opinion because their street was not designed for cut-through traffic as it was curved and had no sidewalks or street lights. She asserted speed humps were noisy and disruptive and did not prevent crime, so they did not agree to the study due to the cost and delay.

Ms. Kirsch said there were many public cul-de-sacs in the neighborhood that staff did not consider to be de facto private streets. She conveyed privatizing the street was not supported by a majority of the neighbors as

it would be an undue expense. She agreed it would prevent ingress and egress on Camelback Road, but abandoning it made up for that by reducing cut-through traffic and vulnerability to crime. She added most of the vehicles used Jokake Road or headed south to access Camelback Road, so closure would not add additional burden. She stated if approved it would also add a needed fire hydrant which was beneficial with this improvement.

Randy Kirsch stated traffic had increased on Camelback Road since their neighborhood was designed in 1950, so much that drivers cut-through their street to avoid the light at Jokake Road. He pointed out Arcadia Lane was not wide, had no street lights or sidewalks and had a large bend in the road that created a blind corner. He emphasized stopping the cut-through access would keep traffic flowing down Jokake Road which was designed to handle that traffic as it was a collector street, noting it already had traffic measures in place. He added traffic noise was getting louder in front of their homes, so closing it would return Arcadia Lane to a quiet residential street. He said cutting off the access with a wall and cul-de-sac would resolve the dangerous cut-through traffic and reduce noise. He indicated the neighbors were willing to pay for such closure as well as a fire hydrant as there was none on the street, but did not want to privatize the street. He urged Council to approve the cul-de-sac to make Arcadia Lane safer.

Tristahn Schaub, president of the Arcadia Camelback Mountain Neighborhood Association, said the association agreed with the request. He remarked there were many cul-de-sac or dead-end roads that did not connect to Camelback Road within Arcadia. He claimed that approving the request would provide some separation from a busy street, but it was not needed to relieve Camelback Road congestion. He stated there were benefits to the neighbors from a safety perspective and putting in a fire hydrant at no cost to the City. He conveyed the association's mission was to maintain residential character free from commercial intrusion, noting this separation from a major collector street made it a quieter, safer street.

James Bell indicated his house was most affected by this request as it directly abutted Camelback Road. He expressed he was the victim of

crime as he had multiple individuals in his secured backyard one evening who were arrested. He said he thought they entered the area through the wall and opening the neighbors were hoping to close off. He added his driveway was horseshoe shaped and traffic used it to make u-turns, so that would be mitigated if the street became a cul-de-sac. He conveyed the neighbors would bear all of the cost related to this request. He added there was a suicide lane for left turns out of Arcadia Lane onto Camelback Road and he thought forcing residents to use Jokake Road could save a life.

Dr. Patti Flint, a resident of Arcadia who resided on Arcadia Lane, expressed she did not understand why the City did not want to improve safety on three levels being traffic, crime and fire. She stated all homeowners were in agreement to improve safety of an area that was supposed to be a neighborhood, not a traffic thoroughfare.

Mayor Gallego declared the public hearing closed.

One electronic comment in support and one in opposition were submitted for the record on this item.

A motion was made and seconded to approve the abandonment.

Note: Councilman DiCiccio temporarily left the voting body.

Councilwoman Stark said this abandonment would create an over-length cul-de-sac and thought fire trucks had difficulty going down such streets.

Mr. Stephenson remarked the City ordinance standard was 400 feet for a cul-de-sac so that emergency vehicles could see it was a cul-de-sac and not go down to be impeded from responding to an emergency. He conveyed that was the standard in new subdivisions, noting in this particular case there would be about a 2,000-foot dogwood cul-de-sac left on Arcadia Lane if this was approved.

Councilwoman Stark asked if there were other over-length cul-de-sac streets in Arcadia.

