The Phoenix City Council convened in formal session on Wednesday, Oct. 5, 2016, at 2:32 p.m. in the Council Chambers.

CALL TO ORDER AND ROLL CALL


Absent: None

Also Present: Acting City Manager Milton Dohoney, Jr., City Attorney Brad Holm, City Clerk Cris Meyer, Deputy City Manager Paul Blue, Community and Economic Development Director Christine Mackay, Planning and Development Director Alan Stephenson, Historic Preservation Officer Michelle Dodds, Management Assistant II Denise Archibald, and Police Officer Chad Williamsen

*Councilmen DiCiccio, Nowakowski, Valenzuela and Vice Mayor Gallego entered the Chambers and joined the voting body during Citizen Comments held at the beginning of the meeting. Councilwoman Pastor temporarily left the voting body following Item 32 and returned prior to Item 36. Councilman Waring temporarily left the Chambers, briefly joined via telephone, then returned to the dais during Item 83. Mayor Stanton temporarily left the meeting during Items 35 and 83; Vice Mayor Gallego assumed the Chair.

Mayor Stanton acknowledged the presence of Ms. Judy Holm, a Spanish interpreter. In Spanish, Ms. Holm announced her availability to the audience.

CITIZEN COMMENTS

Vice Mayor Gallego joined the voting body.

Mr. Joe Roach was from Houston, Texas, and described an incident where he missed a flight at the airport due to a Phoenix police officer and wanted to file a complaint.

Mayor Stanton requested staff ensure Mr. Roach had an opportunity to file a report so the matter could be reviewed.

Councilman Nowakowski joined the voting body.
Mr. William T. Smith encourage Council to explore the possibility of requiring bicycles to be equipped with flashing front and rear lights at night as it was a safety issue.

Mr. John Rusinek talked about dust proofing violations on the driveway next to his property.

Councilman DiCiccio joined the voting body.

Ms. Dianne Barker invited everyone to the next Meet Me Downtown event, a gathering that went from Copper Blues to Hance Park. She was pleased the Planning and Development Department was resolving drainage issues previously brought up by Mr. Rusinek. Also, she was happy the City was solving the dust proof problem mentioned by Mr. Rusinek and requested the City work with the County to cut down on particulate pollution.

Councilman Valenzuela joined the voting body.

Mr. Leonard Clark commented the Arizona Department of Transportation was considering putting in a toll road that would go through Phoenix which he was against. He also expressed concern for the situation in Syria pertaining to children.

Mayor Stanton advised the issue of toll roads in Phoenix would be a future Subcommittee item.

An affidavit was presented to the Council by the City Clerk stating that 24 hours prior to the Council meeting, copies of the titles of Ordinances G-6213 through G-6223, S-42892 through S-42920, and Resolutions 21482 through 21491 were available in the office of the City Clerk and therefore, the ordinances and resolutions could be read by title or agenda item only, pursuant to the 1969 Code as amended.

MINUTES OF MEETINGS

The minutes of this meeting were submitted to Councilwoman Williams for review.

Councilman Valenzuela found the minutes of the formal meeting of Sept. 7, 2016, to be in order and MOVED their approval. This was SECONDED by Councilwoman Pastor. MOTION CARRIED UNANIMOUSLY.
MOTION was made by Vice Mayor Gallego, SECONDED by Councilwoman Williams, to approve the following recommended appointments as submitted by Mayor Stanton:

Military Veterans Commission
- Appoint Kelly Anne Beck, for a first term to expire Oct. 5, 2019
- Appoint Daniel Rowden, for a first term to expire Oct. 5, 2019
- Appoint Felix Zayas, for a first term to expire Oct. 5, 2019

Phoenix Business and Workforce Development Board
- Appoint Jan Davis, replacing Timothy Stump in the Vocational Rehabilitation position, for a term to expire June 30, 2019
- Appoint Malcom Green, replacing Lucy Mailloux in the Business-Manufacturing position, for a term to expire June 30, 2019
- Appoint Jesus Love, replacing Arcelia Zamora in the Adult Basic Education position, for a term to expire June 30, 2017

Phoenix Women's Commission
- Appoint Stephanie Felix, for a term to expire Oct. 5, 2019

Phoenix Youth and Education Commission
- Appoint Hunter Freedman, for a term to expire Aug. 31, 2017

MOTION CARRIED UNANIMOUSLY.

MOTION was made by Vice Mayor Gallego, SECONDED by Councilwoman Williams, to approve as revised the following recommended appointments as submitted by Councilmembers:

Alhambra Village Planning Committee
- Appoint Christian Solorio, for a term to expire Nov. 19, 2016, as recommended by Councilwoman Pastor

Central City Village Planning Committee
- Appoint Paul Benjamin, replacing Jake Hinman, for a term to expire Nov. 19, 2016, as recommended by Councilwoman Pastor
October 5, 2016

Encanto Village Planning Committee
- Appoint Alex Acevedo, for a term to expire Nov. 19, 2017, as recommended by Councilwoman Pastor
- Appoint Aaron Searles, for a term to expire Nov. 19, 2017, as recommended by Councilwoman Pastor

Maryvale Village Planning Committee
- Appoint Christopher Demarest, for a term to expire Nov. 19, 2017, as recommended by Councilwoman Pastor

Neighborhood Block Watch Oversight Committee
- Appoint Steven Burns, for a term to expire Aug. 31, 2017, as recommended by Councilman Waring

**MOTION CARRIED UNANIMOUSLY.**

Mayor Stanton administered the oath of office to the following appointees:

- Paul Benjamin, Central City Village Planning Committee;
- Christopher Demarest, Maryvale Village Planning Committee;
- Kelly Anne Beck, Daniel Rowden, and Felix Zayas, Military Veterans Commission;
- Steven Burns and Gregory Mohr, Neighborhood Block Watch Oversight Committee; and
- Stephanie Felix, Phoenix Women’s Commission.

