185924

City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, February 3, 2021 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, Feb. 3, 2021 at 2:33 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.

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

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6799 through G-6807, S-47239 and S-47260 through S-47290, and Resolution 21893 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

MINUTES OF MEETINGS

1 **For Approval or Correction, the Minutes of the Formal Meeting on Dec. 4, 2019**

Summary

This item transmits the minutes of the Formal Meeting of Dec. 4, 2019,

for review, correction and/or approval by the City Council.

The minutes are available for review in the City Clerk Department, 200 W. Washington St., 15th Floor.

A motion was made by Councilman DiCiccio, 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

BOARDS AND COMMISSIONS

2 Mayor and Council Appointments to Boards and Commissions

Summary

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

The following individuals were recommended for appointment/reappointment by Mayor Williams and Councilmembers:

Environmental Quality and Sustainability Commission

Appoint Andrea Odegard-Begay, filling a vacancy on the commission, for a term to expire Aug. 31, 2023 as recommended by Mayor Gallego.

Maryvale Village Planning Committee

Appoint Saundra Cole, filling a vacancy on the commission, for a term to expire Nov. 19, 2022 as recommended by Mayor Gallego.

Mayor's Commission on Disability Issues

Appoint Kristen Pierce, filling a vacancy on the commission, for a term to expire Feb. 3, 2024 as recommended by Mayor Gallego.

Military Veterans Commission

Appoint Blake Lindgren, filling a vacancy on the commission, for a term to expire Aug. 31, 2023 as recommended by Mayor Gallego.

Phoenix Aviation Advisory Board

Reappoint Stephanie Cherny, for a second term to expire Dec. 15, 2024 as recommended by Mayor Gallego.

Reappoint Verma Pastor, for a third term to expire Dec. 15, 2024 as recommended by Mayor Gallego.

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

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

Discussion

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.

Mayor Gallego mentioned there were a large number of members who wished to address Council, and said because of the length of this meeting Council would take a 20-minute break at some point during the meeting. She noted Items 59-61 were related and would be heard in a single public hearing, and added members of the public would have one opportunity to publicly comment on those three items. She 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 3-14 be recommended for approval, except Item 14 which is continued to the Feb. 17, 2021 City Council Formal Meeting. 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

3 Liquor License - Highlands Bev Co

Request for a liquor license. Arizona State License Application 128118.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 4 - Wholesaler

Location
23910 N. 19th Ave., Ste. 62
Zoning Classification: A-1 DVAO
Council District: 1

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

The 60-day limit for processing this application is Feb. 7, 2021.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications and not to the location.

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.

Highlands Bev Co (Series 4)
4239 S. 36th Place, Phoenix
Calls for police service: None
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is an experienced wholesale distributor of alcoholic beverages committed to upholding all laws and regulations."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

4 Liquor License - Padre Murphy's

Request for a liquor license. Arizona State License Application 130276.

Summary

Applicant
Raymond Sanchez, Agent

License Type
Series 12 - Restaurant

Location
4338 W. Bell Road, Ste. 1-4
Zoning Classification: PSC
Council District: 1

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

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

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.

Brigett's Last Laugh (Series 6)
17222 N. Cave Creek Road, Phoenix
Calls for police service: 15
Liquor license violations: None

Public Opinion

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

Applicant’s Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
“We are very strict with our liquor service policy. Employees go through

extensive training and we conduct regular audits to ensure they comply."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "This location is a well established restaurant with existing liquor license. This is an ownership transfer."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Padre Murphy's
Liquor License Map - Padre Murphy's

This item was recommended for approval.

5 Liquor License - Nori Sushi

Request for a liquor license. Arizona State License Application 123968.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
5310 E. High St., Ste. 101
Zoning Classification: C-2 DRSP
Council District: 2

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 Dec. 29, 2020. However, the applicant has 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.

Nori Sushi (Series 12)
10115 E. Bell Road, #109, Scottsdale
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 own and operate other restaurants in Scottsdale and Phoenix for several years. I will continue to abide by Arizona Liquor Laws."

The public convenience requires and the best interest of the community

will be substantially served by the issuance of the liquor license because: "We would like to offer our patrons a place to sit down relax and enjoy some amazing food."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Nori Sushi
Liquor License Map - Nori Sushi

This item was recommended for approval.

6 Liquor License - Giant Rustic Pizza

Request for a liquor license. Arizona State License Application 124537.

Summary

Applicant
Jason Wunder, Agent

License Type
Series 12 - Restaurant

Location
4515 N. 16th St.
Zoning Classification: C-2 CEPCSP
Council District: 4

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

The 60-day limit for processing this application is Feb. 14, 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
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.

Giant Rustic Pizza (Series 12)
3945 E. Camelback Road, Phoenix
Calls for police service: 3
Liquor license violations: In December 2020, a fine of $750 was paid for failure to comply with Title IV and allowing alcohol to be removed from the premises.

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 managed the liquor license for this establishment in the past. I understand the liquor laws and I have no problem enforcing the rules required."

The public convenience requires and the best interest of the community

will be substantially served by the issuance of the liquor license because: "It will help us provide a fun spot to locally enjoy great food, a cold beer and great company in a family friendly environment."

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 - Giant Rustic Pizza
Liquor License Map - Giant Rustic Pizza

This item was recommended for approval.

7 Liquor License - Krazy Cajun Seafood & Hibachi

Request for a liquor license. Arizona State License Application 07070744.

Summary

Applicant
Wei Wang, Agent

License Type
Series 7 - Beer and Wine Bar

Location
24 W. Camelback Road, Ste. H
Zoning Classification: C-2 TOD-1
Council District: 4

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

The 60-day limit for processing this application is Feb. 14, 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
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.

Abacus Inn (Series 12)
3509 W. Thunderbird Road, Phoenix
Calls for police service: None
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have passed the Liquor alcohol service test and Krazy Crab Seafood will be upholding the integrity of selling liquors responsibly, only in the designating area within our specified operating hours."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "The issuance of a liquor license for our establishment will allow our customer to fully enjoy their meal with a responsible amount of alcohol."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Krazy Cajun Seafood & Hibachi
Liquor License Map - Krazy Cajun Seafood & Hibachi

This item was recommended for approval.

8 Liquor License - Chevron

Request for a liquor license. Arizona State License Application 129974.

Summary

Applicant
JJ Bazzi, Agent

License Type
Series 9 - Liquor Store

Location
3501 W. Camelback Road
Zoning Classification: C-2
Council District: 5

This request is for a new liquor license for a liquor store. This location is currently licensed for liquor sales with a Series 10 - Beer and Wine, liquor license.

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

Chevron (Series 10)
3501 W. Camelback Road, Phoenix
Calls for police service: 71
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:
"In the last 5 years and currently operating as a responsible retailer that abides and always follow all the rules and regulations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I will bring additional jobs and revenue to the area along with providing a

convenient location to the residents in the area with no means of transportation."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Chevron
Liquor License Map - Chevron

This item was recommended for approval.

9 Liquor License - Purple Turtle

Request for a liquor license. Arizona State License Application 06070295.

Summary

Applicant
Araik Khachatrian, Agent

License Type
Series 6 - Bar

Location
4105 N. 51st Ave., Ste. 157
Zoning Classification: C-2
Council District: 5

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 Feb. 14, 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
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.

27th Ave Bar & Grill (Series 6)
2038 N. 27th Ave., Phoenix
Calls for police service: 5
Liquor license violations: In May 2009, a fine of $2,000 was paid for sale of liquor between 2:00 am and 6:00 a.m. and for possession/consumption of alcohol after 2:30 a.m. In July 2012 a fine of $500 was paid for providing false or misleading information on an application or other document.

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've been in the bar business in Phoenix for over 10 years. I have a lot of experience. I always cater to the public and follow all the 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: “Im here to serve the public and have a nice restaurant/bar to come and enjoy a good meal and have a drink.”

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 - Purple Turtle
Liquor License Map - Purple Turtle

This item was recommended for approval.

10 Liquor License - Bevvy

Request for a liquor license. Arizona State License Application 06070073.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 6 - Bar

Location
5600 N. 7th St., Ste. 100
Zoning Classification: C-2, P-1
Council District: 6

This request is for an ownership and location transfer of a liquor license for a bar. This location is currently licensed for liquor sales with an active Series 12 - Restaurant, liquor license. This location requires a Use Permit to allow a bar.

The 60-day limit for processing this application is Feb. 14, 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 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:
"We are very strict with our liquor service policy. Employees go through extensive training and we conduct regular audits to ensure they comply."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location is a well established restaurant with existing liquor license. we changing from a series 12 liquor license to a series 06 license to remain compliant."

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 - Bevvy
Liquor License Map - Bevvy

This item was recommended for approval.

11 Liquor License - Ingo's Tasty Food

Request for a liquor license. Arizona State License Application 130779.

Summary

Applicant
Adam Strecker, Agent

License Type
Series 12 - Restaurant

Location
101 E. Washington St., Ste. 110
Zoning Classification: DTC-BC
Council District: 7

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in April 2021.

The 60-day limit for processing this application is Feb. 15, 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 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:
"LGO Hospitality has been providing local community restaurants in the Phoenix valley for almost two decades. Locations include Chelsea's Kitchen and La Grande Orange, staples of the Phoenix community."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"LGO Hospitality has also put its guest and the community first. Ingo's Tasty Food will provide high quality food and service to all guests as a family friendly restaurant."

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 - Ingo's Tasty Food
Liquor License Map - Ingo's Tasty Food

This item was recommended for approval.

12 Liquor License - Neighborhood Market

Request for a liquor license. Arizona State License Application 130270.

Summary

Applicant
Nasry Shiha, Agent

License Type
Series 10 - Beer and Wine Store

Location
2101 W. Adams St.
Zoning Classification: C-1 CMOD
Council District: 7

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. 12, 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 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 alcohol. The location will be convenient for the people in neighborhood who may not have access to transportation. Adding the long time experience of the working in convenience store while upholding all the laws and regulations, the store will be a safe, secure and convenience place for the customers to purchase quality beer and wine."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Neighborhood Market
Liquor License Map - Neighborhood Market

This item was recommended for approval.

13 Liquor License - Alamo Food & Liquor

Request for a liquor license. Arizona State License Application 09070674S.

Summary

Applicant
Antoin Yelda, Agent

License Type
Series 9S - Addition of Sampling Privileges for a Liquor Store

Location
2001 E. Van Buren St.
Zoning Classification: C-3
Council District: 8

This request is for a new liquor license for the addition of Sampling Privileges to an existing liquor license for a liquor store.

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

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:
“Because i am currently running a liquor store & have been Oct 13. 2018 - to date.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“To better serve our customers & insuring the get the best customer service we can provied.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Alamo Food & Liquor
Liquor License Map - Alamo Food & Liquor

This item was recommended for approval.

14 Liquor License - Lucky Market

Request for a liquor license. Arizona State License Application 09070322.

Summary

Applicant
Geeta Bhatt, Agent

License Type
Series 9 - Liquor Store

Location
16401 N. Cave Creek Road
Zoning Classification: C-2
Council District: 2

This request is for an ownership transfer of a liquor license for a liquor store. This location was previously licensed for liquor sales and may

currently operate with an interim permit.

The 60-day limit for processing this application was Jan. 12, 2021. However, the applicant has 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.

Jerry's Drive In Liquor (Series 9)
1217 S. Rural Road, Tempe
Calls for police service: N/A - not in Phoenix
Liquor license violations: In October 2017, a fine of $750 was paid for selling liquor to an intoxicated or disorderly person. In October 2018, a fine of $750 was paid for failure to request ID from underage buyer and for selling, giving or furnishing underage person with alcohol. In November 2019, a fine of $750 was paid for employee consuming on duty and off-sale open container on premises.

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 the experience since 2002 in the liquor business. It is a good community store and I have ability to handle the business."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I should get the license because the commity is safe to sell liquor and it is a good small store and it is convenient to the community."

Staff Recommendation
Staff recommends disapproval of this application based on a Police Department recommendation of disapproval. The Police Department disapproval is based on concerns regarding multiple recent violations demonstrating a lack of control over another liquor establishment operated by the same applicant. The applicant has not demonstrated the capability, qualification and reliability to hold and control a liquor license.

Attachments
Liquor License Data - Lucky Market
Liquor License Map - Lucky Market
Liquor License Police Department Recommendation - Lucky Market

This item was continued to the Feb. 17, 2021 City Council Formal Meeting.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Note: Electronic comments were submitted for the following items.

Item 53: One in favor.
Item 63: One in favor, 201 in opposition, two indicating no position, and two neutral.

A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that Items 15-63 be approved or adopted, except Items 40 and 58-63; noting Item 27 is continued to the Feb. 17, 2021 City Council Formal Meeting; and Items 28-29 and 63 have been withdrawn. 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 15-16, Ordinance S-47260 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.

15 Arizona Science Center

For $170,000.00 in additional payment authority for Contract 127032 for the annual reimbursement of utilities for the Parks and Recreation Department. The contract agreement states the City will reimburse the Arizona Science Center for all utility payments each year. The agreement allows for Arizona Science Center to maintain and operate the center on behalf of the City of Phoenix, that will provide science education to visitors. The science education provided to the residents of Phoenix and others are a benefit by increasing the knowledge and understanding of science to the youth and adults alike.

This item was adopted.

16 **Action Direct, LLC doing business as Redpoint Contracting**

For $40,809.24 in additional payment authority for Contract 147760, Project WS85509012 for extra work due to field conditions for the Water Services Department. Change Order is due to unforeseen circumstances requiring additional work to be performed which added additional days to the project. The traffic barricade manual requires the use of off-duty police officers to perform the work for the additional days. The request for additional payment authority includes the additional amount required for traffic control for the increase in workdays. The project will use funds from the Water Services Department's Capital Improvement budget.

This item was adopted.

17 **Appoint Election Officials and Boards for March 9, 2021 Runoff Election - Emergency Clause (Ordinance S-47287)**

Request to appoint the required election officials and boards for early ballot processing and at the designated voting centers for the City of Phoenix Runoff Election on Tuesday, March 9, 2021; fixing the honorariums of the election officials and boards; authorizing payment thereof; and declaring an emergency.

Summary

On Tuesday, March 9, 2021 the City of Phoenix will conduct a Runoff Election in which all Phoenix voters residing in Council Districts 3 and 7 will elect a council member to represent their respective districts.

A Runoff Election is required by the City Charter on March 9 because no candidate for the offices in Districts 3 and 7 received a majority of the votes cast in the Nov. 3, 2020 Mayor and Council Election.

This request asks the City Council to appoint the board workers needed for processing early ballots received in the mail and preparing those ballots for tabulation, and the board workers needed to conduct voting at the voting centers. The City Code and this ordinance authorize the City Clerk to appoint additional boards necessary to process and prepare ballots for tabulation. Board workers are paid an honorarium for their service as provided by the City Code and related ordinance.

Emergency Clause

The emergency clause is necessary to meet legal requirements related to ballot tabulation equipment testing and early ballot processing, which requires the use of board workers.

This item was adopted.

18 Easement Exchange Between City of Phoenix and USA Department of Interior for Relocation of Irrigation Facilities within Dobbins Road Right-of-Way (Ordinance S-47262)

Request to authorize the City Manager, or his designee, to execute the necessary documents and to accept a quitclaim deed for an easement exchange between the City of Phoenix (City) and the United States of America (USA) through its Department of the Interior, Bureau of Reclamation for the purpose of relocating irrigation facilities. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

An easement exchange is required to relocate irrigation facilities from an open distribution ditch to an underground pipeline for development of the Dobbins Heights Subdivision. The irrigation facilities are currently within the City's right-of-way along Dobbins Road between 15th and 19th avenues, and will be relocated to the south, partially within right-of-way and partially within private property.

The City will convey approximately 1,294 square feet and Lennar Arizona, Inc. will convey approximately 12,870 square feet in easements to the USA to accommodate the relocated irrigation facilities. In exchange, the USA will quitclaim to the City a portion of the existing easement within the right-of-way containing approximately 13,620 square feet.

Location

Dobbins Road, between 15th and 19th avenues
Council District: 8

This item was adopted.

19 Grant of Public Utility Easement on City-owned Property for Construction of Well 305 (Ordinance S-47266)

Request City Council to grant a public utility easement, for consideration of $1.00 and/or other valuable consideration, for electrical facilities and

installation of a switching cabinet on City-owned property in the Arizona Public Service (APS) service area, and further ordering the Ordinance recorded. The public utility easement is required for construction of Well 305.

Summary

This public utility easement is for the area more fully described in the legal description within **Exhibit "A"** ("Easement Premises") and will be granted to all public service corporations, agricultural improvement districts, and telecommunication corporations providing utility service (collectively "Grantee") to Well 305 in perpetuity so long as Grantee uses the Easement Premises for the purposes herein specified for an indefinite period, subject to the following terms and conditions:

Grantee is hereby granted the right to construct, reconstruct, replace, repair, operate and maintain utility facilities together with appurtenant fixtures for use in connection therewith (collectively "Grantee Facilities") to, through, across and beyond Grantor's property within the Easement Premises. Subject to the notice requirements provided in paragraph "I," Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified. Grantee acknowledges and accepts that Grantee shall share the Easement Premises with other Grantees and shall use such Easement Premises with other Grantees in accordance with and consistent with industry standards and customs for shared use. Grantor agrees to coordinate the location of Grantee's Facilities within the Easement Premises and to pay costs for relocation of Grantee's Facilities as provided in paragraph "F."

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

Grantee shall not have the right to use the Easement Premises to store

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

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

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

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

Each public service corporation and telecommunication services corporation as a Grantee shall coordinate and work with other Grantees in the use of the Easement Premises. In the event that a

third party or other Grantee requests the relocation of existing Grantee Facilities to a new location (whether or not) within the Easement Premises, the requesting party shall pay the entire cost of redesigning and relocating the existing Grantee Facilities.

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

Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where the Easement Premises are located: (1) on a site that includes Aviation Department facilities; (2) water and wastewater treatment facilities; (3) Police Department headquarters located at 620 W. Washington St.; (4) Fire Department headquarters located at 150 S. 12th St.; (5) City Hall located at 200 W. Washington St.; (6) City Court Building located at 300 W. Washington St.; (7) Calvin C. Goode Building located at 251 W. Washington St.; (8) Transit Operations Center located at 320 N. 1st Ave. or West Transit Facility located at 405 N. 79th Ave.; or (9) in a secured or fenced area.

Location

Near 56th and Cholla streets

Council District: 3

This item was adopted.

20 Grant of Public Utility Easement on City-owned Property for Construction of Well 306 (Ordinance S-47267)

Request City Council to grant a public utility easement, for consideration of $1.00 and/or other valuable consideration, for electrical facilities and installation of primary wire on City-owned property in the Arizona Public Service (APS) service area, and further ordering the Ordinance recorded. The public utility easement is required for the construction of Well 306.

Summary

This public utility easement is for the area more fully described in the legal description within **Exhibit "A"** ("Easement Premises") and will be

granted to all public service corporations, agricultural improvement districts, and telecommunication corporations providing utility service (collectively "Grantee") to Well 306 in perpetuity so long as Grantee uses the Easement Premises for the purposes herein specified for an indefinite period, subject to the following terms and conditions:

Grantee is hereby granted the right to construct, reconstruct, replace, repair, operate and maintain utility facilities together with appurtenant fixtures for use in connection therewith (collectively "Grantee Facilities") to, through, across and beyond Grantor's property within the Easement Premises. Subject to the notice requirements provided in paragraph "I," Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified. Grantee acknowledges and accepts that Grantee shall share the Easement Premises with other Grantees and shall use such Easement Premises with other Grantees in accordance with and consistent with industry standards and customs for shared use. Grantor agrees to coordinate the location of Grantee's Facilities within the Easement Premises and to pay costs for relocation of Grantee's Facilities as provided in paragraph "F."

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

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

construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate, or maintain the Grantee Facilities.

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

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

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

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

Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation, or other entity without the prior written consent of Grantor, which consent shall not be

unreasonably withheld. Grantee shall notify Grantor of any proposed transfer, conveyance or assignment of any rights granted herein at address listed below.

Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where the Easement Premises are located: (1) on a site that includes Aviation Department facilities; (2) water and wastewater treatment facilities; (3) Police Department headquarters located at 620 W. Washington St.; (4) Fire Department headquarters located at 150 S. 12th St.; (5) City Hall located at 200 W. Washington St.; (6) City Court Building located at 300 W. Washington St.; (7) Calvin C. Goode Building located at 251 W. Washington St.; (8) Transit Operations Center located at 320 N. 1st Ave. or West Transit Facility located at 405 N. 79th Ave.; or (9) in a secured or fenced area.

Location

E. Thunderbird Road, east of N. 57th Street
Council District: 2

This item was adopted.

21 Acceptance and Dedication of Easements and a Deed for Sidewalk, Roadway and Public Utility Purposes (Ordinance S-47272)

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

Summary

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

Easement (a)

Applicant: Happy Valley Residences LLC, its successor and assigns
Purpose: Sidewalk
Location: 3600 W. Happy Valley Road
File: FN 200617
Council District: 1

Deed (b)
Applicant: CZ7, LLC, its successor and assigns
Purpose: Roadway
Location: 4050 E. Beryl Lane
File: FN 200625
Council District: 3

Easement (c)
Applicant: 1708 McDowell Plaza, LLC, its successor and assigns
Purpose: Public Utility
Location: 1802 N. 16th St.
File: FN 200623
Council District: 4

Easement (d)
Applicant: Shepherd of the Valley Lutheran Church, its successor and assigns
Purpose: Public Utility
Location: 1500 W. Maryland Ave.
File: FN 200603
Council District: 5

Easement (e)
Applicant: Shepherd of the Valley Lutheran Church, its successor and assigns
Purpose: Sidewalk
Location: 1500 W. Maryland Ave.
File: FN 200603
Council District: 5

Easement (f)
Applicant: Kerdos Capital & Investments LLC, its successor and assigns
Purpose: Public Utility
Location: 5147 E. Earll Drive
File: FN 200628
Council District: 6

Deed (g)
Applicant: Walton Growth Fund, L.P., its successor and assigns
Purpose: Roadway
Location: 1041 S. 55th Ave.
File: FN 200611
Council District: 7

Easement (h)
Applicant: Walton Growth Fund, L.P., its successor and assigns
Purpose: Sidewalk
Location: 1041 S. 55th Ave.
File: FN 200611
Council District: 7

Easement (i)
Applicant: Liran Mizarahi, its successor and assigns
Purpose: Public Utility
Location: 2102 N. 26th Place
File: FN 200621
Council District: 8

This item was adopted.

22 Acceptance of Easements for Vehicular Non-Access, Water and Drainage Purposes (Ordinance S-47273)

Request for the City Council to accept easements for vehicular non-access, water and drainage purposes; further ordering the ordinance recorded.

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

Easement (a)
Applicant: HLSSII Black Canyon, LLC, its successor and assigns
Purpose: Vehicular Non-Access
Location: 21427 N. Black Canyon Highway
File: FN 200614

Council District: 1

Easement (b)
Applicant: CZ7, LLC, its successor and assigns
Purpose: Water
Location: 4050 E. Beryl Lane
File: FN 200625
Council District: 3

Easement (c)
Applicant: Walton Growth Fund, L.P., its successor and assigns
Purpose: Drainage
Location: 1041 S. 55th Ave.
File: FN 200611
Council District: 7

This item was adopted.