Street Transportation Director Kini Knudson replied different developments had happened over the years and the City's standards had evolved over time. He said there were probably cul-de-sacs that existed, not just in Arcadia, but around the city that did not meet current standards that would be grandfathered in. He advised Arcadia Lane was not designed to be a cul-de-sac, so staff would have to apply the current standards which could not be made consistent or compliant with today's standards.

Councilwoman Stark stated it did not look like the radius design could happen within the existing right-of-way. She questioned if dedications had to be made to have the correct radius for a cul-de-sac.

Mr. Stephenson responded there would need to be stipulations that required the applicant to construct a cul-de-sac that was a normal turn-around for Arcadia Lane which was 50 feet with a 45-foot radius to have traffic turn around. He added that would require additional dedication of some private properties as there was currently not enough right-of-way.

Councilwoman Stark asked if the neighbors were willing to provide that dedication.

Mr. Stephenson replied they did not want to dedicate all of that right-of-way and would pursue relief to provide a narrow, smaller turn-around area. He added staff was not supportive of abandonments for these types of streets; however, if it was abandoned it needed to be done in a way that taxpayers did not pay for maintenance of Arcadia Lane as it only benefited the neighbors.

Councilwoman Stark expressed that concerned her and could not support the motion.

Mayor Gallego said she agreed with Councilwoman Stark.

Councilman DiCiccio requested Mr. Jarvis answer those questions to hear his solutions.

Mr. Jarvis stated if the cul-de-sac was approved the fire safety situation would be improved as the neighbors would pay for a fire hydrant to be placed on Arcadia Lane. He conveyed if they were not able to get a reduction in the cul-de-sac bulb they would comply with the rule. He added they would be asking for a reduction based on what happened on Arcadia Drive which had three cul-de-sacs, each one smaller and built after the standard was put in place. He emphasized the primary issue was getting the cul-de-sac approved as they had an unsafe condition regarding fire safety.

Mr. Jarvis said staff was concerned about precedent, noting this street had a unique configuration and would create no more traffic for Jokake Road to cul-de-sac Arcadia Lane. He pointed out traffic that went down Arcadia Lane already goes on Jokake Road and traffic turning left out of Arcadia Lane tended to go on Jokake Road because it had a street light. He noted the same applied to traffic turning left on Camelback Road to Arcadia Lane and ended up turning down Jokake Road. He added this was a curved linear street that created a safety issue for people walking as there were no sidewalks, so this request would create more safety. He argued they submitted a great deal of data that showed if the street were to become a cul-de-sac it would reduce vulnerability to crime, specifically burglary. He stated this request would increase fire safety and traffic cut-through as well as vulnerability to crime.

Mr. Knudson clarified the data Mr. Jarvis provided was with the appeal packet and not the original abandonment request.

Mayor Gallego said she would be voting against the motion, noting she understood there were improvements that could be made regarding traffic safety. She remarked she spoke with Mr. Knudson, who was willing to work with the neighborhood if this did not go forward, to find other solutions though she knew it was not the neighbors preferred option.

Prior to her vote, Councilwoman Stark said she was voting no, but suggested the City find a way to place a fire hydrant on the south side of Camelback Road.

Prior to her vote, Vice Mayor Williams stated she supported the motion

and urged the neighbors to work with City staff to make improvements, including the fire hydrant.

Note: Councilman DiCiccio returned to the voting body following Vice Mayor Williams vote.

The hearing was held. A motion was made by Councilman DiCiccio, seconded by Vice Mayor Williams, that the abandonment be approved as corrected. The motion failed by the following vote:

Yes:	3 -	Councilman DiCiccio, Councilman Waring and Vice Mayor Williams
No:	6 -	Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark and Mayor Gallego

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 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.

Andre Williams stated he submitted a citizen petition and conveyed the purpose of his petition related to whether it was improper, unethical or illegal for a future mayor or council member to use their official City position to influence City elections. He stated his petition also asked Council to vote on prohibiting the mayor or council members from endorsing or supporting candidates who seek office within the same body.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 6:02 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 20th day of January, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of November, 2023.

CITY CLERK