23 Acquisition of Real Property for Roadway Improvements Along 31st Street Between Thunderbird and Hearn Roads (Ordinance S-47271)

Request to authorize the City Manager, or his designee, to acquire real property and related property interests by donation, or purchase within the City's appraised value, or by the power of eminent domain for roadway improvements along 31st Street between Thunderbird and Hearn roads. Further request to authorize dedication of land or easements with roadway and/or public improvements to public use via separate recording instrument. Additionally request to authorize the City Controller to disburse all funds related to this item.

Summary
Acquisition is required for the construction and installation of roadway improvements to replace deteriorated pavement and fill gaps in the existing curb, gutter and sidewalk along 31st Street between Thunderbird and Hearn roads. Improvements include new asphalt pavement, curb, gutter and construction of Americans with Disabilities Act accessible sidewalks.

The parcels affected by this project and included in this request are identified by Maricopa County Assessor's number in **Attachment A**.

Financial Impact

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

Location

Along 31st Street between Thunderbird and Hearn roads.
Council District: 3

This item was adopted.

24 Authorization to Accept and Dedicate a Deed for Roadway Purposes Near 14th Street and Piedmont Road (Ordinance S-47276)

Request to authorize the City Manager, or his designee, to accept and dedicate a deed for roadway purposes. The acceptance and dedication will be recorded via separate recording instrument.

Summary

Accepting the deed will meet the Planning and Development Department's Single Instrument Dedication requirement prior to releasing permits to applicants for construction near 14th Street and Piedmont Road (FN200619).

Location

Near 14th Street and Piedmont Road
Council District: 8

This item was adopted.

25 Amend License with New Cingular Wireless PCS, LLC to Extend Term (Ordinance S-47261)

Request authorization for the City Manager, or his designee, to amend License 130664 between the City of Phoenix and New Cingular Wireless PCS, LLC, a Delaware limited liability company, to extend the license term for a five-year period, with one additional five-year option. Further request authorization for the City Treasurer to accept funds related to this item.

Summary

AT&T currently licenses approximately 800 square feet of ground space, located at the City Clerk Department Customer Service Center at 2214 W. Lower Buckeye Road, for wireless communications equipment. New Cingular Wireless PCS, LLC has been a licensee at this location since March 2011 and is in good standing. The current license term expires March 23, 2021. The license fee will increase by three percent at the beginning of the extended term to $1,209.52 per month, plus applicable taxes. The license fee will be increased three percent annually during the extended term and option period.

Contract Term
Five years with one, five-year option to extend.

Financial Impact
Annual revenue will be $14,514.24, plus applicable taxes, during the first year.

Concurrence/Previous Council Action
This contract was approved by Ordinance S-37694, adopted March 2, 2011.

Location
2214 W. Lower Buckeye Road, identified by assessor parcel number 105-25-022A.
Council District: 7

This item was adopted.

26 Furniture, Products and Services Contracts - ADSPO18-00008152B (Ordinance S-47265)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 149819 - Arconas Corporation; Contract 149815 - Educational Furnishings of Arizona, L.L.C. dba Arizona Furnishings; Contract 149826 - Atmosphere Commercial Interiors, LLC; Contract 149823 - Corporate Interior Systems Inc; Contract 149806 - Elontec, LLC; Contract 149812 - Goodmans, Inc; Contract 149811 - Hertz Furniture Systems, LLC; Contract 149822 - Interior Solutions of Arizona, L.L.C.; Contract 149821 - Kaplan Early Learning Company;

Contract 149817 - Lakeshore Learning Materials; Contract 149816 - Office Depot, LLC; Contract 149824 - Staples Contract & Commercial LLC; Contract 149809 - Tab Office Resources, LLC; Contract 149818 - The Manning Group LLC; Contract 149807 - Tucson Business Interiors, Inc; Contract 149810 - VARI Sales Corporation; Contract 149825 - WIST Supply & Equipment Co.; and Contract 149820 - Workrite Ergonomics LLC, for the purchase of furniture, products and 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 $7,400,000.

Summary

Supplemental approval is requested to fund the remaining three years of the contract. The primary departments using the contract during the first two years are Public Works, Planning and Development, Water Services, Aviation, and Fire. Approximately 70 percent of the contract spend has been used by enterprise funds. Citywide departments utilize the contracts to replace furniture that has surpassed its end of life or beyond repair and broken or damaged furniture used by the public and employees. Departments also purchase ergonomic furniture to create a safer employee workplace and to comply with the Americans with Disabilities Act. The services offered on the furniture contracts are used to reconfigure and optimize existing workspaces to promote collaboration, improve customer service, accommodate staff augmentation and increase productivity. Furniture products are reused to replace existing furniture inventory when possible.

Contract Term

The contract term is May 1, 2019 through April 30, 2024.

Financial Impact

Upon approval of $7,400,000 in additional funds, the revised aggregate value of the contract will not exceed $11,800,000. Funds are available in various departments' budgets.

Concurrence/Previous Council Action

These contracts were originally approved by City Council on May 1, 2019.

This item was adopted.

27 2015-2020 Consolidated Plan's 2019 Annual Action Plan CARES Act Amendment (Ordinance S-47290)

Request City Council approval of a Substantial Amendment to the 2015-2020 Consolidated Plan's 2019-2020 Annual Action Plan to include a second Emergency Solutions Grant (ESG-CV2) allocation authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, enacted March 27, 2020, for the specific purpose of preventing, preparing for, and responding to the Coronavirus (COVID-19) public health crisis. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item.

Summary

The 2015-2020 Consolidated Plan's 2019 Annual Action Plan defines how the City's Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) funds will be used to address the priorities and goals outlined in the five-year Consolidated Plan.

A previous substantial amendment to the 2019 Annual Action Plan was completed for the first round of the CARES Act ESG funding in May of 2020 (ESG-CV1). This second substantial amendment is to allocate $19,212,248 provided to the City in the second round of ESG funding (ESG-CV2) authorized by the CARES Act to support the City's effort to prevent, prepare for, and respond to the COVID-19 pandemic.

The following summarizes the second ESG-CV2 allocation and the proposed activities that will be funded to address the growing effects of the public health crisis:

ESG-CV2: $19,212,248

$19,212,248 will be used to prevent, prepare for, and respond to the COVID-19 pandemic, focusing on individuals and families who are experiencing homelessness or receiving homeless assistance, and to support homelessness prevention activities to mitigate the impacts of

COVID-19. The following eligible activities will be funded with this allocation:

Street Outreach: $1,922,285 will be used to fund essential services necessary to reach out to unsheltered homeless individuals and families and connect them with emergency shelter, housing or other critical services.

Emergency Shelter: $4,253,669 will be used to extend temporary shelter to vulnerable individuals who are receiving homeless assistance.

Homelessness/Eviction Prevention: $3,192,259 will be used to support additional homelessness prevention activities.

Rapid Re-Housing: $7,922,810 will be used to support additional homelessness assistance activities.

Administration, Planning and Coordination: $1,921,225 will be used for the purposes of program administration, planning and coordination.

Further City Council action will be required to enter into any new contracts, or to modify any existing contracts, with service providers for services funded under these eligible activities. If any additional federal funds are provided, a subsequent substantial amendment will be brought to council for approval.

Procurement Information

Services may be procured, as needed, by utilizing procurement practices in accordance with Administrative Regulation 3.10 to implement and administer U.S. Department of Housing and Urban Development (HUD) funded programs intended to prevent, prepare for, and respond to the COVID-19 pandemic.

Financial Impact

These activities are funded by the U.S. Department of Housing and Urban Development through the Coronavirus Aid, and Economic Security Act (CARES) Act. There is no impact to the General Fund.

Concurrence/Previous Council Action

On May 6, 2020, City Council authorized a Substantial Amendment to the 2015-2020 Consolidated Plan's 2019-2020 Annual Action Plan to include the first release of allocations and waivers authorized by the CARES Act.

On Jan. 21, 2021, the Land Use and Livability Subcommittee recommended City Council approval of this item.

Public Outreach

As part of the CARES Act, HUD approved an expedited public outreach process that allows the flexibility to institute more streamlined requirements to address immediate needs regarding to the Coronavirus. The HUD process includes the following:

The reduction of the 30-day public comment period and the implementation of a public comment period of no less than five days in an effort to expedite the Consolidated Plan Substantial Amendment process and allow the City to respond as quickly as possible to the immediate needs in the community.

The elimination of in-person public hearings and the implementation of virtual public hearings when 1) national and/or local health authorities recommend social distancing and limiting public gatherings for public health reasons, and 2) virtual hearing provide reasonable notification and access for citizens in accordance with Phoenix's certifications, timely responses from local officials and to all citizen questions and issues, and public access to all questions and responses.

The comment period for this substantial amendment was open from Jan. 18 to Jan. 22, 2021. The virtual public hearing took place on Jan. 22, 2021.

This item was continued to the Feb. 17, 2021 City Council Formal Meeting.

28 Request for Reconsideration of Item 27 from January 20, 2021 Formal Council Meeting

Request for reconsideration of Item 27 - Authorization to Enter into a

Development Agreement with Kroger Company (Ordinance S-47239) from the Jan. 20, 2021 City Council Formal Meeting, to be placed on the agenda for the Formal City Council meeting on Feb. 3, 2021.

Summary

At the Jan. 20, 2021 Formal City Council meeting, Item 27 - Authorization to Enter into a Development Agreement with Kroger Company (Ordinance S-47239) passed by a vote of 9-0.

Pursuant to the Rules of Council Proceedings Rule 7(I), this reconsideration is being placed on the Feb. 3, 2021 agenda in accordance with a memo requesting reconsideration from Councilmember Carlos Garcia **(Attachment A)** filed with the City Clerk on Jan. 28, 2021.

If this request is approved, the City Council will reconsider this item. If this request is not approved, the City Council will not reconsider this item and the original action on the item will stand.

This item was withdrawn.

29 Reconsideration of Item 27 from the January 20, 2021 Formal Council Meeting - 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 withdrawn.

30 Amend Ordinance S-41709 for Redevelopment of Residential Properties in South Phoenix Village Neighborhood Initiative Area (Ordinance S-47275)

Request to authorize the City Manager, or his designee, to amend Ordinance S-41709 to extend the original five-year contract term for the South Phoenix Village Neighborhood Initiative Area Single-Family Infill Redevelopment contract with FSL Real Estate Services (FSL RES) for an additional approximately seven months through Aug. 31, 2021. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item.

Summary

In May 2015, Phoenix City Council approved the Neighborhood Services Department (NSD) request to enter into contract with FSL RES, under Ordinance S-41709, for construction and completion of 121 homes in an amount not to exceed $5,368,222. In March 2018, Council approved a request from NSD to amend Ordinance S-41709, through Ordinance S-44320, to fund the construction and total development related costs for the South Phoenix Village (SPV) single-family detached infill project community using available program income under the Neighborhood Stabilization Program (NSP). NSP's available program income funds are generated from other projects, as well as from the sales of the new SPV homes. Amending Ordinance S-41709 to extend the contract term will allow for the sale of the final SPV Infill Project home, scheduled for Feb. 10, 2021; and all final project construction payments and administrative activities.

Contract Term

The amended contract term will reflect an effective date of Feb. 10, 2016 and an end date of Aug. 31, 2021.

Financial Impact

There is no impact to the General Fund; this project is funded by the U.S. Department of Housing and Urban Development (HUD) NSP funds.

Location
The infill project boundaries are from Broadway to Roeser roads, between 24th and 32nd streets.
Council District: 8

This item was adopted.

31 Arizona Thrives Alliance

Request City Council approval to join the Arizona Thrives Alliance. There is no financial requirement to join the Alliance; it is voluntary, and the Alliance recognizes that each participant retains its ability to make decisions and take actions relevant to its own organization.

Summary
The Arizona Thrives Task Force, consisting of over 20 Arizona utilities, cities, non-profits and leading businesses, has worked to develop a common vision for the state of Arizona to advance clean air, clean energy, and a thriving economy. To achieve this vision the Task Force is now calling on companies, local governments, organizations and individuals to join the Arizona Thrives Alliance in support of the consensus guiding principles, and take actions in support of the Arizona Thrives goals to:
foster innovation and make infrastructure investment in both rural and urban communities;
demonstrate and scale-up emerging technologies;
improve livability in our communities and mitigating the impacts of heat and poor air quality;
positively impact the health of our most vulnerable populations; and
improve water security and sustainability.

The Arizona Thrives Alliance exists to communicate the importance of these goals and serve as a catalyst for action and collaboration needed to achieve them, including encouraging innovation around policy and practices, elevating public education and engagement, and creating a progress dashboard.

The original case statement for Arizona Thrives and the members of the Task Force is included as **Attachment A**. The goals and vision of Arizona Thrives align with the City of Phoenix General Plan and 2050 sustainability goals. Joining the Alliance affirms the City's commitment to work with participating organizations toward the shared vision of clean air, clean energy and a thriving economy.

Financial Impact

There is no financial requirement to join the Alliance; it is voluntary, and the Alliance recognizes that each participant retains its ability to make decisions and take actions relevant to its own organization.

This item was approved.

32 Sponsorship to Launch Better Business Bureau Kiva Hub (Ordinance S-47281)

Request to authorize the City Manager, or his designee, to pay a Premiere Sponsorship fee to the Better Business Bureau (BBB) to manage the Kiva Hub for Fiscal Years 2020-21 through 2022-23 in the amount of $25,000 annually, for a total not to exceed $75,000. Further request the City Controller to disburse all funds associated with this item. Funding is available in the Community and Economic Development Department's budget.

Summary

The nonprofit Phoenix local chapter of the BBB is the state's largest trade association with more than 12,000 accredited businesses and 3,300 members in Phoenix proper. While traditionally known as a place to connect consumers and businesses along with handling complaints, the BBB has expanded into serving the needs of small businesses as can be seen with the 2019 opening of their coworking space at 1020 E. Missouri Ave. in Phoenix called, "ignite sparked by BBB." Additionally, in partnership with GoDaddy.com, the BBB launched "Empower by GoDaddy" which is an incubator, accelerator, and general small business development initiative that provides intensive training to entrepreneurs seeking to scale their businesses through local partnerships and in-person and online cohorts.

The BBB is continuing to assist small businesses by partnering with Kiva U.S. and becoming a Kiva Hub. Kiva U.S. is a crowdfunding platform

focused on women, minorities and those that do not qualify for traditional credit by offering zero percent interest loans between $1,000 and $15,000. Since 2011, Kiva U.S. has facilitated the crowdfunding of $39 million from more than 731,000 lenders to approximately 7,000 borrowers. As the Hub, the BBB will employ and house the Capital Access Manager (CAM), a staff member internal to the Kiva Hub who is trained on how to share this loan opportunity with entrepreneurs and local stakeholders, as well as how to support clients on the back end of the Kiva process. Additionally, the role of the CAM is to market the program, vet and approve applications and grant access for the business's inclusion on their crowdfunding platform.

If approved, the City's Premiere Partner Sponsorship funds will be used to pay for the annual licensing fee associated with hosting and launching the Phoenix Kiva Hub in addition to seed funding the inaugural year of programming and technical support for under-served entrepreneurs. Additionally, the City of Phoenix will be recognized as the title program partner and trustee in all branded materials, digital products and media mentions alongside the BBB and GoDaddy, another sponsor of the BBB Kiva Hub. The City's Premiere Partner Sponsorship will not be used for microlending nor pay the CAM's salary.

The BBB will provide a biannual report to City staff that will include, but not limited to, the following items:
Demographic data of Kiva loan portfolio
Repayment rate
Average credit score of borrowers
Total number of loans
Borrower related data by zip code
Success stories
Marketing: Impact (clicks, throughput, views, etc.) and traffic to Kiva website landing page
Events, Webinars, event and networking opportunity tracking

Financial Impact
BBB's Premiere Partner Sponsorship fees are $25,000 annually. The three-year, cumulative amount for Fiscal Years 2020-21 through 2022-23 will not exceed $75,000. Funding is available in the Community and

Economic Development Department's budget.

This item was adopted.

33 Issuance of Hospital Revenue Bonds (Peoria Regional Hospital Project), Series 2021 (Resolution 21893)

Request City Council approval for the issuance of Hospital Revenue Bonds (Peoria Regional Hospital Project), Series 2021, to be issued in one or more tax-exempt and/or taxable series in an aggregate principal amount not to exceed $130,000,000.

Summary

Request City Council adoption of a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, AZ., (the "Phoenix IDA") has previously resolved to issue up to $130,000,000 of Hospital Revenue Bonds, (the "Revenue Bonds") for use by Peoria Regional Hospital, LLC (the "Borrower"), an Arizona limited liability company to,
a). finance acquisition, construction, furnishing, and equipping of a 32-bed, general, acute care hospital in Peoria, AZ., and
b). pay certain costs related to the issuance of the Revenue Bonds.

Concurrence/Previous Council Action

The Phoenix IDA Board has previously resolved to issue the Revenue Bonds at its meeting held on January 14, 2021.

Location

The Project is located at 26320 N. Lake Pleasant Parkway in Peoria, AZ.

This item was adopted.

34 Maintenance of Parking Access and Revenue Control Systems (Ordinance S-47280)

Request to authorize the City Manager, or his designee, to enter into a contract with Access Professional Inc. dba Access Professional Systems to provide goods and services necessary to maintain parking access equipment and revenue control systems in seven City-owned parking garages and to lease office space in the Phoenix Convention Center North Garage. The agreement is for five years with one option to

extend for five years, and the aggregate value of the contract will not exceed $300,000. Further request authorization for the Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The Phoenix Convention Center Department (PCCD) recently installed new TIBA parking access equipment in the Heritage, 305, Adams, East, West, and North parking garages. All necessary parts, preventative and remedial maintenance, diagnosis, infrastructure modifications, repair, replacement, installation, updates and improvements to the TIBA parking systems must be provided by a TIBA authorized service and maintenance provider in order to maintain the manufacturer's warranty.

On July 1, 2020, the City Council authorized staff to enter into a contract with Souder Corporation dba Mountain Parking, who at the time was the sole authorized provider. Since that time, Mountain Parking was acquired by a competitor of TIBA and was removed as the authorized provider.

Access Professional Inc. dba Access Professional Systems is the new exclusive authorized service and maintenance provider for TIBA parking equipment and will now provide all necessary parts, administration, labor, training, preventative and remedial maintenance, diagnosis, infrastructure modifications, repair, replacement, installation, telephone support, updates and improvements to maintain efficient operation of the TIBA parking systems on an as needed basis.

In addition, Access Professional Inc. has requested to lease office space in the Convention Center North Garage as they work to establish permanent offices in the Phoenix area.

Procurement Information

The recommendation is in accordance with City of Phoenix Administrative Regulation 3.10, following the Request for Agreement procurement process.

Contract Term

The contract term is for five years, with one option to extend for five years.

Financial Impact

The aggregate value will not exceed $300,000 over the life of the 10-year contract. Funds are available in the Phoenix Convention Center's operating budget.

This item was adopted.

35 Public Safety Communication Equipment - National Purchasing Partners RFP 11-0004 / VH10965 - Requirements Contract (Ordinance S-47277)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 143649 with Tessco Incorporated for the purchase of public safety communication equipment for the Information Technology Services Department for support of the Police Department, Fire Department, and Regional Wireless Cooperative. The additional amount of $208,500 is needed to purchase public safety radio communication equipment and materials. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Phoenix Fire and Police departments currently lease copper circuits from the City's telephone communications provider in order to link the Regional Wireless Cooperative (RWC) Fire VHF Hazard Zone radio network receiver sites, which are used to operate public safety radio communication equipment. The telephone communications provider has indicated that they will soon stop making repairs to the circuits and related equipment, and may stop providing the service altogether. Additional funds are needed to purchase wireless microwave hardware to replace the leased circuits in order to ensure continued support of radio communications for the Fire and Police departments.

Contract Term

The contract term is from Sept. 1, 2016 to Dec. 30, 2021.

Financial Impact

Upon approval of $208,500 in additional funds, the revised aggregate value of the contract will not exceed $583,500. Funds are available in the Information Technology Services Department's budget.

Concurrence/Previous Council Action
The contract was originally approved by City Council on Aug. 31, 2016.

This item was adopted.

36 Bullard Electronic Thermal Imagers, Including Purchasing, Parts and Repairs - Requirements Contract - EXC 21-044 (Ordinance S-47285)

Request to authorize the City Manager, or his designee, to enter into a contract with L.N. Curtis and Sons, Inc. to purchase Bullard Electronic Thermal Imagers, including parts and repairs for the Fire Department. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $600,000.

Summary
This contract will provide Bullard Electronic Thermal Imagers to the Fire Department. The Bullard-patented Imagers allow firefighters to see areas of heat through smoke, darkness, or heat-permeable barriers. This includes being able to see body heat and pinpoint hot spots, which enables firefighters in determining critical information early during incident size-up, thus better aiding in mitigation plan development at the scene. The imagers are a standard piece of equipment that is essential for the safety of firefighters.

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved Determination Memo citing the letter received from Bullard that L.N. Curtis and Sons, Inc. is the exclusive authorized distributor for Bullard Thermal Imagers and associated replacement parts. Fire Department's Research and Development has researched and studied other brands of imagers, however those brands do not meet the required department specifications.

The Deputy Finance Director recommends that the contract with L.N. Curtis and Sons, Inc. be accepted.

Contract Term
The five-year contract term will begin on or about March 1, 2021.

Financial Impact

The aggregate contract value will not exceed $600,000 and funds are available in the Fire Department's budget.

This item was adopted.

37 Phoenix Sky Harbor International Airport Terminal 4 South 1 Concourse Concrete Apron - Design-Bid-Build Services - AV08000083 FAA (Ordinance S-47263)

Request to authorize the City Manager, or his designee, to accept J. Banicki Construction, Inc. as the lowest responsive and responsible bidder and to enter into an agreement with J. Banicki Construction, Inc. for Design-Bid-Build Services for the Phoenix Sky Harbor International Airport (PSHIA) Terminal 4 South 1 Concourse Concrete Apron project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $10,512,890.50.

Summary

The purpose of this project is to construct new concrete aircraft apron around the currently under construction Terminal 4 South 1 Concourse. The project consists of construction of approximately 48,000 square yards of apron pavement.

J. Banicki Construction, Inc.’s services include, but are not limited to: airfield concrete pavement; GSE/Vehicular concrete pavement; asphalt pavement; pavement base course; drainage structures; jet blast deflection systems; minor electrical work; bollards; manhole and storm drain adjustments; pavement joint sealants; and other work as required for a complete project. All work will be constructed in accordance with FAA Standards. Work will be performed in conjunction and cooperation with the ongoing construction of the PSHIA Terminal 4 South 1 Concourse.

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

Procurement Information

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Six

bids were received on Sept. 22, 2020 and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating compliance with Disadvantaged Business Enterprise program requirements.

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

Engineer's Estimate: $12,213,669
J. Banicki Construction, Inc.: $10,512,890.50
Granite Construction Company, Inc.: $11,240,400
Combs Construction Company, Inc.: $11,319,860

Bidders who were deemed non-responsive are listed below, in alphabetical order:
Ames Construction, Inc.
Kiewit Infrastructure West Co.
Pulice Construction, Inc.

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

The reason for the variance between the Engineer’s Estimate and the lowest responsive, responsible bid is based on the Engineer's Estimate approach to costs and experience from comparable past projects that used alternative delivery methods.

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

Financial Impact
The agreement value for J. Banicki Construction, Inc. will not exceed $10,512,890.50, including all subcontractor and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement

Program budget. Staff anticipates reimbursement from a Federal Aviation Administration (FAA) grant. 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 agreement services, which may extend past the agreement term.

Concurrence/Previous Council Action

The City Council approved:

Engineering Services Agreement 153444 (Ordinance S-47137) on Dec. 2, 2020.

Location

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

This item was adopted.

38 Ventilation Assessments Contract (Ordinance S-47268)

Request to authorize the City Manager, or his designee, to enter into a contract with LSW Engineers, Inc., to conduct ventilation assessments at Phoenix City Hall, Phoenix City Council Chambers, and 620 Police Headquarters. The contract will have a one-time expenditure of $19,405. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The Public Works Department is responsible for the ongoing maintenance of heating, ventilation and air conditioning systems in multiple City-owned buildings. In response to the COVID-19 pandemic, ventilation assessments will inspect and review the current systems to identify ways to improve indoor air quality and recommend best practices. These assessments will help ensure the safety of employees and visitors entering and occupying these structures. The assessments will be conducted at Phoenix City Hall, Phoenix City Council Chambers, and 620 Police Headquarters.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a determination memo citing time restrictions

due to the COVID-19 pandemic and associated funding.

Contract Term
This contract will begin upon City Council approval on Feb. 3, 2021, for the one-time purchase of the ventilation assessments.

Financial Impact
This contract will have a one-time expenditure amount of $19,405, including applicable taxes. Funds are available in the Public Works Department's budget.

Location
Phoenix City Hall - 200 W. Washington St.
Phoenix City Council Chambers - 200 W. Jefferson St.
620 Police Headquarters - 620 W. Washington St.
Council District: 7

This item was adopted.

39 Elevator Purification Systems at Phoenix City Hall (Ordinance S-47278)

Request authorization for the City Manager, or his designee, to enter into a contract with ThyssenKrupp Elevator to install air purification systems in elevators at Phoenix City Hall. The contract will have a one-time expenditure of $30,811. Further request to authorize the City Controller to disburse all funds related to this item.

Summary
The Public Works Department is responsible for maintaining the elevators in Phoenix City Hall. The elevator purification systems will reduce airborne bacteria by using bipolar ionization technology. The ions attach to bacteria and viruses in the air to neutralize harmful pathogens and reduce the spread of bacteria in the air in the confined spaces. Self-cleaning covers will also be installed on existing elevator buttons to help reduce the spread of bacteria on these high touch areas.

Air purification systems already have been installed at the Phoenix Municipal Court, Calvin C Goode Building, Council Chambers, 620 Police Department, Phoenix Police Crime Lab, Police Property Building, Walker Building, Information Technology Operations Center, 310 Parking

Garage, 305 Parking Garage and two elevator cabs in Phoenix City Hall by a contracted elevator service provider.

To preserve warranty rights for newly installed elevators, permission is requested to provide this improvement to the 11 elevators in Phoenix City Hall installed and currently maintained by ThyssenKrupp Elevator.

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a determination memo citing unusual nature due to the elevators being under the warranty period associated with a recent remodel. To maintain the warranty, ThyssenKrupp Elevator must install these purification systems.

Contract Term
The contract will begin upon City Council approval on Feb. 3, 2021, for the one-time purchase of the elevator purification systems.

Financial Impact
This contract will have a one-time expenditure in the amount of $30,811, including all applicable taxes. Funding is available in the General Fund.

Location
Phoenix City Hall - 200 W. Washington St.
Council District: 7

This item was adopted.

41 Roeser Road: 32nd to 37th Streets - Design-Bid-Build - ST87100169 (Ordinance S-47269)

Request to authorize the City Manager, or his designee, to accept Hunter Contracting, Inc. as the lowest-priced, responsive and responsible bidder and to enter into an agreement with Hunter Contracting Co. for Design-Bid-Build Services for the Roeser Road: 32nd to 37th Streets project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $1,616,088.40.

Summary
The purpose of this project is to widen and improve approximately 0.7

miles of Roeser Road to allow for additional capacity and accessibility for all roadway users.

Hunter Contracting Co.'s services include, but are not limited to, placement of approximately 2,884 tons of asphalt concrete surface course including 6,838 square yards of subgrade preparation, additional new accessible site features to consist of new sidewalks, curb and gutter, several driveways, street lighting, curb ramps with connecting mid-block ramps, improvements to existing bus stops including bus pads, site furnishings, and drainage improvements, and other miscellaneous work items as required to complete the project.

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

Procurement Information
The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Four bids were received on Dec. 8, 2020, and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Disadvantage Business Enterprise (DBE) program requirements.

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

Engineer's Estimate: $1,648,452.98
Hunter Contracting Co.: $1,616,088.40
Talis Construction Corporation: $1,815,573.60
J. Banicki Construction, Inc.: $2,026,297.20

Bidders who were deemed non-responsive are listed below:
Combs Construction Company, Inc.: $1,689,782.75

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

Contract Term
The term of the agreement is 180 calendar days from issuance of the

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

Financial Impact

The agreement value for Hunter Contracting Co., will not exceed $1,616,088.40, including all subcontractor and reimbursable costs.

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

Concurrence/Previous Council Action

The City Council approved:

Application for federal transportation funding and the acceptance of funds for this project (Ordinance S-42066) on Sept. 30, 2015.

Location

Roeser Road: 32nd to 37th Streets

Council District: 8

This item was adopted.

42 Salt River Project Construction License for City Waterline Installation Project WS85500447 - Camelback Road, 91st to 75th Avenues (Ordinance S-47270)

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project (SRP) for a new waterline installation on Camelback Road from 91st to 75th avenues. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18.

Summary

The purpose of this license is to allow the City to install a new waterline that will cross under and run parallel with SRP irrigation facilities. This work is in conjunction with City Project WS85500447 - Camelback Road, 91st Avenue to 75th Avenue.

Contract Term

The term of the Construction License is one year, effective when the City begins construction. Construction is expected to begin in February 2021.

Financial Impact

There is no financial impact for this license.

Location

Camelback Road, 91st to 75th avenues
Council District: 5

This item was adopted.

43 Salt River Project Construction and Service Agreements for 24th Street Water Treatment Plant Power Redundancy Project (Ordinance S-47264)

Request to authorize the City Manager, or his designee, to enter into four agreements with Salt River Project (SRP) for the 24th Street Water Treatment Plant (WTP) Power Redundancy Project in an amount not to exceed $956,000. Further request authorization for the City Controller to disburse all funds related to this item. Further request the City Council to grant an exception pursuant to Phoenix City Code Section 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code Section 42-18.

Summary

To provide power redundancy, or back up power, at the 24th Street WTP in the event of a power failure, the City worked with SRP on several agreements during the design of the 24th Street WTP Power Redundancy Project. Below is a summary of the agreements with SRP.

The SRP Dedicated Feeders Agreement authorizes SRP to provide the

24th Street WTP dual dedicated power feeders which will be routed directly from the SRP substation at the southwest corner of the plant site to a new 15 kV Unified Electrical Building which includes a new service entrance station.

The SRP Equipment Removal Agreement authorizes SRP to provide design and construction services to remove six existing SRP service entrance stations at the 24th Street WTP and provide one new service entrance at the new 15 kV Unified Electrical Building. The SRP Material Ownership Transfer Agreement authorizes SRP to transfer ownership of existing SRP owned primary transformers to the City. The SRP Facilities Maintenance Agreement authorizes SRP to provide maintenance services to the City, on a time and materials basis as requested by the City for the existing SRP primary transformers and appurtenant equipment including their associated conductors. The City, at its discretion, can request SRP field maintenance staff to service the former SRP equipment, including repairing or replacing primary transformers.

Contract Term
The contract term is for four years starting on or about March 1, 2021.

Financial Impact
Funding in the amount of $956,000 is available in the Water Services Department's Capital Improvement Program budget.

Location
6202 N. 24th St.
Council District: 6

This item was adopted.

44 Intergovernmental Agreement with Arizona Department of Transportation for 35th Avenue North of Harrison Street Railroad Improvement Project - Amendment 2 (Ordinance S-47274)

Request to authorize the City Manager, or his designee, to execute Amendment 2 to Intergovernmental Agreement (IGA) 142038 with the Arizona Department of Transportation (ADOT) to increase the City's non-reimbursed share or cash match for the railroad improvements at

35th Avenue north of Harrison Street. Further request to authorize the City Controller to disburse all funds related to this item. The City's additional non-reimbursed share or cash match will increase by $17,500 for a not-to-exceed amount of $60,000.

Summary

On Nov. 18, 2015, Council approved entering into an IGA for the Union Pacific Railroad Improvement Project and the Street Transportation Department entered into IGA 142038 with ADOT on Feb. 1, 2016, for railroad improvements at 35th Avenue north of Harrison Street. Based on the original Council authorization, the City's non-reimbursed cost share for this project was $15,400. On Aug. 28, 2019, Council approved Amendment 1 to the IGA with ADOT, increasing authorization for the City's non-reimbursed cost share to a not-to-exceed amount of $42,500, and adjusting the IGA to incorporate ADOT's policy change increasing agencies' cost share for railroad improvement projects from 5.7 percent to 10 percent.

Through continued collaboration between the City, ADOT and the Union Pacific Railroad (UPRR), the project design has been incorporating additional civil and safety improvements at the railroad crossing, which has increased project costs due to additional equipment and surface railroad track work that was not previously anticipated. This has increased the City's non-reimbursed share or cash match for the railroad improvements to a new not-to-exceed amount of $60,000. To date, the City has paid $42,500 and the City's remaining balance is $17,500.

ADOT will invoice the City for the $17,500 balance upon execution of Amendment 2.

Financial Impact

- The City's initial non-reimbursed cost share was $15,400.
- Amendment 1 increased authorization for the City's non-reimbursed cost share to $42,500.
- This amendment will increase authorization for the City's non-reimbursed cost share by an additional $17,500 to $60,000.

Within the total authorized amount, upon execution of this amendment, ADOT will invoice the City $17,500, which is the difference paid to date

for the local cash match. Funding for this project (ST85100339) is available in the Street Transportation Department's Capital Improvement Program budget.

Concurrence/Previous Council Action

The City Council approved:

Union Pacific Railroad Improvement Project at 35th Avenue north of Harrison Street IGA 142038 (Ordinance S-42161) on Nov. 18, 2015;

Union Pacific Railroad Improvement Project at 35th Avenue north of Harrison Street IGA 142038 - Amendment 1 (Ordinance S-45976) on Aug. 28, 2019; and

Acquisition of Real Property for Roadway Improvements at Northeast Corner of Harrison Street and 35th Avenue (Ordinance S-46720) on June 17, 2020.

Location

35th Avenue, north of Harrison Street
Council District: 7

This item was adopted.

45 Transportation 2050 Five-Year Pavement Maintenance Program Update (Ordinance S-47288)

Request City Council approval of the Pavement Maintenance Program (PMP) for Fiscal Year (FY) 2024 and provide an update on the Transportation 2050 (T2050) five-year arterial and major collector streets pavement maintenance program.

Summary

On Aug. 25, 2015, City of Phoenix voters approved the passage of Proposition 104 (T2050), which provides a 0.3 percent increase in the transaction privilege and use tax rate to fund Citywide transportation projects, including the construction and maintenance of City streets. Collection of T2050 sales tax began on Jan. 1, 2016. On Oct. 3, 2018, the City Council directed staff to explore options to advance $200 million in T2050 funding over five years to accelerate pavement maintenance on arterial and major collector streets. Street Transportation Department (Streets) staff have been implementing this accelerated five-year paving program. **Attachment A - Paving Progress between FY2019-23** summarizes the APMP progress.

Phoenix's Street Network

Phoenix has a comprehensive roadway network of more than 4,871 miles of public streets. Phoenix's roadway network is made up of arterial, collector, and local streets. Arterials are major streets, which are typically the major north/south and east/west transportation corridors spaced at each mile. Collectors are important mid-level transportation corridors, which are generally on the 1/2-mile north/south and east/west streets between the arterial streets. Local streets are typically in residential areas and provide connectivity between the collectors and arterials for local traffic.

Pavement maintenance projects on arterial and major collector streets are primarily funded by T2050, while pavement maintenance projects on minor collector and local streets are funded primarily by Arizona Highway User Fund (HURF).

The City's public transit system primarily utilizes the arterial and major collector streets for its bus and rail lines, and T2050 funds allocated to Street Transportation are an essential part of proper pavement maintenance along these transit corridors.

Attachment B - Street Classification Distribution outlines the Citywide distribution of the various street classifications and which street classifications are eligible for resurfacing projects using T2050 and HURF funding. **Attachment C - Street Classification Centerline Miles by Council District** illustrates the distribution of street classification types across the City's eight council districts.

Streets is tasked with planning, programming and executing the City's PMP, and has developed and implemented its Pavement Management System (PMS) to determine the condition of roadways in order to establish priorities of streets to receive maintenance treatments and pavement overlays. The foundation of PMS is field data obtained using a high-tech pavement management vehicle, which measures and records the condition of roads, evaluating them on surface roughness, environmental stresses, and structural condition. Based on the resulting pavement condition index (PCI) rating, which is tracked and mapped in

the department's PCI database, staff uses these objective measurements of roadway conditions to develop an initial list of roads to receive asphalt overlay.

Using the most recently recorded PCI data, about 31 percent of City streets are classified in good or excellent condition, while 63 percent are in fair condition and 5 percent are in poor or very poor condition. The PCI distribution is demonstrated in **Attachment D - Pavement Condition Index Distribution**.

Pavement Maintenance Goals and Budgets

With pavement maintenance funding (T2050 and HURF) allocated based on the street classification type, the miles of roadway treated on an annual basis are reported and evaluated in the same manner. Attachment E - Five-Year Pavement Program Scheduled Roadway Miles shows the number of roadway miles scheduled to be treated through FY 2024 as part of the five-year PMP. As noted earlier, HURF funding is primarily allocated to our 4,032 miles of minor collector and local streets and T2050 funding is primarily allocated to our 839 miles arterial and major collector streets. Attachment F - T2050 and HURF Budgets and Miles FY2020-24 shows a breakdown of the budget and miles of paving projects, including funding for the APMP.

Bicycle Facility Implementation

Streets Active Transportation Program is a multi-faceted yet coordinated effort to ensure the City establishes a well-connected Citywide bicycle network and implements the goals of the T2050 program. **Attachment G - Bicycle Facilities Implemented in PMP for FY2020-24** shows a summary of the bicycle facilities currently planned to be implemented through the five-year PMP. It should be noted that the PMP is only one of numerous program that Streets utilizes to implement new or improved bicycle facilities.

Concurrence/Previous Council Action

The Citizen Transportation Commission recommended approval of this item on Dec. 2, 2020, by a vote of 10-0.

The Transportation, Infrastructure and Innovation Subcommittee recommended approval of this item on Jan. 6, 2021, by a vote of 4-0.

This item was adopted.

46 Transportation 2050 New and Expanded Major Streets Program Update (Ordinance S-47283)

Request City Council approval of the $57.6 million, five-year Transportation 2050 (T2050) New and Expanded Major Streets Program for Fiscal Years (FY) 2021-25.

Summary

On Aug. 25, 2015, Phoenix voters approved Proposition 104, T2050, showing a strong commitment and desire to expand investments in Phoenix for major improvements in bus service, light rail and roadway infrastructure. This plan allocates a total of 13.8 percent of local sales tax revenues (or approximately $2.3 billion over 35 years) to the Street Transportation Department (Streets) for the construction and maintenance of City roadways. Of these T2050 Streets revenues, the New and Expanded Major Streets Program is allocated 30 percent.

The New and Expanded Major Streets Program is one of four investment categories that also include Pavement Maintenance, Mobility Improvements, and Technology Enhancements. Streets has been working to deliver roadway improvements as quickly and efficiently as possible utilizing T2050 funds since 2016. Under the New and Expanded Major Streets Program investment category, T2050 will provide an estimated $240 million over the life of the program for new and expanded major streets as well as bridge projects.

Program Update

Streets has developed an Updated T2050 New and Expanded Major Streets Program for FY 2021-25 (**Attachment A**).

The updated $57.6 million, five-year program includes both previously approved projects and three new projects, and funding allocations for FY 2024 and FY 2025. The updated program includes project budget adjustments reflecting better, more refined cost estimates from previous planning level estimates. Other project budget adjustments reflect adjustments based on actual costs, scope modifications, and/or construction phasing. Key updates for current and anticipated project activity through FY 2022 are described below:

Pinnacle Peak Road: 45th to 43rd Avenues (A) - NEW Project
Currently under construction with adjustments and relocation of existing waterline. Roadway construction is planned for FY 2021.

43rd Avenue: Virginia Avenue to Grand Canal (B)
Project costs were refined, and project phasing was adjusted to break out this longer corridor into more manageable phases. Utility designs and relocations, and right-of-way acquisitions are currently being coordinated. The project is approaching 100 percent design completion with construction planned for FY 2022.

Buckeye Road: 67th to 59th Avenues (C)
Currently working on right-of-way acquisitions and utility relocations. Design is 100 percent complete with construction planned for FY 2021.

43rd Avenue: McDowell Road to Virginia Avenue (D)
Project costs were refined, and project phasing was adjusted to break out this longer corridor into more manageable phases. Utility designs and relocations, and right-of-way acquisitions are currently being coordinated. This project is approaching 100 percent design completion with construction planned for FY 2021.

Lower Buckeye Road: 27th to 19th Avenues (E)
Currently conducting utility review meetings. Design is 70 percent complete with construction planned for FY 2022.

35th Avenue: Camelback to Bethany Home Roads (I)
Currently coordinating utility reviews. Design is 60 percent complete with construction planned for FY 2022.

43rd Avenue: Glendale Avenue to Greenway Road (J)
Design is planned for FY 2022 with construction planned for FY 2023.

43rd Avenue: Grand Canal to Glendale Avenue (K)
Design is planned for FY 2022 with construction planned for FY 2023.

Southern Avenue: 51st to 37th Avenues (S) - NEW Project
This project is approaching 60 percent design completion. Construction is expected to start in FY 2022. Streets is working in partnership with Maricopa County Department of Transportation (MCDOT) on this project, with a five-year repayment plan from the Phoenix to MCDOT beginning in FY 2022.

Lower Buckeye Road: 71st to 67th Avenues (T)
This project is approaching 100 percent design completion. Construction is expected to start in FY 2022. Streets is working in partnership with MCDOT on this project. Funding commitments for this project were made in FY 2020.

BUILD Grant - 35th Avenue: Interstate 10 to Camelback Road (V) - NEW Project
The City was recently awarded a Better Utilizing Investments Leveraging Development (BUILD) 2020 Grant for a safety corridor project along 35th Avenue from Interstate 10 to Camelback Road with a focus on improving safety, mobility and economic development. The $7.5 million local match will be funded utilizing T2050 funds from the New and Expanded Major Streets Program in order to leverage the $17.4 million in federal transportation dollars. Design is planned for FY 2021, with construction planned for FY 2022.

Program Accomplishments
This past summer, the City successfully completed a public private partnership that was included in the previously approved five-year New and Expanded Major Streets Program. The completion of the Baseline Road: Loop 202/59th to 55th Avenues project provides roadway users on Baseline Road traveling west from 55th Avenue or east from the new Congressman Ed Pastor Freeway (South Mountain Freeway/Loop 202) can now seamlessly access Baseline Road with minimal traffic delay. This innovative project delivery model represented a positive outcome for adjacent private developers, the City of Phoenix, and the traveling public.

Major new or expanded roadway projects typically take five years from

project initiation to project completion. Various components impact project schedules and costs, including right-of-way acquisition, utility relocations, drainage requirements, roadway structures, and public involvement. More specifically, initial project development and design phases require up to two years to complete, while right-of-way acquisition efforts run approximately one year. The construction process, from contract procurement to completion, is approximately two years. Streets staff continue to work diligently to deliver the T2050 New and Expanded Major Streets projects as quickly and efficiently as possible in order to provide Phoenix residents with improved roadways and infrastructure.

Concurrence/Previous Council Action

The Citizens Transportation Commission recommended approval of this item on Dec. 17, 2020, by a vote of 10-0.

The Transportation, Infrastructure and Innovation Subcommittee recommended approval of this item on Jan. 6, 2021, by a vote of 4-0.

This item was adopted.

47 Transportation 2050 Mobility Improvements Five-Year Program (Ordinance S-47284)

Request City Council approval of the five-year, $17.5 million Updated Transportation 2050 (T2050) Mobility Improvements Program for Fiscal Year (FY) 2021-25.

Summary

On Aug. 25, 2015, Phoenix voters approved Proposition 104, T2050, making a strong commitment to expanding investments in Phoenix for major improvements in bus service, light rail and roadway infrastructure. The plan allocates a total of 13.8 percent of local sales tax revenues (or approximately $2.3 billion over 35 years) to the Street Transportation Department (Streets) for the construction and maintenance of City roadways. The Mobility Improvements Program is one of four investment categories for Streets T2050 revenues that also includes Pavement Maintenance, New and Expanded Major Streets, and Technology Enhancements. The Mobility Improvements Program is allocated 15 percent of Streets' T2050 revenues.

Due to the significant commitment for new bicycle and pedestrian facilities in the T2050 Plan, the Mobility Improvements Program was

established to implement additional projects that increase mobility and access to transit corridors through improvements such as: new Americans with Disabilities Act (ADA) compliant sidewalks and curb ramps; new or enhanced bicycle facilities; and other connectivity improvements to transit stops. Through the life of T2050, Streets is committed through its Mobility Improvements and other T2050 programs to constructing 135 miles of new sidewalks and 1,080 miles of new bike lanes.

The two primary focus areas for the Mobility Improvements Program include: 1) developing study areas to identify locations for mobility improvement needs and associated recommendations; and 2) sidewalk improvements on arterial, collector and local streets to improve connectivity to transit stops along with ADA accessibility.

On Nov. 27, 2018, the Aviation and Transportation Subcommittee approved the use of $3.5 million in T2050 Mobility Improvements Program funding for a five-year program (FY 2019-23) to complete projects recommended through mobility assessment studies and to initiate additional mobility assessment studies, and also approved the use of $8 million in T2050 Mobility Improvements Program funding through FY 2024 to improve sidewalk connectivity to bus stops.

Mobility Assessment Studies

Streets staff developed a list of 39 mobility assessment study locations focused on pedestrian and bicycle facilities (**Attachment A**). Streets then initiated studies on the first 12 mobility assessment studies, with the exception of mobility area 9, which focused on the downtown Phoenix area. Mobility area 9 was postponed to avoid possible overlap with other planning efforts within the study area. Mobility assessment studies have been completed and **Attachment B** provides a map of their locations.

Each mobility assessment study recommends improvement projects that may include installation of: sidewalk; vertical curb and gutter; crosswalks; bike lanes; street lighting; landscaping and shade trees; pedestrian and traffic signals; as well as other traffic calming measures. Streets staff has reviewed the recommended projects generated from the mobility assessment studies with the assistance of other City departments, with

the goal of delivering as many projects as funding permits. Potential projects are prioritized based on the scope of work, budget, and how the project will be constructed.

Mobility Improvements Infrastructure Funding

Streets staff continuously monitors opportunities to leverage T2050 Mobility Improvements funding with regional and federal funding in order to implement a greater amount of mobility infrastructure improvements.

Streets has used the Achieving Transit Accessibility Now (ATAN) grant program created by the Maricopa Association of Governments (MAG) in order to address immediate needs to improve access to transit stops throughout the region. Streets has successfully participated in multiple rounds of ATAN competitive grant opportunities over the past several years and has used T2050 Mobility Improvements Program funds for its local match for these projects.

Streets staff has also initiated a partnership with the Neighborhood Services Department (NSD) to implement mobility improvement projects recommended from the completed mobility assessment studies using Federal Community Development Block Grant (CDBG) funds. CDBG program funds must be used in Title VI low-income, in-need communities, which in many cases correspond to the T2050 mobility areas. Projects using CDBG funds may begin construction in summer 2021 and both Streets and NSD anticipate using CDBG funds in future years as well. Streets will use T2050 Mobility Improvements Program funds for its local match for these projects.

Streets also submitted for several competitive grants in response to a MAG Call for Transportation Alternatives projects which have a bike, pedestrian and mobility focus. The City of Phoenix was awarded MAG Transportation Alternatives funding for three projects totaling $5.2 million. The local match of approximately $1.4 million will utilize T2050 Mobility Improvements Program funds.

Program Accomplishments

Under the Mobility Improvements Program, Streets staff has implemented projects that improve safety, promote mobility, and

enhance the City's connectivity and growing active transportation network. Project elements include bicycle facilities, sidewalk improvements, streetlights, safe crossings, shade, and landscaping. To date, staff has completed the following T2050 Mobility Improvements over the past two years (FY 2019-20):

Installed 45 of the recommended 71 ADA curb ramps in mobility area 1 (South Downtown). The remaining 26 ramps are planned for construction in FY 2021;

Added 42 new streetlight locations in mobility area 1 (South Downtown). Design work was initiated in January 2020, and construction is planned to begin by June 2021;

Initiated one new mobility assessment study (mobility area 13 - **Attachments A and B**), which should be completed by January 2021; and

Completed 12 ATAN-funded mobility improvement projects (**Attachment C**).

Program Update

Streets has developed an Updated T2050 Mobility Improvements Program for FY 2021 through FY 2025 (**Attachment D**).

Concurrence/Previous Council Action

The Citizens Transportation Commission recommended Council approval of this item on Dec. 17, 2020, by a vote of 12-0.

The Transportation, Infrastructure and Innovation Subcommittee recommended Council approval of this item on Jan. 6, 2021, by a vote of 4-0.

This item was adopted.

48 Transportation 2050 Streets Technology Enhancements Five-Year Program Update (Ordinance S-47286)

Request City Council approval of the updated $5.769 million, five-year Transportation 2050 (T2050) Streets Technology Enhancements Program for Fiscal Years (FYs) 2021-25.

Summary

The approved T2050 Plan allocates a total of 13.8 percent of Proposition 104 local sales tax revenues (or approximately $2.3 billion over 35 years) to the Street Transportation Department (Streets) for the construction and

maintenance of City roadways. Of these Streets T2050 revenues, the T2050 Streets Technology Enhancements Program is allocated 5 percent of Street's T2050 revenues.

Streets is responsible for the operation and maintenance of illuminated street name signs and traffic signals. The City has invested significant resources to build, maintain, and improve the traffic signal infrastructure of 1,158 traffic signals that manage the flow of traffic safely throughout the city's nearly 5,000-mile street network. To provide a safe, aesthetic, and efficient signal network for citizens and visitors, Streets has identified programs for the investment of capital and maintenance funding to improve the traffic signal infrastructure.

On Feb. 14, 2017, the Transportation and Infrastructure Subcommittee was provided with information on the recommendation approved by the Citizens Transportation Commission for a $9.7 million, 10-year maintenance program for the T2050 Streets Technology Enhancements Program through FY 2026 for the replacement of damaged and faded illuminated street name signs over a two-year period, the addition of left-turn arrows at five to seven intersections annually over a five-year period, and repainting all traffic signal poles in the City over a ten-year period. On Nov. 27, 2018, the Aviation and Transportation Subcommittee approved funding for FYs 2022 and 2023 as part of the updated five-year, $4.793 million program for the T2050 Streets Technology Enhancements Program (FY 2019-23). The updated five-year program included funding for fiber communications and enhanced intersection technology projects.

Illuminated Street Name Signs

To improve traffic safety, especially at night, as well as appearance and convenience, Streets installed over 4,065 illuminated street name signs on traffic signal poles over the past two decades. Prior to 2016, due to funding shortfalls, few signs had been replaced and approximately 3,000 of the signs had exceeded their ten-year serviceable life and needed replacement. From an operational and maintenance aspect, many of the signs had suffered sunlight damage over the years and the lighting components of the majority of signs were not functional.

When these signs are maintained and functional, they improve visibility and legibility of street names at longer distances and in adverse driving conditions. This in turn reduces the attention required to read street names giving drivers more time to plan driving maneuvers at intersections. These benefits are especially valuable along wide, high-traffic intersections. The signs also represent an aesthetic improvement to our roadway infrastructure that has become popular with residents and visitors.

$2.3 million in annual T2050 funding was previously approved to replace 1,972 damaged and faded illuminated street name signs over a two-year period (FY 2017 and FY 2018) for a total of $4.6 million. Streets also budgeted $2.4 million in non-T2050, Arizona Highway User Revenue Fund (HURF), funding to replace an additional 1,028 signs in order to budget the replacement of a total of 3,000 signs.

To date, over 3,330 illuminated street name signs have been replaced, and the T2050 sign replacement project was completed in 2019. Additionally, to address ongoing maintenance requirements, Streets has programmed annual HURF funding in the amount of $1.2 million in the traffic signal operating budget to replace illuminated street name signs as they reach end of ten-year service life.

Left-Turn Arrows

Left-turn arrow treatments are critical to both the safety and operational characteristics of a signalized intersection. Currently, Streets has a process to analyze public requests for left-turn arrows. Requests are evaluated based on factors such as crash history data, sight distance and traffic volumes to determine the need and prioritize those intersections for left-turn arrow treatments. Prior to 2016, the number of these requests and the cost of implementation were significantly higher than the annual Streets budget to install left-turn arrows.

To address the warranted left-turn arrow projects at intersections, the Transportation and Infrastructure Subcommittee previously approved $420,000 in annual T2050 funding over a five-year period (FY 2016-21) for a total of $2.1 million.

Streets also increased its annual left-turn arrow HURF funding slightly to $80,000, for a five-year (FY 2016-21) total of $400,000. Since 2016, a total of 15 intersections have had left-turn arrows added utilizing HURF funding. It is anticipated that an additional intersection will have left-turn arrows added with HURF funding in FY 2021.

To date, an additional nine left-turn arrows have been installed utilizing T2050 funding, and it is anticipated that two more left-turn arrow locations will be completed by the end of FY 2021 with T2050 funds.

Traffic Signal Pole Painting

The painting of signal poles is an important element of the City's traffic signal pole maintenance program. Pole paint provides preservative protection for metal structures from both rust and corrosion. Additionally, freshly painted poles are an aesthetic enhancement to the City's infrastructure and help to reduce blight on streets and display a sense of pride in how the City maintains its streets. Poorly maintained poles can attract additional blight such as graffiti, posters, stickers and other nuisances.

Prior to 2016, the City had last repainted its signal poles in 1999. Due to years of weathering and age, the paint on many of those poles had faded, cracked, and chipped, and needed repainting. The City has an inventory of over 8,600 traffic signal poles at 1,158 intersections and maintenance funding was not sufficient to complete the repainting.

The Transportation and Infrastructure Subcommittee approved $300,000 in annual T2050 funding over a ten-year period (FY 2016 through FY 2026) for a total of $3 million. This T2050 funding augmented Streets annual HURF funding of $25,000 per year (total $250,000), in order to repaint traffic signal poles citywide over those ten years at an anticipated rate of 110 intersections per year utilizing both fund sources.

To date, traffic signal poles have been painted at approximately 464 intersections, and the signal pole painting project will continue as planned through FY 2026.

Fiber Communications

Much of the business of municipal government is dependent on data, whether generated by a computer, camera image, sensor, or other data source. The main traffic data sources are at signalized intersections. City data is transferred through fiber optic cables, which can either be owned and operated by the City or rented from third-party vendors.

Streets works with the City's Information Technology Services Department to coordinate the installation of City fiber at key locations in the City to provide reliable, secure and high-speed data links. This saves the City millions of dollars in leased data circuit costs. Streets recently applied for and received federal funding from the Maricopa Association of Governments (MAG) Systems Management and Operations (SMO) Program for two fiber projects, each over 12 miles in length.

The first project will provide fiber from Fire Station 54, located at 99th Avenue and Campbell Road, to the City's existing fiber network at 27th Avenue and Camelback Road. The project will include fiber along Indian School Road and 27th Avenue. This project is scheduled for construction later this fiscal year. The local match for the federal funding will be provided using T2050 Streets Technology Enhancements funds in the amount of $1.4 million in FY 2021 and $300,000 in FY 2022.

The second project will provide fiber along Baseline Road from Ed Pastor Freeway (Loop 202) to Interstate 10 (I-10). This project is scheduled for FY 2023. The local match for the federal funding will be provided using T2050 Streets Technology Enhancements funds in the amount of $335,000 in FY 2021 and $706,000 in FY 2022.

In addition to the two projects above, Streets has identified additional priority corridors (**Attachment A**) for the installation of City fiber in order to provide more reliable communications to Streets traffic signal infrastructure.

Due to Streets receiving the two federal MAG SMO Program grants, Streets has modified its fiber communications project funding by programming $1.756 million in FY 2021, $1.006 million in FY 2022, and $547,000 in FY 2023.

The average cost to install one mile of fiber cable is approximately $200,000. Streets FY 2023 funding should allow for the installation of two to three miles of fiber using the Streets priority list. Should additional T2050 funding become available in the five-year cycle, Streets would propose to expand funding for the installation of fiber communications projects.

Enhanced Intersection Technology

Streets has historically relied on technologies and methodologies from the 20th century to control and manage traffic through our signalized intersections, which has served the City well as it is based on our mile and half-mile major street network. However, as traffic volumes have increased and development patterns have evolved, more signalized intersections have been added to our street network at spacings other than the traditional mile and half-mile. This has impacted our ability to move traffic efficiently in multiple directions simultaneously. Providing more advanced technology at signalized intersections to monitor real-time traffic data will help to mitigate the congestion experienced in numerous corridors and locations across the City.

Enhancing technologies at intersections will provide the City with real-time operational conditions to be able to adjust signal timing to move people and traffic more efficiently as required. Upgrades to this technology include:

installing new traffic signal controllers which accept additional device integration;

adding detection technology where there is none today; and

adding anonymous re-identification devices (ARIDs) that will capture real-time travel time and speed condition data.

This enhanced technology will also enable intersections to support connected vehicle and rideshare/autonomous vehicles as those advancements change the landscape for roadway design and community mobility in the future.

The intersections where this technology will be deployed will also need to be upgraded to meet Americans with Disabilities Act (ADA) requirements

because accurate pedestrian movement and detection is required in implementing signal timing improvements. Upgraded intersections outfitted with appropriate technology for managing the transportation network will become the standard by which all future intersections will be built.

The City is also actively participating in MAG's Emerging Technologies Program, which was created by MAG to allow its member agencies to experiment with new technologies as part of pilot programs with minimal risk to the agencies. Under the program, MAG provides funding, working with universities to evaluate the new technologies. The City is currently participating in the program with two projects:

The NoTraffic detection system was deployed to optimize the traffic signals along a busy stretch of Glendale Avenue between Central Avenue and State Route 51 that experiences a lot of congestion during peak travel times. NoTraffic's sensors 'see' how cars are lined up at the traffic signals, detect patterns and can identify various classes of vehicle and modes of transportation (car, truck, motorcycle, bus, emergency vehicle, bicyclists and pedestrians). The system is in a 'learning mode' now, but once activated, it will be able to make instant adjustments at the signals to optimize the number of vehicles moving through each intersection. Streets utilized approximately $20,000 in HURF funding for the installation of the devices.

The ThruGreen Technologies' mobile phone application, along with the deployment of small antennas attached to the traffic signal controllers at several signalized intersections, allows for a method of detection for the app user to request a green light or pedestrian walk signal. No City funds were required for this project.

The amount for enhanced intersection technology project funding in FY 2023 is $555,000.

The program will enhance operations at intersections and allow signals to be managed more efficiently. The average upgrade cost per intersection is approximately $185,000, and the funding allows three intersections to be completed under this program. Should additional T2050 funding become available in the five-year cycle, Streets would propose to expand

funding for the enhanced intersection technology projects.

Proposed Five-Year Program

Attachment B includes the proposed $5.769 million, five-year program budget for FY 2021-25.

Concurrence/Previous Council Action

The Citizens Transportation Commission heard this item on Nov. 19, 2020; and recommended Council approval of this item on Dec. 17, 2020, by a vote of 10-0.

The Transportation, Infrastructure and Innovation Subcommittee recommended Council approval of this item on Jan. 6, 2021, by a vote of 4-0.

This item was adopted.

49 Sewer Rods Contract (Ordinance S-47279)

Request to authorize the City Manager, or his designee, to enter into an agreement with AZ Wastewater Industries, Inc. to provide sewer rods 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 Controller to disburse all funds related to this item. The total value of the agreement will not exceed $38,813.

Summary

The purpose of the agreement is to provide sewer rods for the WSD Wastewater Collection Division for the purpose of conducting preventative maintenance of the sewer sanitary system. Sewer mechanical rodding is an essential function used to clear and remove debris from the City's water collection system through the sewer mains to clean difficult areas that have accumulated debris, grease, and roots within the collection system. Additionally, the cleaning is an integral component to preventative maintenance of the sanitary sewer as required by the Arizona Department of Environmental Quality's Capacity Management, Operations, and Maintenance (CMOM) Permit.

Procurement Information

The selection was made using an Invitation for Bid procurement process in accordance with City of Phoenix Administrative Regulation 3.10.

There were 3 offers received from the following vendors:

Ferguson Waterworks;
Texas Municipal Equipment; and
AZ Wastewater Industries, Inc.

AZ Wastewater Industries, Inc. was determined to be the lowest, most responsive and responsible offer that is the most advantageous to the City.

Contract Term
The term of the agreement is for five years, effective March 1, 2021.

Financial Impact
The agreement value for AZ Wastewater Industries, Inc. will not exceed a total aggregate value of $38,813.
This item was adopted.

50 Final Plat - Legacy Traditional School - PLAT 200586 - 2747 W. Union Hills Drive

Plat: 200586
Project: 20-1725
Name of Plat: Legacy Traditional School
Owner(s): Legacy Traditional School-Deer Valley
Engineer(s): Hunter Engineering, Inc.
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Dec. 24, 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
2747 W. Union Hills Drive
Council District: 1
This item was approved.

51 Final Plat - Moon Valley Mountain Estates - PLAT 200538 - Coral Gables Drive and Piping Rock Court

Plat: 200538
Project: 14-873
Name of Plat: Moon Valley Mountain Estates
Owner(s): Coral Gables Mountain Estates, LLC and LN Ventures, LLC
Engineer(s): Sunrise Engineering
Request: A 5 Lot Residential Plat
Reviewed by Staff: Jan. 6, 2021
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at Coral Gables Drive and Piping Rock Court.
Council District: 3

This item was approved.

52 Historic Preservation Grant - Kunz-Carbajal House - 1721 S. 7th Ave. (Ordinance S-47282)

Request to authorize the City Manager, or his designee, to enter into a contract with the Arizona Preservation Foundation to expend Historic Preservation Funds to cover the cost of the liens for the historic Kunz-Carbajal House located at 1721 S. 7th Ave. Further request to authorize the City Controller to disburse all funds related to this item. The fees associated with this item will not exceed $1,300.

Summary

Constructed in 1904, the Kunz-Carbajal House is a rare representative of a Territorial-era adobe building. Louis Kunz, a German immigrant, constructed the home and was its first occupant along with his two sons. The property is also associated with early Filipino-American immigration in Phoenix. The Carbajal family has the longest association with the home, from 1940 to 1997. The property was listed on the Phoenix Historic Property Register in 1994.

Ella Young acquired the property in 1997. In 2002, the Neighborhood Services Department, in response to a complaint, notified Ms. Young of a violation of trash, litter, over-height weeds, dead vegetation, and an unsound fence. The property was not brought into compliance and was abated, and a lien was placed on the property. Ms. Young approached the city stating she was not able to maintain the property but was willing to donate it, so the City approached the Arizona Preservation Foundation (APF) about acquisition. APF is a statewide non-profit organization dedicated to promoting and protecting Arizona's historic resources. APF acquired the property from Ella Young in 2004 with the intent to rehabilitate the adobe home and use it for their offices. At the time of the donation, there was a lien of $454. Interest on the lien has increased to $1,216.43 as of June 30, 2020.

The grant request (**Attachment A**) for the Kunz-Carbajal House is specifically for paying off the balance of the lien to the city so APF can transfer the property to a new owner, Omar Fabian. In exchange for the grant funds, the city will receive a 15-year conservation easement to ensure future protection of the property. Although the requested amount was for $1,216.43, staff recommends rounding the grant amount up to $1,300 given that additional interest will accrue prior to any approval by City Council and recordation of the conservation easement. General funds are available in the Historic Preservation Office budget to cover the cost of the lien.

Financial Impact

The amount requested for the Historic Preservation Grant is $1,300. In exchange for the grant funds, the city will receive a 15-year conservation easement on the property. The easement will require preservation of the property and that it be insured and maintained in good repair. Funding is available in the Historic Preservation operating budget.

Concurrence/Previous Council Action

City Council previously approved a Demonstration Project Grant in 2002 for the rehabilitation of the house. The grant was not executed until 2008. Rehabilitation work included structural stabilization, re-roofing, adobe patching, porch reconstruction, and other necessary items to complete the exterior rehabilitation of the building. A 20-year conservation

easement was recorded that expires Sept. 29, 2028. Approval of this grant would extend the existing conservation easement by 15 years so it would expire on Sept. 29, 2043. The Historic Preservation Commission recommended approval of this item on Nov. 16, 2020, by a vote of 8-0. The Land Use and Livability Subcommittee recommended approval of this item on Jan. 21, 2021, by a vote of 4-0.

Location
1721 S. 7th Ave.
Council District: 8

This item was adopted.

53 Historic Preservation Grant Funding - Miracle Mile Historic District - McDowell Road Between 13th and 19th Streets (Ordinance S-47289)

Request to authorize the City Manager, or his designee, to accept a $50,000 contribution from Moderne Apartments for award by the Historic Preservation Officer to the owners of properties contributing to historical significance, or noted as individually eligible, within the Miracle Mile Historic District. Further request to authorize City Council approval of the Historic Preservation Commission's recommendation to approve a $100,000 City contribution of historic preservation grant funding for the award of these properties. Additionally, request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. There is no impact to the General Fund.

Summary
Moderne Apartments, the developer for a project known as The Governor (located at 1701-1717 E. McDowell Road), will be contributing $50,000, in addition to a City contribution of $100,000, towards a total of $150,000 available for historic preservation grant projects.

Owners of properties contributing to historical significance, or noted as individually eligible, within the Miracle Mile Historic District (**Attachment A**), will have the opportunity to submit applications by a certain deadline, and then a committee will meet to review the applications and make a recommendation on grant awards, following established criteria for approval of historic preservation grant projects. Criteria includes, but is not limited to, City receipt of conservation easements on the properties in

exchange for grants awarded, with the term of the easements corresponding to the dollar amount of the grants. The easement will require preservation of the property and that it be insured and maintained in good repair.

Financial Impact

The amount requested for the Historic Preservation grant funding is $100,000. Funding is available through the Community and Economic Development Department utilizing Downtown Community Reinvestment Funds.

Concurrence/Previous Council Action

The Historic Preservation Commission recommended approval of this item on Dec. 21, 2020, by a vote of 9-0.

The Land Use and Livability Subcommittee recommended approval of this item on Jan. 21, 2021, by a vote of 4-0.

Location

Properties along McDowell Road between 13th and 19th streets
Council Districts: 4 and 8

This item was adopted.

54 Amend City Code - Ordinance Adoption - Rezoning Application Z-48-20-2 - Located on the Southeast Corner of 32nd Street and Paradise Lane (Ordinance G-6802)

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-48-20-2 and rezone the site from R1-14 (One Family Residence) to C-O/G-O HGT/WVR (Commercial Office/General Office, Height Waiver) for a commercial office with a height waiver up to 38 feet.

Summary

Current Zoning: R1-14
Proposed Zoning: C-O/G-O HGT/WVR
Acreage: 5.00 acres
Proposed Use: Commercial office with a height waiver up to 38 feet

Owner: First Southern Baptist Church of PV
Applicant: Dennis Newcombe, Beus Gilbert McGrober
Representative: Paul Gilbert, Beus Gilbert McGrober, PLLC

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 a modification by a 19-0 vote.
PC Action: The Planning Commission heard the case on Jan. 7, 2021 and recommended approval, per the Paradise Valley Village Planning Committee recommendation with an additional stipulation by an 8-1 vote.

Location
Southeast corner of 32nd Street and Paradise Lane
Council District: 2
Parcel Addresses: 16033 N. 32nd Street and 3275 E. Paradise Lane

This item was adopted.

55 Amend City Code - Ordinance Adoption - Rezoning Application Z-29-20-6 - Southeast Corner of 44th Street and Calle Allegre (Ordinance G-6804)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-29-20-6 and rezone the site from R1-10 (Single-Family Residence District) to R-O (Residential Office - Restricted Commercial District) for a wellness center.

Summary
Current Zoning: R1-10 (Single-Family Residence District)
Proposed Zoning: R-O (Residential Office - Restricted Commercial District)
Acreage: 0.48 acres
Proposal: Wellness center

Owner: Michael and Monica Samuels
Applicant: Michael and Monica Samuels
Representative: Michael and Monica Samuels

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Camelback East Village Planning Committee heard this case on Dec. 1, 2020, and recommended approval per the staff recommendation by a 15-0 vote.
PC Action: The Planning Commission heard this case on Jan. 7, 2020, and recommended approval, per the Camelback East Village Planning Committee recommendation with an additional stipulation by a 9-0 vote.

Location
Southeast corner of 44th Street and Calle Allegre
Council District: 6
Parcel Address: 4633 N. 44th St.

This item was adopted.

56 Amend City Code - Ordinance Adoption - Rezoning Application Z-50-20-7 - Northeast Corner of 9th Avenue and Jefferson Street (Ordinance G-6800)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-50-20-7 and rezone the site from C-3 SP CMOD (General Commercial, Special Permit, Capitol Mall Overlay District) to C-3 CMOD (General Commercial, Capitol Mall Overlay District) to remove the Special Permit to allow C-3 CMOD permitted uses.

Summary
Current Zoning: C-3 SP CMOD
Proposed Zoning: C-3 CMOD
Acreage: 1.12
Proposed Use: Special Permit removal to allow C-3 CMOD permitted uses.

Owner: Arizona, LLC
Applicant: Leodra Bowdell, Phoenix Permit Services
Representative: Leodra Bowdell, Phoenix Permit Services

Staff Recommendation: Approval.
VPC Action: The Central City Village Planning Committee heard this case on Dec. 14, 2020 and recommended approval, per the staff recommendation by a 12-1 vote.
PC Action: The Planning Commission heard this case on Jan. 7, 2021

and recommended approval per the Central City Village Planning Committee with a stipulation by a 9-0 vote.

Location
Northeast corner of 9th Avenue and Jefferson Street
Council District: 7
Parcel Addresses: 806, 807, 808, and 814 W. Jefferson St.

This item was adopted.

57 Amend City Code - Ordinance Adoption - Rezoning Application Z-15-20-8 (The Governor by Moderne PUD) - Approximately 370 Feet West of the Southwest Corner of 18th Street and McDowell Road (Ordinance G-6801)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-15-20-8 and rezone the site from R1-6 and C-2 to PUD to allow a mix of commercial and residential development.

Summary
Current Zoning: R1-6 (1.44 acres) and C-2 (1.42 acres)
Proposed Zoning: PUD
Acreage: 2.86
Proposed Use: mix of commercial and residential development

Owner: Les Litwin, WLD Housing, LLC
Applicant: Wendy Riddell, Esq., Berry Riddell
Representative: Wendy Riddell, Esq., Berry Riddell

Staff Recommendation: Approval, subject to stipulations.
VPC Info: The Central City Village Planning Committee heard this case for information only on Aug. 10, 2020.
VPC Action: The Central City Village Planning Committee heard this case on Dec. 14, 2020 and recommended approval, per the staff recommendation by an 11-3 vote.
PC Action: The Planning Commission heard this case on Jan. 7, 2021 and recommended approval, per the Central City Village Planning Committee by an 8-0 vote.

Location

Approximately 370 feet west of the southwest corner of 18th Street and McDowell Road.
Council District: 8
Parcel Addresses: 1701, 1717 and 1719 E. McDowell Road

This item was adopted.

63 (CONTINUED FROM DEC. 16, 2020) - Public Hearing - Appeal of Hearing Officer Decision - Abandonment of Right-of-Way - ABND 200534 - Various Segments generally located south of Jefferson Street and north of Harrison Street (railroad tracks) between 7th and 13th Avenues

Request to hold a public hearing on the request to abandon various right-of-way segments (ABND 200534) located south of Jefferson Street between 7th and 13th Avenues, due to an appeal dated Dec. 3, 2020. The request was to abandon several right-of-way (ROW) and sidewalk easements, varying from 5- to 30-feet adjacent to parcels. The purpose of the request as stated by the Applicants is: to reduce/eliminate a massive flux of violence, crime, and unsanitary conditions, accompanied with an influx of urban campers. The Abandonment Hearing Officer denied the request, generally finding that the ROW and easements requested for abandonment were still necessary for use as public roadways.

Summary
Project: 00-2009
Abandonment Applicant: Madison Pioneers Coalition Neighborhood Association
Date of Abandonment Hearing Officer's Decision: Oct. 6, 2020
Appellant: Madison Pioneers Coalition Neighborhood Association / JEGreenman Consulting LLC
Date of Appeal: Dec. 3, 2020

Location
South of Jefferson Street and north of Harrison Street (railroad tracks) between 7th and 13th Avenues
Council District: 7

This item was withdrawn.

40 Amend Phoenix City Code Section 36-157.3 to Expand Area 12 of

Residential Parking Permit Ordinance (Ordinance G-6803)

Request to authorize the City Manager, or his designee, to amend Section 36-157.3 of the Phoenix City Code to expand Area 12 of the Residential Parking Permit (RPP) Ordinance. The original boundary of Area 12 (Ordinance G-3561) is described as an area generally bounded from the south side of Thunderbird Road to Sweetwater Avenue alignment on the south, from the west side of Third Street to the First Avenue alignment, including Willow Drive, Pershing Avenue, Surrey Avenue and Wood Drive cul-de-sac. The expansion of Area 12 will include the area generally bounded by Central Avenue on the west, Third Street on the east, 100 feet south of Wood Drive on the north, and Second Street on the south.

Summary

The Gold Key Racquet Club and Estates neighborhood reported parking by non-resident vehicles due to the proximity of hiking trails in the mountain preserve is negatively impacting their neighborhood. Staff met with residents of the neighborhood in 2019 to discuss the RPP program. The neighborhood has requested relief in accordance with RPP provisions outlined in Chapter 36 of the City Code. The area is directly south of the current RPP Area 12 and bounded by the mountain preserve with multiple access points to trails. The expansion will include an area generally bounded by Central Avenue on the west, Third Street on the east, 100 feet south of Wood Drive on the north, and Second Street on the south (**Attachment A)**.

Subsequently, the Street Transportation Department received separate requests and a petition from residents in the area to install RPP signs on their streets. The expansion of Area 12 as a RPP area will allow the affected streets to become eligible for restricted street parking. Each street within the expanded Area 12 will require petition support of adjacent households for the street to be subject to the RPP restrictions.

Financial Impact

The cost to expand RPP Area 12 is approximately $1,500, which includes the cost of the signs and installation. Funding is available in the Street Transportation Department’s operating budget. The cost is expected to be offset over the duration of the program by the permit fees

collected from residents in the newly designated area. Annual costs of resident and visitor permits are $10 and $5 per vehicle, respectively.

Public Outreach

Street Transportation staff have spoken with several residents of the neighborhood to discuss traffic and parking issues beginning in 2019. Those conversations focused on their parking concerns and the programs the City had to address intruder parking. If the expansion of Area 12 is approved by City Council, Street Transportation staff will work with adjacent property owners in advancing the RPP petition process for each street added to Area 12.

Concurrence/Previous Council Action

The City Council approved:
Adoption of Division 2 of Chapter 36 of the Phoenix City Code entitled Residential Parking (Ordinance G-2956) on Dec. 23, 1986; and
RPP Area 12 (Ordinance G-3561) on Aug. 26, 1992.

Location

RPP Area 12 expansion area is generally bounded by Central Avenue on the west, Third Street on the east, 100 feet south of Wood Drive on the north, and Second Street on the south.
Council District: 3

Discussion

City Clerk Denise Archibald read the title of Ordinance G-6803.

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

58 Public Hearing - Amend City Code - Ordinance Adoption - Planning Hearing Officer Application PHO-1-20--Z-28-14-2- Northeast Corner of 43rd Street and Lone Mountain Road (Ordinance G-6805)

Request to hold a public hearing on the Planning Hearing Officer application PHO-1-20--Z-28-14-2 for the following item and consider adoption of the Planning Commission's recommendation and the related Ordinance if approved.

Summary

Application: PHO-1-20--Z-28-14-2
Existing Zoning: PUD
Acreage: 5.0

Applicant: Rose Law Group
Owner: Green Thumb Nursery, LLC
Representative: Court Rich, Rose Law Group

Proposal:
Request to review and approve proposed modifications to a conceptual site plan (building footprint) that does not meet the criteria for administrative review per Section 671.E.3.b.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Desert View Village Planning Committee heard this case on Nov. 3, 2020 and recommended denial by a 6-2 vote.
Planning Hearing Officer Action: The Planning Hearing Officer heard this case on Nov. 18, 2020 and recommended approval with an additional stipulation. This recommendation was appealed.
Planning Commission Action: The Planning Commission heard this case on Jan. 7, 2021 and recommended approval, per the Planning Hearing Officer recommendation by a 9-0 vote. This recommendation was appealed.

Location

Northeast corner of 43rd Street and Lone Mountain Road
Council District: 2
Parcel Addresses: 4302 E. Lone Mountain Road

Discussion

Planning and Development Alan Stephenson stated this was a request for a Planning Hearing Officer Modification of Stipulations that was

located at the northeast corner of 43rd Street and Lone Mountain Road. He displayed the location of the site, and noted this site was zoned in 2014 for an assisted living facility. He commented there was a substantial amount of open space with trees and landscaping that the applicant would include as part of this assisted living facility. He stated the Desert View Village Planning Committee recommended denial by a vote of 6-2, the Planning Hearing Officer recommended approval with an additional stipulation on Nov. 18, 2020, and the Planning Commission recommended approval per the Planning Hearing Officer recommendation. He said the recommendation was appealed by neighbors because of concerns about the increase in the site plan development area, and mentioned this zoning request was consistent with the zoning that was approved in 2014. He noted staff recommended approval per the Planning Commission recommendation, with adoption of the related ordinance.

Mayor Gallego declared the public hearing open.

Thomas Galvin, with the Rose Law Group spoke in support on behalf of the applicant, and commented this was a simple modification request for use that was approved by Council six years ago. He talked about how this request would modify the building footprint on the conceptual plan while staying within the already approved 40 percent maximum lot covered standard approved by Council. He discussed how the market had changed since Council approved this project, and added this revealed a need for additional flexibility to develop within the already approved 40 percent lot coverage. He stated this provision was needed to implement the development of this facility, and mentioned there was a growing elderly population in Phoenix and throughout the valley. He commented if this was approved today, it would allow for more families in north Phoenix to keep their aging family members safely nearby. He stated the applicant was not proposing any change to the number of lots, the height, the maximum lot coverage, the considerable open space, the considerable building setbacks or the accessory building setback. He commented those in opposition had issues with traffic in the area. He said there would not be much traffic other than those employees working at the facility, and cited their study showed this project would generate 14 trips during the peak morning hour and 22 trips during the peak evening hour. He

confirmed there would be no on-street parking, and the applicant would comply with public health services requirements regarding the smell of food from dumpsters on the property.

Norman Neville spoke in opposition, and mentioned he was not opposed to having a senior living facility in his small rural community. He talked about how the original proposal was for a building to be 27,421 square feet, 50- to 60-bed maximum facility, and suggested the landowners were violating the intent of the original proposal. He mentioned in 2014 the concerned homeowners requested the size of the building originally proposed to be protected, and added a verbal agreement was given by the landowners that no attempt would ever be made to increase the size of the scaled-down version of the original proposed facility. He talked about how the landowners proposed a new two-story 100-bed building that was withdrawn after opposition twice, and commented this was the third attempt to increase the size of this facility to a large building three times the size originally approved by Council. He asked Council to consider the vote against this proposal by the Desert View Village Planning Committee, and mentioned this would have an effect on the rural-dominated area because of noise, lighting and traffic congestion. He took issue with the traffic assessment done previously, and cited pages 269-276 in the agenda showed the real traffic issues.

Christopher Hanlon spoke in opposition, and suggested the developer had repeatedly ignored the agreement made with their association with the intention to build something much larger. He stated if this project were to be expanded this way, he would be concerned about the effects the facility would have on traffic patterns, and noted the intersection of Cave Creek Road and Lone Mountain Road was nearest to this property where there was an elementary school nearby and cars could be lined up at certain times of the day. He stated drivers would take an alternative route down their street to get to the school that was not controlled with a light, and added these drivers would speed down their street. He mentioned the neighborhood was home to many ranchers and equestrians with horses, and said there were close calls with people walking and riding horses on the street. He concluded if this expansion were permitted, it would change and introduce danger into the neighborhood for pedestrians and drivers.

Glen Lenzen spoke in opposition, and said the community that he lived in was agrarian and unlit. He talked about the issues of driving in the area at night, and mentioned he was concerned about the traffic at night without the addition of a traffic light. He continued to talk about his concerns over lighting in the area, and noted he was not against the project but the scale of the project. He asked Council to consider the comments made, and repeated his concerns with traffic in the area.

Troy Clark spoke in opposition, and mentioned it was a shame the developers were proposing to build a sizeable building in the neighborhood. He stated the entire neighborhood was against this project, and suggested the City had more than enough reason to reconsider this project. He said everyone in the neighborhood was fine with the area being built up and improved as long as it fit with the area.

Mayor Gallego declared the public hearing closed.

Vice Mayor Williams commented she had her parents in a home similar to this, and mentioned the neighbors did not need to worry about traffic because unfortunately very few people visited these facilities. She made a motion to approve Item 58 per the Jan. 7, 2021 Planning Commission recommendation, with adoption of the related ordinance.

Councilwoman Stark seconded the motion.

Councilman Waring inquired about the total trips mentioned and if it was different in the old proposal compared to this one.

Mr. Stephenson responded he believed it was an increase from 14 to 22 trips in the evening.

Councilman Waring commented he thought 14 were the trips in the morning, and 22 trips in the afternoon.

Mr. Galvin replied his assumption was correct for the total added trips as a result of the request for the modification to the stipulation.

Councilman Waring asked Mr. Stephenson for a brief explanation on how the City evaluates traffic studies.

Mr. Stephenson responded an applicant is required to submit a traffic statement or study depending on their request that was based on IT Transportation Institute Standards. He mentioned there were different factors that calculated the amount of traffic that is generated for each type of use, and said the applicant would hire a licensed traffic engineer to take the information generated and make a projection on traffic generated by the proposed development.

Councilman Waring asked for confirmation that senior centers were the lowest business use in terms of traffic generated.

Mr. Stephenson confirmed that was correct.

Councilman Waring commented he wouldn't have been for this item given what the neighbors have said about the project, and talked about his time being a primary caregiver for an aging adult. He noted there was an extreme shortage of beds, and discussed how other senior facilities were closing down. He said there was a shortage of senior facilities in north Phoenix, and asked Mr. Stephenson if there wasn't much traffic in this area near the project.

Mr. Stephenson responded that was correct, and noted this was a major arterial street. He mentioned as the area continued to develop, the increase in traffic won't be a significant burden on that area from this one use.

Councilman Waring mentioned there had been concerns in this area, and asked for the City to assist in helping with the traffic flow. He inquired if the building was within the framework that was agreed upon.

Mr. Stephenson replied that was correct.

Councilman Waring inquired if it would be fair to say density was being added, which would mean there would be more beds for seniors.

Mr. Stephenson answered that was correct, and noted the Planning Hearing Officer's recommendation for approval included keeping the building one story. He mentioned there wasn't a significant negative impact to the surrounding community, and added this facility would provide a potential home for people over 65.

Councilman Waring compared storage facilities studies on traffic to this facility, and cited that people did not travel more than a couple miles to their storage facility. He mentioned there were incidents that had been brought to his attention from this area, and added the applicant had done the best they could for this project. He asked for clarification the building would still be one story without changing the height while staying within the 40 percent footprint.

Mr. Stephenson stated that was correct that the building would still be one story and 18 feet in height which was the original height as part of the 2014 zoning approval. He mentioned this was within the lot coverage that was permitted as part of the PUD at the time, and added the site plan showed a little less development than the one shown in terms of building area.

Councilman Waring inquired about the issue of horseback riding in the area and lighting of the street, and said he understood the concerns of the neighbors. He mentioned this facility was needed though it did not match with the rural area, and commented this facility was one of the lowest impact facilities the area could have.

Councilman DiCiccio stated both of his parents stayed in these facilities, and said traffic count was low. He stated the city needed more of these facilities, and commented this would allow people to see their parents on a more regular basis than if they stayed at a facility more than 30 minutes away. He stated if this item failed he would like this facility to come to Council District 6 because there was a huge shortage in the area, and added he would help with the zoning process and finding a location if necessary.

A 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

59 **Public Hearing - Amend City Code - Ordinance Adoption - Rezoning Application Z-26-20-7 - Southwest Corner of 1st and Jackson Streets (Ordinance G-6806)**

Request to hold a public hearing on the rezoning application for the following item and consider adoption of the Planning Commission's recommendation and the related Ordinance if approved. Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-26-20-7 and rezone the site from DTC-Warehouse HP to DTC-Warehouse to remove the Historic Preservation Overlay. This case is a companion case to Z-TA-5-20-7 and should be heard first.

Summary
Current Zoning: DTC-Warehouse HP
Proposed Zoning: DTC-Warehouse
Acreage: 1.30
Proposed Use: Historic Preservation Overlay removal

Owner: 39 East Jackson, LLC
Applicant: Nick Wood, Esq., Snell & Wilmer, LLP
Representative: Nick Wood, Esq., Snell & Wilmer, LLP

Staff Recommendation: Denial
VPC Action: The Central City Village Planning Committee heard this case on Dec. 14, 2020, and recommended approval, per the staff stipulations by a vote of 9-2.
HP Commission Action: The Historic Preservation Commission heard this case on Dec. 21, 2020, and recommended denial by a 7-2 vote.
PC Action: The Planning Commission heard this case on Jan. 7, 2021, and recommended approval, per the Central City Village Planning Committee recommendation with an additional stipulation by a 7-1 vote.

Location

Southwest corner of 1st and Jackson Streets
Council District: 7
Parcel Addresses: 39 E. Jackson St.

Discussion

Mayor Gallego declared Items 59-61 were related to the Arizona OIC at the corner of 1st and Jackson streets, and mentioned Council would first hear a staff report and then open the public hearing with a five-minute presentation.

Planning and Development Director Alan Stephenson said Items 59-61 were three separate items so they would have separate actions. He discussed item 59, and mentioned this was a rezoning request to remove the downtown Code Warehouse Historic Preservation Overlay from a property at the southwest corner of 1st and Jackson streets. He mentioned Item 60 would amend the Downtown Code Height Map to allow up to 285 feet, and Item 61 would release a Historic Preservation Conservation Easement from the same property. He talked about the brick materials and stucco the facility was in place, and added the applicant proposed keeping three sides of the building and building a mixed-use high rise project outside of that. He stated the roof height was at 270 feet with this proposal, and mentioned staff recommended denial because it was inconsistent with preserved Phoenix Historic Plan policies, and staff recommended denial from the text amendment because of the height issues as well as the Historic Preservation Conservation Easement. He mentioned the Central City Village Planning Committee voted to approve by a vote of 9-2, the Historic Preservation Commission recommended denial by 7-2 and the Planning Commission recommended approval per the Central City Village Planning Committee recommendation with an additional stipulation by a 7-1 vote. Mr. Stephenson mentioned the existing height under the Downtown Code allowed a height of 80 feet, increasing to 140 feet with a Historic Preservation Easement being dedicated on the property to allow that height for another property. He stated the applicant requested 285 feet, but noted in a memo they reduced the height to 250 feet. He cited the Central City Village Planning Committed voted to recommend approval by a 7-4 vote, the Historic Preservation Commission recommended

approval by an 8-1 vote, and the Planning Commission recommended approval. He said for Item 61 this would remove the conservation easement, and noted there were two easements on the property because the owner requested preservation grant funds. He mentioned the funds were submitted for the minimum amount of 15 years, but commented these ran consecutively so the property still had a conservation easement on it. He commented the Historic Preservation Commission as part of their recommendation, they did not recommend denying removal of the easement but recommended approving removal of the conservation easement with an amendment to it to expire on Feb. 4, 2022. He stated the owner would repay the grant funds at 10 percent interest, and would record a new 30-year conservation easement on the three remaining walls.

Mayor Gallego declared the public hearing open.

Nick Wood spoke in support on behalf of the applicant. He talked about the things done for the community by Gene Blue and the OIC over the past 53 years, and described their history with 65,000 students and 47,000 job placements. He stated this project would allow them to continue this success they have had, and said the compromises made were appropriate because it preserved the history of OIC and the historic quality and architecture of the three main walls of this facility. He noted a facade easement would be placed on the newly renovated walls once construction is completed before a certificate of occupancy is issued. He thanked staff, Council, and every City department involved in this to help find solutions.

Timothy LaSota support in favor on behalf of the Preservation Foundation, and noted a compromise has been made. He thanked Mr. Stephenson, the OIC and Mr. Wood for finding a path forward, and talked about the conservation easement ending now in Feb. 4, 2022. He talked about the history of easements on the property, and added he was thankful for the hard work to get to this point.

Gene Blue spoke in support on behalf of the OIC, and mentioned they were looking for an opportunity to have available funds and training areas that would be self-supporting. He mentioned they had been involved in

funding across different jurisdictions for the past 50 years, and commented the objective was to help others help themselves. He commented he was proud of the work done by his legal team, the individuals who represent Arizona OIC, and those individuals who had been served.

Brian Cassidy spoke in support, and mentioned he was an architect. He commented he was an advocate for building a true, world class urban city, and mentioned the office he worked at was a block south of OIC. He talked about the location of the OIC relative to the warehouse district in the heart of downtown, and commented this proposal would support being pedestrian friendly. He noted the improvements that would be made during renovation and preservation of the facade, and added this mixed-use project would support a diverse range of housing that was needed downtown. He commented he was the Chair of the Warehouse Council and saw this was presented two years ago when more than 50 people supported it unanimously.

Bill Scheel spoke in opposition, and noted he was a member of the Historic Preservation Commission and advocated for their recommendations on these items. He stated the Commission felt strongly that revoking the Historic Preservation easement would set a terrible precedent and would end historic overlay and grant programs. He talked about the importance of the OIC to the community, and said the Commission recommended modifying the easement while protecting the historic preservation ordinance and grant program. He commented the Commission felt strongly the intent of the ordinance to require a year delay before demolition or major construction must protect any changes to the overlay and respect the one-year delay before work commences, and added reinstating an easement on the remaining three walls was important to preserve that history.

Dr. Warren Stewart, Sr. spoke in support on behalf of the African-American Christian Church Coalition, and commented compromise and working together has come forward in a successful way. He said this project would not only extend the legacy of Arizona OIC, but would be a very significant footprint for African-Americans in the downtown area.

Donna Reiner spoke in opposition, and mentioned she was the previous Chair of the Historic Preservation Commission. She talked about how the City enacted the Historic Preservation program 35 years ago, and added removing the Historic Preservation overlay on this property would be devastating to the city's cultural heritage and also the Historic Preservation program. She commented it seemed like the developer refused to negotiate with the Historic Preservation Commission, and asked Council to vote no.

David Adame spoke in support, and mentioned he was a resident in downtown Phoenix. He talked about the partnership with OIC and the community to provide 65,000 jobs, and asked Council to support this project.

Steve Dreiseszun spoke in opposition, and said he was the point of contact with historic neighborhoods. He talked about previous legal issues involving historic neighborhoods, and said this project had a potential negative impact on historic preservation policies and protections that had been in place for decades. He noted his significant concern involved allowing significant changes in heights of buildings downtown, and commented the OIC had a tremendous reputation as a long-time contributor for the betterment of the community. He said some of the compromises helped, but noted exceptions granted for this project could become rule and be exploited by others who would press their case for an exception.

George Dean spoke in support, and mentioned he had a partnership with the OIC for their entire existence. He stated the OIC was very much needed in the community, and asked Council to support this project.

Dr. Karen Hardin spoke in support, and talked about the support for the Arizona OIC from the Maricopa County. She talked about how the OIC had provided workforce development, training and vocational education to low-income and mostly minority residents of Phoenix and the surrounding area, and said this helped workers provide a living minimum wage for themselves and their families.

Thomas Chapman spoke in opposition, and stated he was a past Chair of the Historic Preservation Commission.

Rev. Reginald Walton spoke in support, and talked about the importance of recording events of humanity in history. He stated the OIC helped thousands, and approving this would give the OIC the opportunity to continue to impact the lives of people. He said it would be a crown jewel for Phoenix to have an African-American footprint in the city, and asked Council to support this project.

Brent Kleinman spoke in support, and mentioned he was opposed to these items prior to hearing about the most recent memo. He commented he was happy a compromise was made, and talked about concerns regarding flight paths. He stated this project was important, and asked the City to make sure to best utilize skills and ability to make sure this doesn't create a problem with the Federal Aviation Administration (FAA).

Tommy Espinoza spoke in support, and said he was the President and CEO of The Development Fund that was headquartered in Phoenix. He talked about how Dr. Blue came to him to finance this building because no other financial institutions would finance it, and noted he was going to provide financing until a bank stepped up to provide that. He stated when he sees this project, he would see true economic change for Phoenix and communities of color.

Erik Ryden spoke in opposition, and mentioned he was a preservation planner, architectural historian, and a member of Preserve Phoenix. He commented the applicant went to great lengths to circumnavigate the guidelines process, and suggested the applicant should try to obtain a certificate of appropriateness for this project. He talked about the importance of the OIC, and encouraged the applicant to update the register so that the OIC can be recognized. He asked for this project and future projects to consider a real design process and not a legal process to get through these challenges.

Mayor Gallego declared the public hearing closed.

Councilman Nowakowski made a motion to approve Item 59 per the Planning Commission's recommendation and stipulation as modified by the memo from the Planning and Development Director dated Feb. 2, 2021 so that the effective date is Feb. 4, 2022, with adoption of the related ordinance.

Councilmember Garcia seconded the motion.

Councilman Nowakowski asked Mr. Stephenson about the concerns regarding the easement, and if there could be anything added to the motion to clear that up.

Mr. Stephenson clarified the Historic Preservation Commission recommendation included the motion about the 30-year conservation easement for the three remaining walls as part of the the modification of the existing conservation easement. He noted a stipulation could be added to the Historic Preservation removal zoning case so it would be Stipulation 18 that would say prior to final certificate of occupancy issuance, the land owner shall record a 30-year conservation easement on the remaining three walls as approved by the Planning and Development Department. He stated that would allow staff to do everything they need to do and could even start construction.

Councilman Nowakowski added that stipulation language to his motion.

Councilmember Garcia commented that was fine with him.

Councilman Nowakowski inquired if there was a way for the OIC to continue their planning and review during the demolition process.

Mr. Stephenson explained the motion included that the effective date of the ordinance would not be until Feb. 4, 2022 and would be a one-year stay of the demolition. He noted the applicant would file for the demolition, but it would not be for anything the Department would issue a permit for pending the one-year stay of demolition. He said the Department would process their plan reviews for site plans, building permits and those types of reviews.

Councilman Nowakowski asked what happens with the 30-day hold that is on right now.

Mr. Stephenson stated the 30-day hold in this case would not be applicable because there was already a one-year hold placed on the parcel as part of making sure the effective date did not take place until February of next year.

Councilman Nowakowski commented the OIC had been part of the community for decades, and had helped develop a lot of young people in south Phoenix to get quality jobs. He thanked Dr. Blue and his staff for everything they did in the community, and talked about how they played a key role in the Martin Luther King, Jr. celebrations.

Councilmember Garcia congratulated OIC, and mentioned he saw many people impacted by this program that had served the community in Council District 8 and 7. He said the community, organization and families that have been involved with OIC should continue to prosper, and mentioned a conversation in a Council subcommittee meeting that would assure during construction and in the future that this building maintain the integrity of making sure there were good jobs and training that happen within this building. He said he was glad for that communication to be happening, and added he would be supporting this project.

Councilwoman Pastor thanked Councilman Nowakowski, the OIC, Dr. Blue and everyone that was willing to compromise regarding this easement. She commented she represented 80 percent of the historic neighborhoods, and mentioned this was a great concern to them. She stated Dr. Blue impacted her life in different ways. She stated this was an important move to make, and she looked forward to the future.

Councilwoman Guardado thanked staff and everyone that came together to make this work. She talked about how this was a comprehensive project that involved many different people in leadership, and thanked Mr. Blue for his vision and everything that he has given to the community. She thanked the Aviation and Planning and Development departments for meeting with her to discuss her concerns, and said she was very excited to support this project. She noted the training and inspiration the young

people could take advantage of, and concluded she looked forward to the partnership with OIC.

Councilman DiCiccio said he was excited to support this, and mentioned the individuals involved in the OIC for over 30 years that had provided for the community. He said these individuals made the City better, and talked about how he heard from an individual that this organization gave them a chance of self-sufficiency. He discussed how the City should be doing this for non-profits throughout the area. He stated he strongly supported this, and expressed appreciation for these individuals who had given their all every day.

Councilwoman Stark mentioned she was glad to see the City would be ensuring the future of OIC, and thanked Councilman Nowakowski for his hard work and the addition of the stipulation for Item 59. She thanked the Historic Preservation Commission for the recommendations they gave, and added she would be supporting this project.

Vice Mayor Williams said the City should be proud of the community, and talked about her discussions with Mr. Blue about this project. She commented staff did a remarkable job, and noted it was important to know how everyone found a solution to make this happen. She congratulated everyone involved including Councilman Nowakowski who put a lot of time and effort on this. She commented she would be supporting this item.

Prior to his vote, Councilman DiCiccio thanked Councilman Nowakowski for doing an amazing job and for bringing this forward. He said the entire city needed to be grateful for the work he did on this.

Prior to her vote, Councilwoman Guardado thanked Councilman Nowakowski for his hard work on this.

Prior to her vote, Councilwoman Pastor noted she would have been a no vote because she represented the historic districts and the issues with the FAA flight path. She thanked everyone for getting to this point with the historic district and air flight pathways.

Note: Six electronic comments were submitted on Item 59, with five in support and one in opposition.

A hearing was held. A motion was made by Councilman Nowakowski, seconded by Councilmember Garcia, that this item be approved per the Jan. 7, 2021 Planning Commission recommendation and the Feb. 2, 2021 memo from the Planning and Development Department Director with an addition of new Stipulation 18 that prior to Certificate of Occupancy issuance, the landowner shall record a 30-year conservation easement on the remaining three walls as approved by the Planning and Development Department, 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

60 **Public Hearing - Amend Downtown Code Height Map - Ordinance Adoption - Rezoning Application Z-TA-5-20-7 - (Ordinance G-6807)**

Request for a public hearing for a proposed text amendment to the zoning ordinance, Text Amendment Z-TA-5-20-7, amending Chapter 12, Section 1202.C. (Regulating Maps, Height Map) to amend the height provisions for a site located at the southwest corner of 1st and Jackson Streets. Staff recommends denial of Z-TA-5-20-7. If approved, the Height Map shall be updated as reflected in the proposed Ordinance. This file is a companion file to Z-26-20-7 and should be heard after Z-26-20-7.

Summary

The intent of this proposed text amendment is to amend Chapter 12, Section 1202.C. (Regulating Maps, Height Map) to increase the allowable height from a maximum of 80-140 feet to a maximum of 285 feet for a site located at the southwest corner of 1st and Jackson Streets.

Owner: 39 East Jackson, LLC
Applicant: Nick Wood, Esq., Snell & Wilmer, LLP
Representative: Nick Wood, Esq., Snell & Wilmer, LLP

Staff recommendation: Denial
VPC Action: The Central City Village Planning Committee heard this item on Oct.12, 2020 for information only. The Central City Village Planning Committee heard this item on Dec. 14, 2020 and recommended approval by a vote of 7-4.
HP Commission Action: The Historic Preservation Commission heard this item on Dec. 21, 2020 and recommended approval with a modification to the height maximum of 218 feet (1,300 feet MSL per the Airport Height Zoning Map) by an 8-1 vote.
PC Action: The Planning Commission heard the item on Jan. 7, 2021 and recommended approval, per the Central City Village Planning Committee recommendation by a 7-1 vote.

Location
Southwest corner of 1st and Jackson Streets
Council District: 7
Parcel Address: 39 E. Jackson St.

Discussion
Councilman Nowakowski made a motion to approve Item 60 per the memo from the Planning and Development Director dated Feb. 2, 2021 to reduce the height to a maximum of 250 feet, with adoption of the related ordinance.

Vice Mayor Williams seconded the motion.

Concilwoman Pastor talked about concerns from historic neighborhoods about air flight paths, and asked for a presentation from staff about how to get to 250 feet in height while not affecting the Federal Aviation Administration's flight path.

Planning and Development Director Alan Stephenson announced Acting Aviation Department Director Ms. Reynolds was available to answer questions related to the FAA flight path.

Ms. Reynolds stated the Aviation Department took into consideration two items prior to its' approval for this project. She said first the FAA's approval of the applicant related to the utilization of a crane was approved for this project at a height of 270 feet, but noted that authorization was in

conflict with the Airport Height Zone for downtown that was at 218 feet. She said this project area resided in two zones within the airport height, with one portion at 250 feet and another portion at 218 feet. She mentioned the Aviation Department requested to reach out to major airline carriers because they flew larger aircraft along with major cargo carriers to see if they had any comments or concerns, and noted if this item were approved they would send out letters providing those carriers the opportunity to provide comments and concerns

Councilman DiCiccio asked what the height was of Chase Field.

Ms. Reynolds responded it was 255 feet in that area, and another building that was 214 feet. She stated the Aviation Height Zone was developed 15 years ago, and these buildings were grandfathered in at those heights. She said there were buildings within that corridor that would effectively be the same as this proposed height.

Councilman DiCiccio questioned if Chase field was further east.

Ms. Reynolds replied that was correct.

Councilman DiCiccio asked for clarification that the further east you go, the closer you would be to Sky Harbor Airport.

Ms. Reynolds clarified that was correct.

Councilman DiCiccio stated the City should fight very had to make sure to get the 250 feet allowed.

Councilman Nowakowski thanked staff, and mentioned there were last-minute rumors that the flight path would be changed into a historic neighborhood. He stated he was one of the first people to protect those flight paths from not going into historic neighborhoods, and thanked the OIC, Nick Wood and everyone for their patience with this project.

Note: Eight electronic comments were submitted on Item 60, with seven in support and one in opposition.

A hearing was held. A motion was made by Councilman Nowakowski,

seconded by Vice Mayor Williams, that this item be approved per the Feb. 2, 2021 memo from the Planning and Development Director, 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

61 *****ADDITIONAL INFORMATION (SEE ATTACHED MEMO)*** Public Hearing - Historic Preservation Conservation Easement Release for Arizona OIC - 15-39 E. Jackson St.**

Request to hold a public hearing on the request City Council deny the owner's request to release the Historic Preservation conservation easement on the subject property, located in the Warehouse District at 15-39 E. Jackson St.

Summary

The subject property was listed on the National Register of Historic Places in 1985 and on the Phoenix Historic Property Register in 1990. Built in phases between 1920 and 1922, the two-story, approximately 100,000-square-foot building was the headquarters for the Arizona Hardware Supply Company and the largest commercial warehouse in Arizona. In 1940, the O.S. Stapley Company took over the building and continued to occupy it until the mid-1960s. In 1968, the building became the new home of the Phoenix Opportunities Industrialization Center (OIC), a private, nonprofit job training organization with strong ties to the city's African American community. Phoenix OIC leased the property until 1979, when it took ownership. In 1996, Phoenix OIC became "Arizona OIC," and, in 2017, Arizona OIC sold the property to 39 East Jackson, LLC, an Arizona limited liability company. This LLC still owns the property today, and the building is still occupied by Arizona OIC.

In June of 2020, Nicholas J. Wood of Snell & Wilmer, LLP, submitted a rezoning application (Z- 26-20-7) on behalf of the owner to remove the HP overlay zoning from the subject property, as well as a text amendment (Z-TA-5-20-7) proposing that the maximum building height allowed be

changed from 80-140 feet to 285 feet. In October of 2020, Mr. Wood submitted a letter requesting that the existing conservation easement on the subject property be terminated (**Attachment A**). The conservation easement was executed on March 20, 1998 and had a 15-year term; it was granted to the City in exchange for $4,592.50 in historic preservation grant funds (**Attachment B**). On Aug. 28, 2007, the city and property owner mutually agreed to extend the conservation easement another 15 years in exchange for an additional $5,000 in grant funds (**Attachment C**). The grant funds provided by the City were used to repair the roof of the historic building. The conservation easement requires that the building be preserved in accordance with historic preservation guidelines, maintained in a state of good repair, and insured to cover any loss or liability. The current expiration date for the conservation easement is March 20, 2028.

Mr. Wood states that the reason the property owner wishes to terminate the conservation easement is “to remove an obstacle to a visionary project to reinvigorate Arizona OIC.” Specifically, they are proposing to develop a “world-class high-rise mixed-use tower” on the site. This proposal calls for the removal of the roof and rear wall of the historic building, while retaining and renovating the north, east and west walls (**Attachment D**). Because the proposal is not allowed under the terms of the conservation easement, Mr. Wood is requesting that the easement be terminated. If the easement is terminated, the owner will repay the City the $9,592.50 received in grant funds.

Staff recognizes the important role Arizona OIC has played in the community and acknowledges that the proposed tower could provide a great benefit for the organization. However, staff recommends that the request to terminate the conservation easement be denied for the following reasons:

The request is not consistent with the Historic Preservation Ordinance, the Preserve Historic Phoenix Plan, the Downtown Phoenix Plan, and the General Plan land use policies, which encourage the continued use of historic resources through rehabilitation and adaptive reuse;

The proposal to construct a tower of up to 285 feet in height is not compatible with the safe operation of the Sky Harbor International

Airport, based on comments the Aviation Department has sent to Planning and Development staff opposing the project;

The Arizona State Historic Preservation Office (SHPO) has stated that the proposal violates the Secretary of the Interior's Standards for the Treatment of Historic Properties and that the property will be removed from the National Register of Historic Places if the proposal moves forward (**Attachment E**). Retaining the conservation easement will help ensure that the property is not removed from the National Register;

In addition to the two Historic Preservation Bond Fund grants, the City has further invested in the building by facilitating several Community Development Block Grants for the long-term benefit of low- and moderate-income individuals. Since 1987, a total of five grants have been awarded totaling $500,766-these funds have been used for general rehabilitation of the facility, including roof repair, ADA restrooms, exterior stucco and painting, installation of a fire sprinkler system on the second floor and ADA restroom stalls. Given the City's repeated investment in the structure with the intention of it remaining an historic building, the request to terminate the easement should be denied;

There is already a provision in place in the Downtown Code that allows additional height and density on properties in the downtown area. The "sustainability bonus," referenced in Section 1223 of the Zoning Ordinance, may be awarded if a designated historic property is rehabilitated or if a conservation easement is granted on the property. In this case, the owner is attempting to receive the sustainability bonus without preserving the historic property, and, in fact, is terminating an existing easement and removing the property from the Phoenix Register. This is the exact opposite of what was intended with the provision in the Downtown Code. If the owner were to rehabilitate the historic property or extend the term of the conservation easement, they could receive additional height and density on another site within the boundary of the Downtown Code; and

Finally, staff recognizes that this is an unprecedented request - since the time the Historic Preservation Bond program was approved in 1989, no one has tried to terminate a conservation easement while the building was still standing. While the City has modified easements to allow the demolition of additions or accessory structures, it has never

wholly terminated an easement to allow the loss of a primary building. Approving the request would set an unfortunate precedent and open the door to conservation easements on other historic buildings being terminated.

Staff Recommendation

Staff recommends that the request to terminate the conservation easement be denied for the reasons listed in the summary.

Financial Impact

If the easement is terminated, the owner will repay the City the $9,592.50 received in grant funds.

Concurrence/Previous Council Action

The Historic Preservation Commission heard this request on Dec. 21, 2020 and did not adopt Staff's recommendation. The Commission recommended that the conservation easement be amended to expire on Jan. 1, 2022; that the owner repay the $9.592.50 in historic preservation grant funds, plus 10 percent interest; and that the owner record a new 30-year conservation easement on the three remaining walls. The decision was approved, by a vote of 7-2.

The City Council Land Use and Livability Subcommittee approved to forward this item without recommendation on Jan. 21, 2021, by a vote of 3-1.

Location

15-39 E. Jackson St.
Council District: 7

Discussion

After the vote, Mayor Gallego announced Council took steps today to accomplish two important things. She noted first she hoped Council created a brighter pathway for the future of Arizona OIC and the work they had been doing over the past 50 years in helping so many people. She said secondly Council took steps to protect the integrity of the City's Historic Preservation Ordinance, and added it was important to note for future development in the warehouse district that many incentives have just began to be used to rehabilitate and conserve buildings in that area.

She commented when it came to the warehouse district or any other historic buildings, the City was not only working towards responsible development but also seeking to achieve a great good for the overall public. She stated this was a useful vote to remind Council that the City needed more tools for historic preservation, and added she was supportive of increasing grant funding for the Historic Preservation office to have more tools.

Note: Eleven electronic comments were submitted on Item 61, with 10 in support and one in opposition.

A hearing was held. A motion was made by Councilman Nowakowski, seconded by Councilwoman Stark, that this item be approved per the Historic Preservation Commission recommendation and the Feb. 2, 2021 memo from the Planning and Development Director. 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

62 **Public Hearing - Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-2-19-7 - Southeast Corner of 13th Avenue and Madison Street (Ordinance G-6799)**

Request to hold a public hearing on the rezoning application for the following item and consider adoption of the Planning Commission's recommendation and the related Ordinance if approved. Rezoning Application Z-SP-2-19-7 is a request to rezone the site from C-3 HP-L CMOD, A-1 HP-L CMOD, A-1 SP CMOD, and A-1 CMOD to A-1 SP CMOD to modify the special permit area of the Human Services Campus to include Andre House and to allow for an increase in a maximum number of beds. The Special Permit is to allow homeless shelter, charitable dining hall and food service uses.

Summary

Current Zoning: C-3 HP-L CMOD (0.18 acres), A-1 HP-L CMOD (0.55 acres), A-1 SP CMOD (12.55 acres), and A-1 CMOD (1.25 acres).
Proposed Zoning: A-1 SP CMOD

Acreage: 14.53
Proposed Use: Modify the special permit area of the Human Services Campus to include Andre House and to allow for an increase in a maximum number of beds. The Special Permit is to allow homeless shelter, charitable dining hall and food service uses.

Owner: Human Services Campus Inc., et al
Applicant: Andy Jochums, Beus Gilbert, PLLC
Representative: Paul Gilbert, Beus Gilbert, PLLC

Staff Recommendation: Approval, subject to stipulations.
VPC Info: The Central City Village Planning Committee heard this case for information only on July 13, 2020.
VPC Action: The Central City Village Planning Committee heard this case on Oct. 12, 2020 and recommended approval, per the staff recommendation by a 6-3 vote.
PC Action: The Planning Commission heard this case on Jan. 7, 2021 and recommended approval, per the Central City Village Planning Committee recommendation with modified, deleted, and additional stipulations by an 8-0 vote.

The Planning Commission recommendation was appealed on Jan. 14, 2021 by the representative.

Location
Southeast corner of 13th Avenue and Madison Street
Council District: 7
Parcel Addresses: 213 S. 11th Ave., 204, 206, 210, 220, 230, and 232 S. 12th Ave., 926, 930, 1075 and 1125 W. Jackson St., and 1201 W. Madison St.

Discussion
Planning and Development Director Alan Stephenson explained Item 62 was a rezoning request to expand the special permit for the Human Services Campus (HSC) area located at 12th Avenue and Madison Street, and mentioned the existing special permit was approved in 2002 and the proposed special permit expansion was filed in 2019. He talked about how this proposal would modify the HSC to include the Andre House and for a proposed shelter to allow an increase in the maximum

number of beds. He mentioned the special permit had only four stipulations attached to it, with the most important one being a limit on 425 beds. He stated the Central City Village Planning Committee recommended approval by a 6-3 vote, and the Planning Commission recommended approval by an 8-0 vote with modifications and additional stipulations from staff. He mentioned the Planning Commission recommended removing the low barrier shelter from the request for the Andre House and proposed a temporary increase for the HSC up to 700 beds for three years and returning back to 425 beds from the 2002 request. He said this also included 200 weather relief beds for three years and to go back to 75 beds after three years, noting the increased staff requirement of HSC clean up would go from once per day to twice per day. Mr. Stephenson talked about the additional stipulations related to additional waiting and queuing areas at the HSC, and showed on a map the different areas where the existing special permit was including the clean up area. He stated staff recommended approval per the Planning Commission recommendation and stipulations outlined in the memo from the Planning and Development Director that came out earlier in the day with adoption of the related ordinance. He explained the memo included that Andre House shelter for the low barrier shelter, and added Councilmember Garcia requested in discussions with the HSC that there would be some stipulations related to the three-year sunset that was included in the memo. He commented this Attachment B memo did permit the low barrier shelter as part of the Andre House so they could take 100 beds out of HSC so those could be at Andre House with the reduction in cleaning to once per day. He talked about additional clean ups in the area where there were feeding containers from Andre House, and cited the Planning Commission recommendation did not have a low barrier shelter. He explained the differences in the Planning Commission recommendations to the memo, and said there would be a requirement for 20 beds to be reserved for the Police Department to address any issues with persons experiencing homelessness. He stated if this is approved by Council, there would be 10 beds at the HSC and 10 beds at Andre House for this purpose, and concluded by repeating the staff recommendation.

Councilwoman Pastor commented when this was presented to her earlier, she was under the impression this was the HSC's

recommendations or requests.

Mr. Stephenson replied that was correct, and mentioned staff worked with the Human Services Department to address those issues. He noted the stipulations reflected a request from Councilmember Garcia to discuss with the HSC those stipulations.

Mayor Gallego announced there would be two 10-minute presentations, with one from Paul Gilbert on behalf of the applicant and one from interest on the opposing side.

Paul Gilbert spoke in favor on behalf of the HSC, and mentioned they reduced their request on the number of beds from 1,000 to 700 regular beds and 200 weather beds as proposed by the Planning Commission. He mentioned they agreed to the three-year review period with a minor exception of the automatic termination, and said the focus today was on human beings that did not have a place to sleep, eat or breathe. He talked about the need for more beds, and cited the increase in those experiencing homelessness in Phoenix. He noted there were two findings made by staff that pointed out the safety and cleanliness of the campus and the stipulations that impact the neighborhood. He mentioned the Arizona Department of Administration sent a letter in support of this application, and added they had spent two years working with the neighborhood. He mentioned a common misconception was that additional beds would bring more homelessness to the area, and cited the most recent street count on Nov. 18, 2020 showed that 986 people were in this area and the HSC was only sheltering 425. He stated the HSC had capacity now with the occupancy currently to shelter 700 people, and added Andre House was identified in City plans as a community partner to specifically identify those shelters and the need for pets and service animals. He talked about different examples where HSC was providing efforts to expand regional shelters, and took issue with the automatic reversal to terminate beds after three years. He commented they were okay with the stipulation proposed and added he was in support of having 100 beds at Andre House. He mentioned they have hired a company well known to the City to manage and run the Andre House beds.

Bill Morlan spoke in opposition, and mentioned he was a business owner in the Madison district and was with the Madison Pioneers Coalition. He commented he had been working in the area since 1985, and thanked the members of Council who met with them over the past couple of weeks. He said the Planning and Development Department was fantastic, and added it was great to see the leadership coming from the City. He talked about the Madison Pioneers Coalition consisting of business owners near the HSC, and mentioned they formed together because they wanted to see what they could do about the increase in crime and trash in the neighborhood. He said early on they included the HSC and Andre House in some of their meetings, and added they expanded to include more than a dozen neighborhood organizations in the city. He commented they were completely against the original application from the HSC because they did not think there was any way they could take on more beds, and discussed how a new shelter was created with no plan on how to run the shelter. He cited it was a violation of the promises made to the neighborhood 25 years ago that there would never be more than 425 beds in this neighborhood. He displayed several pictures of what they would see in the neighborhood all the time, and continued to talk about how this shelter did not have a plan in place to be ran. He stated the original application was written that no additional beds could be created in existing shelters until this facility had a certificate of occupancy, and added this item conflicted with the goals of the City's strategies for the homelessness. He suggested this plan would increase the concentration of homelessness, and talked about looking for a way to find a compromise. He mentioned they talked to the HSC, Andre House and the City and participated in forums with the Capital Community Alliance, and added they also talked to the neighbors from around the city who had attended every public meeting. Mr. Morlan stated they supported a compromise that was passed unanimously by the Planning Commission last month. He cited this compromise allowed for 900 beds and can be provided within a few months rather than waiting a year for a new facility, and added this kept the footprint of the HSC where it was than expanding it across the public street. He mentioned there were many people opposed to this compromise, and although more beds were needed, he said low barrier shelters were not needed in this neighborhood. He stated the three-year sunset was necessary because it would put pressure on the City and other agencies to focus on other solutions in other

neighborhoods. He mentioned no one in their neighborhood wanted the current model that involved people spilling into the street, and asked Council to support their group in what they were trying to get done. He concluded there was a need for more beds and more resources for people experiencing homelessness, he just did not believe that this was the best solution for this neighborhood.

Councilman Nowakowski made a motion that Item 62 be approved per the Jan. 7, 2021 Planning Commission and the Feb. 3, 2021 memo from the Planning and Development Director with modifications to the following stipulations: modify Stipulation 1 regarding the site plan to be reverted to the one date stamped Nov. 4, 2019 which does not show the new building on the Andre House property for the low barrier shelter; modify Stipulation 2, remove the three-year limitation on the beds increase so that it reads: Area A is permitted to have a total of 700 beds with a three-year review; delete Stipulation 4 regarding preserving the abandonment for the public road between the HSC and Andre House; modify Stipulation 18 to change the one-year renewal request to be two years from the date the City Council approves, so instead of coming in every year they just come in the second year; and modify Stipulation 6 to modify the cleaning zone boundaries to two times a day from 7th Avenue to 15th Avenue, Madison to Harrison Street, and the areas from 11th Avenue to 12th Avenue between Jefferson and Madison, with adoption of the related ordinance.

Vice Mayor Williams asked Councilman Nowakowski if he could include in the motion that Council directs staff to seek $3 million for the Department's current budget this year, including for Central Arizona Shelter Services (CASS) to continue operations in Phoenix.

Councilman Nowakowski replied he was good with that.

Councilmember Garcia inquired if Vice Mayor Williams could clarify what she just said.

Vice Mayor Williams clarified CASS needed money to operate other facilities and programs in other areas, and mentioned she asked to direct staff to go through all City departments to come up with an additional $3

million for CASS to continue operations in Phoenix as a one-time contribution.

Mayor Gallego asked City Attorney Cris Meyer to clarify if that addition would be recognized as a friendly amendment or a substitute motion.

Vice Mayor Williams commented she was adding that to the motion.

Councilman Nowakowski stated he made the motion then read changes, and Vice Mayor Williams added the friendly amendment to that.

Councilmember Garcia clarified these requests were made between service providers and the neighborhood leader who had been trying to reach a compromise because of this issue. He stated he stood firm on the need for a low barrier shelter in the city, and talked about the conversations his office had with people since last year. He acknowledged this issue would not be solved with the stipulations or decisions made that day, and added the City must prioritize to fully fund and continue to work on the strategic plan passed last year. He said it was important for Council to listen to those online to speak, and commented there had been a history of families who lived in the area that had to cope with the lack of investment by the City, county and state. He cited the originally when the shelter was built there would be five shelters, and added he did agree the county and state would need to step up. He talked about how the lack of low barrier shelters being available was the reason why people were not going to the shelter, and said the strategic plan approved last year included addressing the need for low barrier shelter access, and encouraged Council to listen to the people and to make decisions that allow the city to grow in the way in which Andre House members are supported. He mentioned there were letters received from schools and churches that work with Andre House, and added he did not understand the hesitation or animosity towards Andre House.

Councilmember Garcia made a substitute motion to approve the zoning part of the Planning Commission recommendation with stipulations from the Feb. 3, 2021 memo from the Planning and Development Director contained in Attachment B with adoption of the related ordinance.

Mr. Meyer stated there wasn't a second on the original motion, and clarified the friendly amendment wasn't in order as part of the motion because this was a zoning item and that referred to budget allocation that was unrelated to the zoning stipulations and decision.

Vice Mayor Williams stated she meant to second the motion, and added she expected staff to bring this back to Council after doing research.

Councilmember Garcia mentioned funds may already be available.

Mr. Meyer commented from what he understood about Councilman Nowakowski adding staff, it would be the same issue with funding because it is appropriate for Council to direct staff to bring back a proposal, but can't be included because it is not related to the zoning item.

Councilmember Garcia repeated his substitute motion.

Councilwoman Pastor seconded the substitute motion. She asked staff to look at unallocated COVID-19 relief money for several items within this zoning case.

City Manager Ed Zuercher explained a significant amount of money for emergency shelter grants was given to the City as part of the COVID-19 relief, and said whatever motion were to be passed today, staff would come back in two week with the item that was continued and they could identify funding that could be used for homelessness, emergency shelter, and capital and operating needs.

Councilwoman Pastor said her understanding was there were unallocated funds in those areas, and added she would like to look at that allocation first before the two weeks.

Mr. Zuercher responded staff would identify all funds that are available to support funding for homeless services, General funds or federal funds allocated to the City.

Councilman DiCiccio stated he would support the original motion, and congratulated Councilman Nowakowski for his hard work with the two cases that came up today. He thanked Mr. Gilbert for his hard work, and added he fully expected Council to get this done because it was a reasonable proposal. He commented $3 million would not be enough funding, and suggested the City look at the north side because the shelters ran by CASS did not have enough money. He mentioned any additional COVID-19 relief dollars should be going to other shelters, and suggested the City should look at a combination of using Office of Accountability and Transparency (OAT) funding and COVID-19 relief dollars.

Mayor Gallego announced Council would now hear from the public, and said she was intending to have Council recess at 6:00 p.m. for about 20 minutes.

Darlene Newsom spoke in support, and mentioned she was a retired Chief Executive Officer of UMOM and asked Council to support additional beds at CASS. She stated there needed to be a regional approach to homelessness, and mentioned there were people living in a parking lot. She commented the City needed to treat individuals with dignity and respect, and low barrier shelters were important for individuals who had pets.

Penny Allee Taylor spoke in support, and said she was the Chief Public Policy Officer for Valley of the Sun United Way. She mentioned they provided a letter to Council, and added they supported additional beds at the HSC and the 100 beds at Andre House that would be operated by Community Bridges. She talked about how United Way funded several housing and homeless providers, and stated many individuals could not be helped at HSC because of the lack of beds. She discussed how COVID-19 affected plans to have additional beds, and noted regional community input meetings have begun.

Ian Francis spoke in support, and commented there had been much to learn about the challenges of homelessness and the many ways people viewed a solution. He mentioned a compromise was necessary, and added he would continue to work hard to push for funds and resources

for people that were most vulnerable in the community.

Angela Ojile spoke in opposition, and mentioned she did support the Planning Commission decision, and asked for queuing and inside lines to be added for Andre House as part of Stipulation 26. She stated the neighborhood was ready for a change, and added she was thankful Council listened to them.

Councilwoman Stark asked Ms. Ojile if there was a willingness for her coalition to continue discussions with Andre House to see what could be done in the future.

Ms. Ojile responded they needed to be good neighbors to each other, and added she was always available for communication.

Councilman Nowakowski asked for clarification from Ms. Ojile if she was asking that right-of-ways, sidewalks and the streets to not be blocked as part of Stipulation 26.

Ms. Ojile clarified she was asked that eating be done inside with the lines for their establishments kept inside and not out on the street because it caused a lot of trash.

Councilman Nowakowski inquired if Area B could be added so that alleyways would not be blocked.

Mr. Stephenson responded Stipulation 26 was worded to require the HSC and Andre House if they had a low barrier shelter, that queuing space on the property would be added. He stated the City could not prohibit the use of the right-of-way at all, and added if people were to spill out on the public right-of-way the City could not stop them. He stated Ms. Ojile was asking the City to not allow that which they legally could not do, and clarified Andre House had a charitable dining hall that did not need a special permit because it predated the Capital Mall overlay in the area.

Councilwoman Pastor questioned if the Andre House portion were to be approved, then Area B could be placed in there.

Mr. Stephenson explained the stipulation Councilman Nowakowski referenced in Stipulation 26 had to do with the queuing space and what happened when people lined up to get a meal from Andre House, and noted that currently took place within the right-of-way. He stated the Madison Pioneer Coalition wanted none of that queuing to be in the right-of-way and be all on private property, and explained that the City could legally do as part of the special permit would be giving the ability to either increase the beds and have a requirement to provide queuing space on the property. He mentioned the spill over at times could not be prohibited, and compared coffee shop drive-throughs to the spill over areas with the queuing space.

Councilwoman Pastor asked for confirmation that if Stipulation 26 were to be in effect, Andre House would be able to build and create a queuing area.

Mr. Stephenson responded if Council approved this new site plan, there would be room within that Jackson Street right-of-way and 11th Avenue to create a queuing space that the community was asking for.

Councilwoman Pastor commented that currently could not happen because of the charitable dining stipulation as it stood that day.

Mr. Stephenson replied that was correct.

Councilman Nowakowski talked about the comparison to coffee shop drive-throughs, and mentioned instead of cars blocking businesses, these individuals would be in front of businesses not allowing people in and out. He stated if there was a way to create a double-line in the parking lot of Andre House that would not interfere with people getting in and out of the businesses that would be simple.

Steve Zabilski spoke in support, and mentioned he was the Chief Executive Officer for St. Vincent de Paul. He commented it was devastating to see what has happened downtown, and added he supported this solution to the humanitarian crisis including the 200 weather relief beds and a low barrier shelter at Andre House. He stated regional solutions were needed, and said St. Vincent de Paul had spent

nearly $4 million preventing homelessness through utility and rental assistance. He talked about how low barrier shelters were critical, and suggested this would allow the streets to be cleaner and the community would be safer.

Jessica Bueno spoke in opposition, and noted she was the President of the Oakland Neighborhood Association. She stated they could not support this application and continued to support the special permit approved in 2002. She talked about the need for services in the valley increasing, and stressed the need to address the influx of foot traffic in their neighborhood. She commented the increase of population in the area would require City support and services that were not being provided to neighborhoods near the campus. She mentioned housed and un-housed residents deserved the thrive in the community, and asked Council to create a pilot program to mitigate the impact of HSC within a two-mile radius.

Mayor Gallego commented Councilman Nowakowski proposed that and she would be supportive.

Ash Uss spoke in favor, and commented she had been involved with this case since 2019. She talked about how many people in tents needed help, and discussed her research on the over 100 people sleeping outside. She noted she had visited shelters across the country, and added in her professional opinion it was inaccurate to say there wasn't a plan for the shelter. She said the way to resolve the health issues and impact to neighborhoods was to meet the needs of people struggling with these issues.

Councilmember Garcia thanked Ms. Uss for her work, and asked for her explanation of what low barrier means and the need for who it would serve.

Ms. Uss replied there was a misunderstanding of the term low barrier, and added the intended shelter program would not be ruleless. She said it meant that it would reduce the barriers of entry to get into the shelter. She gave an example involving someone having a pet that wasn't a certified service animal that could keep them from going into a shelter,

and gave other examples of individuals who would need to utilize the campus. She stated what low barrier meant to her was being able to provide an alternative shelter option for people that would be a little more fluid.

Councilmember Garcia questioned with Andre House being able to start a new shelter, how that could be helpful in expanding to other parts of the valley.

Ms. Uss responded this shelter was a wonderful way to try something that the City did not currently have, and acknowledged CASS had an extraordinary shelter that lowered barriers but did not have that kind of shelter program. She mentioned Community Bridges ran a similar shelter program that had different eligibility criteria, and suggested this would be a great way for Community Bridges to understand how this would work and how well it could serve people that were not being served. She said she was involved in many regional efforts, and commented she started her own organization to be able to learn from this case and provide research and data to inform how they build shelters in other places. She noted she was part of a statewide group called the Governor's Council to End Homelessness, and added that was why she left Andre House to be dedicated full-time.

Twanna Brunson spoke in opposition, and asked Council to approve the proposal submitted by the Planning Commission recommendation or Councilman Nowakowski's motion. She stated she was President of the Association and Vice President of the Broadway Heritage Association, and added there would be people impacted on both sides of this. She advocated for homeowners, business owners, and commented the neighborhood was entitled to a safe and clean environment. She noted she was committed to continuing this conversation no matter how Council voted, and asked Council to help this community.

Lisa Glow spoke in support, and mentioned she served as Chief Executve Officer for three years at CASS. She stated she continued to see a need for shelter beds, and said CASS was prepared to expand up to 600 beds by summer. She said at CASS they believed the quality of the shelter environment was important, and added all CASS staff were

trained in trauma-informed care. She commented the shelter needed upgrades to ensure they were providing a supportive environment, and added CASS had been in action on regionalization and smaller specialized shelters.

Chelsea Friday spoke in opposition and said she was the leader of the Rubiville Association. She asked Council to vote only for approving the expansion and approval of the stipulations prepared because it would allow accountability for all individuals involved. She commented this should be considered a short-term solution, and noted the three-year subset added another layer of review that would protect everyone involved. She stated homelessness was not a choice, and thanked everyone for coming together on both sides.

David Schwartz spoke in support, and commented he had been involved with the City for 30 years and this was the toughest case he had ever seen because it was more than a zoning case. He stated he was optimistic that Councilmember Garcia's motion would do the most good, and encouraged Council to support his motion.

Mayor Gallego announced Council would recess and reconvene after 20 minutes.

After 20 minutes had passed, Mayor Gallego reconvened Council.

Jessica Spencer spoke in favor, and stated she would read multiple stories from those experiencing homelessness in the community.

Kate Spire spoke in favor, and said she worked at HSC in an administrative position. She talked about experiencing homelessness herself, and advocated for a way to have Council move forward.

Laurel Langmade spoke in opposition, and commented the Madison Pioneer Coalition lived and worked with these shelters. She talked about when this process first started at the Central City Village Planning Committee, and added it took some time to be able to comment on the proposed stipulations. She asked for Council to support the efforts of a low-barrier shelter in another district, and added those in support of

additional shelter beds should advocate for building shelters in other Council districts.

Michael Langley spoke in support, and mentioned he was a member of the Central City Village Planning Committee. He stated he did not think this was a perfect solution, and added he voiced his concerns with the Police Department access to the shelter. He said Andre House needed these 100 beds for Community Bridges, and added he empathized with the neighbors because he was for a more regional solution. He asked Council to support Councilmember Garcia's motion.

Tina Luna spoke in support, and stated she agreed with Councilmember Garcia's motion. She said the community could not wait for a perfect solution, and added this was an opportunity to improve the lives of people on the street.

Wendy Johnson spoke in support, and mentioned she was the Executive Director at Justice Center where they provided life-saving services to seniors experiencing homelessness. She noted a well-run shelter provided safety, and physical and emotional support for a journey back to independent living. She asked Council to vote in favor of Councilmember Garcia's motion, and talked about how a low barrier shelter would allow people to be off of the street.

Michael Rogers spoke in opposition, and said he was the Chair of the Neighborhood Association. He took issue with those who advocated for safe and healthy neighborhoods being characterized as inhumane or against the homelessness population, and clarified they wanted service providers to help people but did not want neighborhoods destroyed in the process. He stated he supported the Madison Pioneers Coalition and the Planning Commission's stipulations, and added he supported the homelessness initiative passed by Council. He applauded Council for making themselves available, and said he was proud of Phoenix.

Joseph Mulkern spoke in support, and commented it broke his heart that not everyone in the community was getting the care they deserved. He stated he was in full support of a low barrier shelter at Andre House, and said people had been suffering because legislation had continually been

pushed back. He mentioned the best way to improve the community was by helping those who needed it most.

Linda Schwartz spoke in support, and noted she had been involved with this campaign since its' inception. She acknowledged there were donations for campus construction with 50 percent being from the public sector and 50 percent being from the private sector, and added a community was judged by how it treated its' most vulnerable. She talked about the overflow of people at the campus, and said shelter beds would alleviate the need for persons experiencing homelessness to camp out on the streets.

Douglas Newton spoke in support, and said he supported the expansion of beds as proposed including the low barrier beds. He stated he was the previous President of the Phoenix Downtown Neighborhood Alliance, and talked about the concerns of those experiencing homelessness from going into neighborhoods. He commented as shelter beds closed down over the past few years, more people have ended up on the streets and have had interactions with law enforcement. He repeated he strongly supported the full proposal.

Melissa Oister spoke in support, and commented she was the past President of St. Vincent de Paul and currently served on the boards for St. Vincent de Paul and HSC. She said she had been involved with the campus for 14 years, and added she was privileged to see this become a model for the nation. She stated she strongly supported this request to add shelter beds at the campus and a low barrier shelter at Andre House, and advocated for a regional solution to homelessness. She talked about hearing from those who have experienced homelessness, and commented HSC did life-changing work at the campus.

Dailen Rogers spoke in support, and clarified she supported Councilmember Garcia's proposal. She read responses from those in the community on Item 62.

John Westerdale spoke in opposition, and asked Council to consider the Planning Commission's stipulations. He stated this was a humanitarian crisis, and commented this was unsafe for the homelessness population.

He talked about the surrounding neighborhoods experiencing blight, and asked for the county and the state to do something about the homelessness crisis.

Chuck Ashby spoke in support, and mentioned he was with Catholic Charities Boarding House. He said he supported the proposal made by Councilmember Garcia, and talked about his time experiencing homelessness. He stated more shelter beds would lead to safer individuals and a safer community.

Jessica Berg spoke in support, and said she worked for the HSC for five years and was well acquainted with the area. She stated with Councilmember Garcia's motion the City would be able to stabilize homelessness for ore individuals. She commented she agreed with the neighbors that this situation was untenable, and added it was essential to provide a space for those who where hesitant going into a shelter. She talked about how police would meet people when the overflow shelter existed, and added since that shelter closed the neighborhood got worse. She asked Council to let them bring people inside a building to sleep and use facilities.

Eric Brickley spoke in support, and said he helped run Feed Phoenix. He stated he was in support of more shelter beds especially low barrier beds at Andre House, and commented everyone deserved a safe and secure place to sleep and to have running water for drinking and bathing. He mentioned approval of beds and bathroom access would decrease litter, unhygienic conditions, and would cost the City less to clean up.

Darwin Campbell spoke in support, and said he was the Executive Chaplain for the homeless population. He explained he provided worship services and spiritual support to the homeless population since 1988, and said he was in favor of Councilmember Garcia's motion. He stated being a chaplain offered him a different kind of perspective in dealing with those experiencing homelessness, and stated many of those experiencing homelessness were looking for a hand up and not a hand out.

Katherine Cecala spoke in support, and said she supported the request

made by HSC to add shelter beds and for low barrier beds at Andre House. She stated the campus wanted to use their existing space more efficiently, and commented too many people were turned away because all of the beds were filled. She noted the ultimate goal was to expand regional solutions, and added men and women were on the streets right now that needed help.

Shannon Clancy spoke in support, and mentioned she worked at St. Vincent de Paul. She said she supported Councilmember Garcia's motion, and commented the conditions around the campus had made her sad. She stated adding shelter beds today would not solve this complex issue, and said more beds were needed at CASS. She talked about the need for weather relief beds and low barrier beds at Andre House ran by Community Bridges.

Grace DAntuono spoke in support, and said wanted to speak for those who were unable to join the meeting. She read excerpts from individuals experiencing homelessness.

Brent Downs spoke in support on behalf of HSC, and commented this was an opportunity to get clients off the street and into opportunities to get services that are needed. He talked about how people have been pushed into the streets since the overflow shelter was closed, and described his time facing homelessness. He asked Council to support Councilmember Garcia's motion to get people back on their feet again. John Hogeboom spoke in support, and stated he was the Chief Executive Officer of Community Bridges. He said his agency fully supported adding 600 beds to CASS, 100 beds to Andre House and 200 beds for weather relief. He talked about the partnership with Andre House, and said this would help those experiencing substance abuse or behavioral health conditions that many not lend itself to the shelter environment. He commented many people have experienced homelessness, and those individuals would be grateful for opportunities received to begin their lives again.

Councilmember Garcia asked Mr. Hogeboom what the implication would be if Council approved the beds without the Andre House beds.

Mr. Hogeboom replied the absence of low barrier beds created an ongoing issue in the system. He mentioned people have testified there was a need for people who may not reach levels established by other shelters, and said the partnership offered here by Behavioral Health Entity and Andre House opened the door to services that did not currently exist for this population.

Councilmember Garcia thanked Mr. Hogeboom, asked Mr. Hogeboom to explain what his work entailed and how the decision was made to partner with Andre House.

Mr. Hogeboom explained they had partnered with the City for over 20 years working on solutions for the homelessness, and commented the patients served had a hard time receiving the necessary help they needed. He stated his agency's mission was to work with individuals who had been given up by society, and commented many people who worked for the agency started out homeless. He noted those at HSC, Andre House, CASS and St. Vincent de Paul were all agents because their dedication to life was to try and help people help others.

Councilwoman Stark inquired if the Director of Community Bridges had a chance to meet with the Madison Pioneer Coalition to talk about themselves and how they would operate the low barrier shelter.

Mr. Hogeboom replied he had not, but looked forward to it.

Councilman Nowakowski said one of the concerns was that this was a two-year process annd the community was asking for who the provider would be for Andre House with the low barrier shelter. He commented there was no type of outreach with the surrounding neighborhoods, and talked about how these neighborhoods came together because they realized there was a need to work with these agencies. He asked for Community Bridges and Andre House to sit down with each neighborhood to start relationships and give them understanding on what their mission is and who they served.

Natassia Hinojosa spoke in support, and said she supported Councilmember Garcia's motion. She talked about how her family would frequent the downtown area and would see the unsheltered population grow. She mentioned the COVID-19 pandemic had lead to unprecedented amounts of individuals without shelter, and said adding these beds would help serve the lives of citizens in the community.

Jeremy Helfgot spoke in support, and stated he was a member of the Human Relations Commissions. He mentioned the City had faced this issue for a long time, and added the proposal by Concilmember Garcia was needed now.

Rebecca Denis spoke in support, and said she supported adding every possible bed available. She talked about the neighborhoods she lived in nearby the campus, and commented she was not in support of the regional plan because it could further criminalize the homelessness population in many ways. She stated these people deserved a safe place to go to when there were no other options, and noted she hoped Phoenix would set an example of leadership in taking care of the people in the city.

Kelly Clark spoke in support, and mentioned she volunteered near HSC and was in support of Councilmember Garcia's motion.

Margaret McChesney spoke in support, and commented she had spent the last 40 years of her life helping those experiencing homelessness. She talked about how those experiencing homelessness deserved respect and support in their time of need.

Peggy McMahon spoke in support, and mentioned she worked in the neighborhood near HSC. She said she volunteered at the welcome center for 11 years and was in support of any shelter beds and supported Councilmember Garcia's motion. She talked about the process of what happens when people come to the welcome center, and discussed how one of the clients she helped lost their life.

Don Ioli spoke in support, and talked about how his work took her into the area of HSC. He mentioned there had been an improvement in the cleanliness of the area, and expressed concern with the stipulation that removed the low barrier shelter from this request. He stated the low barrier shelter was a much-needed part of the plan, and said the non-profits helped with the difficult task and deserved the support of additional beds and a low barrier shelter at Andre House.

Brandi Ryab-Cabot spoke in support, and said this most recent proposal started in 2019 and had been a matter of urgency since then because of the time needed to accomplish the necessary construction. She talked about the conditions people slept in outside, and asked Council to approve this special permit request without any time frame restrictions so HSC could move forward for the community.

Manuel Saldana spoke in support, and thanked everyone for coming together to help people experiencing homelessness. He talked about how he worked in a low barrier shelter, and the people that were served there were going to school, found jobs and were housed.

Amy Schwabenlender spoke in support, and mentioned she was an Executive at HSC. She talked about the positive outcomes of the campus where they were able to work collectively with 16 private organizations to get 2,480 people into permanent housing. She commented this was done using the Home Reduction Service Model about lowering barriers into the program, and mentioned there were still over 3,000 people waiting for housing. She cited the demographics of those looking for permanent housing, and stated the exclusion of Andre House would not be a compromise.

Councilmember Garcia asked Ms. Schwabenlender to explain the implications of approving Item 62 without Andre House.

Ms. Schwabenlender explained Andre House was not included in the request in 2005, and mentioned they had been a meal provider and saw an opportunity to purchase a building to shelter more people because of the overflow in the parking lot. She clarified CASS was a more traditional shelter, and Andre House was meant to be by design a 24/7 access for

people. She said Andre House was the piece that was missing at the campus and the advantage for Community Bridges was the connections they had to other programs. She concluded if Andre House was not the best place for an individual, Community Bridges would work to move someone into a recovery program, bridge program and permanent supportive housing.

Councilmember Garcia inquired about what Ms. Schwabenlender heard from people they served now, and if they were experiencing a growth of people being served. He asked how the campus would work with Andre House if this is approved.

Ms. Schwabenlender responded they looked forward to working with Andre House and Community Bridges to look at ways to make foot traffic more simple for clients. She mentioned people were eating outside due to COVID-19, and added having this shelter available would give all 16 organizations an opportunity to expand what they do and be more efficient. She stated she could see and hear people outside her office, and talked about how the rate of homelessness would increase as a result of COVID-19 and the recession. She cited they had not yet hit a high point for homelessness, and said the 100 beds would fill a gap in the goal to end homelessness, the length of time of homelessness, and reduce recidivism.

Linda Schwartz spoke in support of Councilmember Garcia's motion, and mentioned she was a licensed mental health counselor and previously was part of the psychiatric unit at the Arizona Department of Corrections. She cited the cost of care for a person experiencing homelessness was $35,000 a year for medical care, hospital stays, police involvement and clean up, and advocated for supportive housing in a permanent home that included case management, job training and access to other community resources that totaled $13,000. She commented 25 percent of those experiencing homelessness were mentally ill because of their trauma-related condition, and concluded more beds would mean a bigger possibility for those people to be treated.

Ken Swenson spoke in support of Councilmember Garcia's motion, and said he had worked in this area for over 20 years. He mentioned he saw the difficult conditions that people experiencing homelessness had to deal with, and added many of those experiencing homelessness did not have the mental or physical abilities to change their life. He commented there was a moral obligation to help these people, and added many stipulations were agreed upon by the neighborhood. He stated the homeless population needed a shelter with low barriers of entry for vulnerable people not being served, and added this permit would allow more people to have a bed to take them off the street.

Leah Terry spoke in support of Councilmember Garcia's motion, and commented the employees at Andre House had nothing but love and dedication for their neighbors in need. She mentioned she volunteered at Andre House and stayed to help almost six years later because of what she witnessed. She talked about how hard they worked to receive community input from neighborhood groups with the results of stipulations, and added Madison Pioneers Coalition was not involved in these talks because they were an entirely new group. She said she worked with the trash cleaning crew commissioned by Andre House, and noted the Andre House beds were crucial because it would provide shelter for many people unable to enter CASS because of service animals or the amount of personal belongings they may have.

Robert Thornton spoke in support, and mentioned he was the Executive Director of Cloud Covered Streets which was a non-profit that built a mobile laundry shower trailer that is used throughout the valley. He said because of COVID-19 there had been a massive influx of people experiencing homelessness, and commented if you did not have a safe place to get sleep, your mental health would suffer and could cause mental health issues to accelerate rapidly. He stated he hired those experiencing homelessness to run their trailer, and added if the City cared about this population, they would have to give them the tools they need to get back on their feet.

Michael Trailor spoke in support, and mentioned he worked with Native American Connections. He said he supported Councilmember Garcia's motion and proposed stipulations, and mentioned the increase in unsheltered homeless in Maricopa County by 20 percent annually. He stated people that were sheltered at HSC had support and resources, and added a critical component of HSC's proposal included the 100 low barrier shelter beds at Andre House was removed by the Planning Commission. He asked Council to reinstate that component because people experiencing homelessness with mental health issues were afraid to go to CASS.

Katherine Roxlo spoke in opposition, and commented she supported the City's homeless plan and some of the suggestions by Council and the Planning and Development Department. She noted this would not solve all homelessness in Phoenix, and said this should not be allowed in one neighborhood. She advocated for building a facility for a smaller low barrier shelter somewhere else, and repeated she opposed adding a low barrier shelter in this location.

Casey Suchomski spoke in support, and talked about how there were not enough beds at HSC. She said the low barrier shelter was especially needed, and stated she disagreed with the withdrawal of the low barrier shelter and three-year sunset rule that was discussed earlier. She advocated for Councilmember Garcia's motion.

Yvonne Harrison spoke in support of Councilmember Garcia's motion, and talked about the need to supply those experiencing homelessness with basic food, water, hygiene items and veterinarian services for their pets. She asked Council to approve this request.

Dean Pedrotti spoke in support, and mentioned he started working for the Fire Department in 1985. He described those facing homelessness that he helped as part of the paramedic unit, and talked about the partnership with Community Bridges and the HSC. He stated a low barrier shelter uniquely met the needs of the underserved population, and added Andre House would serve as a model nationally as best practice.

Johnathan Koppell spoke in support, and said he was President of Agency Board. He mentioned the concerns from neighbors and said they should have been involved in the informal meetings with them because a vast majority of neighbors supported this. He commented the democratic process left people frustrated when polices were adopted that were not responsive to community needs, and asked Council to approve Item 62.

Lauren Schelhase spoke in support of Councilmember Garcia's motion, and talked about volunteering with her husband to administer vaccines at State Farm Stadium. She said she could not stop thinking about the unsheltered people downtown when she was working the overnight shift, and commented the least we could do would be to help these people regain a little of their humanity. She stated a vote for these shelter beds would do just that, and asked Council to find a way to get this done.

Hana Hehman spoke in support, and shared a statement from one of the unsheltered neighbors. She asked Council to approve Councilmember Garcia's motion, otherwise it would be a failure on the City.

Elizabeth Venable spoke in support, and commented it was critical Councilmember Garcia's motion be accepted. She commented if people were serious about getting people off of the streets, options would need to be provided to them.

Elisheyah McKinley spoke in support of Councilmember Garcia's motion, and talked about the importance of clean up and needing more beds. She commented there were complaints everyday from business owners, and repeated the importance of cleaning up the area.

Mayor Gallego declared the public hearing closed.

Councilwoman Guardado thanked everyone that came out and spoke because this was a regional issue and an issue throughout the country. She mentioned she spoke at the West Mark Quality of Life Committee on the need for a regional approach to homelessness, and added her office had worked along with Council District 1 and 3 to find a better way to serve northwest Phoenix residents. She stated Council allocated funds for a shelter for veterans and the elderly, and discussed how her office

had met with neighborhoods, businesses and service providers. She noted it was important to expand the service and increase accountability, and added she hoped that Council could support the need for a low barrier shelter while ensuring proper checks were in place to limit the impact on the neighborhood. She stated this was the first of many attempts to continue to deal with homelessness, and said she hoped other cities watched this to get them engaged.

Councilmember Garcia stated it was unfortunate the community was divided the same way that his motion and Councilman Nowakowski's motion was, and added what he heard from both sides was that everyone wanted people to be taken care of. He commented there was a lack of support for these people at all levels of government, and noted this was an opportunity to try something new with allowing other partners to try different methods to take the strain off of HSC. He talked about how it was not the job of the shelter to worry about cleaning outside, but to figure out how to get resources to people so they could be helped. He discussed how the plan voted on last year and a few months ago would have the City try different options, and said there were not two sides to this but one side that wanted to find a solution. He thanked the HSC for the stipulations they accepted to have extra responsibility put on them, and added the least the City could do was support them in trying something new at Andre House.

Councilwoman Stark said she had the opportunity to tour the campus several time and tour Andre House, and mentioned the biggest concern was the low barrier shelter. She asked to have some time to continue to talk to the Madison Pioneer Coalition about low barrier shelters, and commented there needed to be some time spent with the surrounding businesses and neighborhoods to explain and understand.

Councilman Nowakowski talked about the issues that the COVID-19 pandemic was having on the homelessness population in addition to the neighborhoods being affected. He said for the first time in the 13 years he had been a councilmember that all these neighborhood associations had come together. He listed the neighborhood associations that have participated, and commented the number one thing that these

neighborhoods were asking for as a City was to create a team as part of the plan to help and empower people to ultimately create smaller campuses. He talked about the need for continuing to work with veterans and senior housing. He described how beds were promised before, and said there had been an increase of beds being requested. He talked about the combination of interests that led to this compromise that took two Planning Commission meetings where many questions were asked, and applauded the Planning Commission for listening to the individuals of the community and the applicant to make sure everyone was listened to. He discussed instances in this area that had happened during his first term as a councilmember that lead him to work with other councilmembers, and suggested that it was time for Council to listen to all sides to make sure they did the right thing. He mentioned there would be a plan with staff from the guidance of Mayor Gallego to create and look at specialized centers to focus on the needs of those individuals and to provide them services. He commented he was the voice for those neighborhoods that could not afford expensive lawyers or lobbyists, and said they wanted to make sure homeless individuals were taken care of and were willing to go from 425 beds to 900. He concluded his motion would help figure out what the City could do for individuals experiencing homelessness.

Councilman DiCiccio stated everyone was a victim because the City allowed this to happen in that neighborhood, and commented it was unfair what had happened to these individuals in the neighborhood. He said he would be supporting Councilman Nowakowski's motion. He mentioned the City was not spending enough resources and efforts and money into this, and said he would not accept this in his neighborhood.

Councilmember Garcia said he had sat with the Madison Pioneer Coalition and as many people as he could since he became a councilmember, and asked if Council did not decide to give low barrier shelter beds to Andre House, would Council be able to have that conversation again. He stated his understanding was Council could not talk about it again or bring it up, and noted Councilwoman Stark said she was committed to figuring out how to bring Andre House into this.

Mr. Stephenson explained the current Planning Commission stipulations had Stipulation 18 that required a one-year review, and added as part of that stipulation Council could make modifications to it. He noted the intent of the stipulation was that it would go through the process through neighborhood meetings, the Central City Village Planning Committee, and Council. He said as part of the request there could be a revisiting into how beds are allocated which could allow some time for HSC to start operating and doing other things under the approval. He mentioned Councilman Nowakowski's motion would extend that to two years instead of one.

Councilmember Garcia said his understanding from Andre House was it could take them nine months to build out, and added they had already raised funds to make low barrier shelters happen. He inquired if this would be at three years from today or two years and nine months before Council could open another low barrier shelter.

Mr. Stephenson replied in terms of getting the building to go through the development review process and permitting the building, that would be a realistic time frame, and added it depended on how quick the applicant moved through the process.

Councilmember Garcia stated with the first motion it would be almost three years without a low barrier shelter after committing to it last year, and he said he hoped other councilmembers consider what this vote meant and what it meant for the people on the streets as it would be a missed opportunity for an organization that stepped up to create another shelter. He noted if Council did not make a decision today, the City would be three years away from making this happen.

Mr. Stephenson clarified the Attachment B memo was something staff had worked on after a meeting they had with HSC the prior Friday regarding the stipulations. He stated this memo was meant to capture the discussion of what the HSC concerns were.

Vice Mayor Williams questioned if a low barrier shelter could be reviewed, would the time frame be then cut based on Councilwoman Stark's willingness to negotiate and talk with HSC.

Mr. Stephenson responded that would depend on how the review comment would be part of Councilman Nowakowski's motion if approved by Council, and mentioned this would be a process that would have to come back through a special permit review of Stipulation 18 as opposed to the administrative review of the number of beds that was contemplated as part of Attachment B Stipulation 3.

Vice Mayor Williams said she understood that, and asked if Council had the power to do that.

Mr. Stephenson replied it could be done, and staff would have to work on stipulation language to try and make that happen this evening.

Vice Mayor Williams commented she agreed with Councilman DiCiccio that this was simply a drop in the bucket, and added it was clear that the City needed to put more money into this. She expressed concern about the shelters that had started this year, and suggested not have funding for them was unacceptable. She asked for the budget process to include funding for these on a continuing basis because she could not support putting senior back out on the street.

Councilman Nowakowski asked Mr. Zuercher about other cities using COVID-19 relief money to house homeless individuals in hotels throughout Arizona, and inquired if the City could do that quickly as part of an emergency clause.

Mr. Zuercher noted there were a few items that went into that, with the first being able to identify funding for it. He stated there was funding giving the COVID-19 relief money, but noted the bigger issue was identifying the location that was a suitable facility and had the proper zoning that also required working with the surrounding neighborhoods. He mentioned the speed of this would depend on the ability to work on the community process more than the City identifying money or processing permits.

Councilman Nowakowski questioned how long it took for the City to provide for the senior facility.

Mr. Zuercher asked for clarification if Councilman Nowakowski was speaking on Project Haven.

Councilman Nowakowski replied that was correct.

Mr. Zuercher explained that was relatively quickly because CASS identified and came to the City when the City identified funding from the Coronavirus Relief Fund at the time. He clarified Project Haven was not a permanent solution because once travel resumes the hotel would not be willing to continue the lease, and added the solution was found within a couple months.

Councilman Nowakowski commented if there was a Council District that was welcoming a low barrier shelter, then councilmembers would look for was to fund and make it happen. He took issue with having this community take this burden for the last 35 years, and repeated the community wanted 900 beds. He said the concern about the low barrier shelter was because there was no provider until the last Planning Commission meeting, and added that surprised the Commissioner and the community. He stated Andre House did a wonderful job providing food for the homeless, and commented the concern was that they had no experience handling a low barrier shelter. He noted the wording of the minimum of 100 beds was concerning to the community, and concluded he believed Andre House was the future and he would love to set up meetings with the ten neighborhood associations.

Councilman DiCiccio commented everyone was fine with the additional $3 million, and added when it came to the low barrier shelter he said it could be put in place but not necessarily into one neighborhood. He mentioned in two weeks Council would be talking about a financial proposal that would be substantial enough where all of the shelters would be happy with this, and commented Council needed to see this as an opportunity. He suggested $3 million would not be enough and he would be supportive of allocating more money, and added he was supportive of a low barrier shelter but it did not have to be this location. He stated this was a start, and asked for the community to get together and talk about what the real needs were, and repeated to not have Council let this opportunity by.

Councilwoman Pastor talked about her time on the Homeless Task Force along with Vice Mayor Williams in 2003, and mentioned at that time they had to find additional shelters or build additional shelters north of Camelback Road with voter approved bonds. She stated this did not happen because of political pressure, and noted it was decided by staff to not follow the bond and use the money for additional beds at the shelter. She said 17 years later the city was at the same point of crisis, and added the City knew this was coming. She concluded this did not affect just downtown, and mentioned this was a humanitarian crisis that had been building for years.

A motion was made by Councilmember Garcia, seconded by Councilwoman Pastor, that Item 62, zoning case Z-SP-2-19 be approved per the Planning Commission recommendation with stipulations from the Feb. 3, 2021 memo from the Planning and Development Director contained in Attachment B, with adoption of the related ordinance. The motion failed by the following vote:

Yes:	4 -	Councilmember Garcia, Councilwoman Guardado, Councilwoman Pastor and Mayor Gallego
No:	5 -	Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Waring and Vice Mayor Williams

Mayor Gallego announced Council would now go back to the motion made by Councilman Nowakowski.

Councilwoman Pastor asked Councilman Nowakowski if the motion could be moved from two years to one year in Stipulation 18.

Councilman Nowakowski commented it was asked for one year but was moved to two to give CASS enough time to build the facilities and everything they needed. He said it was not fair to give them six months to a year and that was why it was two years.

Councilwoman Pastor said she hoped it could be one year to look at that a reevaluate to see if CASS really could lift what they needed, and stated she did not want the crisis to continue.

Councilman Nowakowski replied he could accept that.

Prior to his vote, Councilman DiCiccio clarified Council would have two weeks to figure out in how much money would be needed to come up with a faster solution than one year. He commented the City could not continue to do this to the neighborhood, and added this could be put in another location and could be done faster than one year. He stated he would be voting yes.

Mr. Stephenson mentioned there needed to be clarification on Councilman Nowakowski's motion in reference to a standard rollback of the bed dates that were proposed by the Planning Commission. He asked for clarification on what review staff would be undertaking if it was related to Stipulation 18 or a different type of review as it related to beds.

Councilman Nowakowski replied one of the things he heard was the unhappiness of the sunset clause and HSC wanted a type of review. He commented this would be a public process to review the beds, operation and see how it would be ran, and added if something needed to be modified then Council could do that at the time.

Mr. Stephenson asked for clarification that it would be added to Stipulation 18 and would be part of the review at that time. Councilman Nowakowski responded that was correct.

Prior to his vote, Councilmember Garcia stated this was a disappointing day because Council went against what was in the strategic plan. He commented Council had failed this community for a long time, and he hoped today would be an opportunity to have been a model for how the City could develop shelters in other areas. He agreed with Councilman DiCiccio this was an opportunity to take this serious and fully fund the plan, and talked about how Council needed to listen to experts and the people that were doing their job every day. He said the experts told Council there were barriers that prohibited people from entering a shelter, and commented if Council did not listen to them then councilmembers were not doing their job. He stated he hoped he could have a conversation with Mr. Zuercher about the $4 million left over that could be used for this. He mentioned he would be voting no on this, and

said he was sorry for everyone that worked so hard and to Andre House that wanted to serve people but Council decided to not allow that. He stated he would support Andre House moving forward.

Prior to her vote, Councilwoman Guardado agreed with Councilwoman Pastor and Councilman DiCiccio. She thanked everyone who had taken leadership on this, and said it was an awful year with people who were experiencing homelessness. She commented she wanted to figure out how the process could be accelerated to try and get more projects done like the new Project Haven. She apologized to Andre House, and said this would not happen today but she was committed to trying to figure out this issue and work with everyone to deal with the concerns. She announced she would be voting yes.

Prior to his vote, Councilman Nowakowski thanked the neighborhood associations along with City staff and the homeless community. He thanked staff for committing to a neighborhood specialist to help out neighborhood needs, and a community action officer that could reach out and make sure neighborhoods were safe and cleaner. He stated Council was keeping in line with the Phoenix Homeless Plan to work on specialized, smaller communities, and announced he would be voting yes.

Prior to her vote, Councilwoman Pastor commented Council had a lot of work to do, and added this should bring awareness to the task force that committed that this needed to be accelerated to make sure things happen quickly. She said this solved the problem a little bit, but did not solve the bigger problem, and added she would be voting yes.

Note: Four hundred sixty-three electronic comments were submitted on Item 62, with 429 in support, 15 in opposition, and 19 indicating no position.

A hearing was held. A motion was made by Councilman Nowakowski, seconded by Vice Mayor Williams, that this item be approved per the Jan. 7, 2021 Planning Commission and the Feb. 3, 2021 memo from the Planning and Development Director with modifications to the following stipulations: modify Stipulation 1 regarding the site plan to be reverted to the one date stamped Nov. 4, 2019 which does not show the new building on the Andre House property for the low barrier shelter; modify Stipulation 2, remove the three-year limitation on the beds increase so that it reads: Area A is permitted to have a total of 700 beds with a three-year review; delete Stipulation 4 regarding preserving the abandonment for the public road between the HSC and Andre House; modify Stipulation 18 to change the one-year renewal request to be two years from the date the City Council approves, so instead of coming in every year they just come in the second year; and modify Stipulation 6 to modify the cleaning zone boundaries to two times a day from 7th Avenue to 15th Avenue, Madison to Harrison Street, and the areas from 11th Avenue to 12th Avenue between Jefferson and Madison, with adoption of the related ordinance. 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

After the vote, Mayor Gallego announced by a vote of 8-1 Council voted to add hundreds of beds to HSC.

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 CITIZEN COMMENTS

City Attorney Cris Meyer stated during Citizen Comments, 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 councilmembers from discussing or acting on the matters presented.

Patricia Pagliuca requested a report on the Police Department Center for

Continuous Improvement be a future agenda item for the public to comment on, and talked about the difficulty of being able to attend City Council Formal Meetings.

Vanessa DiCarlo discussed the creation of the Police Department Center for Continuous Improvement, and suggested Council ignored the needs of the community through this assessment.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 9:18 p.m.

MAYOR

ATTEST:

CITY CLERK

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CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 3rd day of February, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of December, 2023.

CITY CLERK