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

**LIQUOR LICENSE APPLICATIONS**

**MOTION** was made by Vice Mayor Gallego, **SECONDED** by Councilwoman Williams, that Items 1-27 be recommended for approval.

Mayor Stanton stated speaker comment cards were submitted in favor of the following items; however, no one wished to speak:

Ms. Meghan Pearce, Applicant – Item 1
Dipbhai I. Patel, Applicant – Item 3
Ms. Theresa June Morse, Agent – Item 4
Mr. Ken (Zhiqiang) Chen, Agent – Item 6
MOTION CARRIED UNANIMOUSLY.

ITEM 1

DISTRICT 1

LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - PEARCE FAMILY
FOUNDATION

The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

Applicant
Meghan Pearce
Pearce Family Foundation

Event Location
5060 W. Skeet St.

Function
Tournament

Date(s) - Time(s) / Expected Attendance
Oct. 29, 2016 – Noon to 2 p.m. / 100 attendees

Staff Recommendation
Staff recommended approval of this application.
The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

Applicant
Amy Gibbons
Boys & Girls Clubs of Metropolitan Phoenix, Inc.

Event Location
5415 E. High St.

Function
Cooking Contest/Live Music

Date(s) - Time(s) / Expected Attendance
Oct. 23, 2016 – 4 p.m. to 10 p.m. / 3,000 attendees

Staff Recommendation
Staff recommended approval of this application.

The Council heard request for Sampling Privileges for an existing Series 10, Off Sale-Beer and Wine, liquor license. Arizona State Application No. 10075624S.

Applicant
Dipbhai Patel
Quick Stop #4
18655 N. 7th St.
Zoning Classification: C-1
Application Description
This request was for the addition of Sampling Privileges to an existing liquor license for a convenience market. This location was currently licensed for liquor sales.

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

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

I have the capability, reliability and qualifications to hold a liquor license because: “I have been cashier since ’98. Next year is our tenth year at this location with privilege to sale beer & wine. I am fortunate to know more than 90% of customer by their name and family who shops and supports my location, as repeat customers almost daily. Checking IDs for any lottery, tobaccos, beer & wine sale is most important for my store cause this is my neighborhood, and my only way to provide for my family. I count on my regular customers for repeat business everyday and I don’t want to loose that. I want to be loyal to my store and its future prosperity.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “The sampling license is going to be a great privilege to have at my location because this will allow my regular customer to learn and understand more about the craft beers which is gaining popularity in our state. The breweries will get chance to represent their products and give my customers knowledge about what is available in my location currently and what is coming up in the future. Community will get place to try new products without driving to far, and my current customers are welcoming the idea.”

Staff Recommendation
Staff recommended approval of this application.
ITEM 4 DISTRICT 2 LIQUOR LICENSE APPLICATION - ROOSTER


Applicant
Theresa Morse, Agent
Rooster
14202 N. Scottsdale Road, Ste. 104
Zoning Classification: C-2 PCD

Application Description
This request was for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and did not have an interim permit. This location required a Use Permit to allow outdoor dining and outdoor alcohol consumption.

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 Jason Horton have worked in the liquor industry for many years and understand the necessary requirements to train my staff to identify fraudulent identification, over service, and customers of age passing alcohol to friends under 21 years of age. I will be attending another liquor law class next week to obtain all the new statutes that have recently been changed. I will require my staff to attend liquor law training once I am open for 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 am originally from the East coast and am use to high quality food. I am looking forward to offering items that are not only fresh but of high quality. It is my belief once the residents in the area patronize my restaurant once they will return to eat at my establishment. The alcoholic beverages will be complementary to the dishes I will be serving.”
Staff Recommendation

Staff recommended 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 prior to beginning operations.

ITEM 5  DISTRICT 3  LIQUOR LICENSE APPLICATION - SPECIAL EVENT - ASSYRIAN CHURCH OF THE EAST - ST. PETER AZ

The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

Applicant
Francis Murad
Assyrian Church of the East – St. Peter AZ

Event Location
1915 W. Thunderbird Road

Function
New Years Eve Celebration

Date(s) - Time(s) / Expected Attendance
Dec. 31, 2016 – 6 p.m. to 2 a.m. / 450 attendees

Staff Recommendation
Staff recommended approval of this application.

ITEM 6  DISTRICT 4  LIQUOR LICENSE APPLICATION - YAMA SUSHI HOUSE


Applicant
Zhiqiang Chen, Agent
Yama Sushi House
4750 N. Central Ave., Unit 2B
Zoning Classification: C-2
Application Description
This request was for an ownership transfer of a liquor license for a bar. This location was previously licensed for liquor sales as Maizie’s Café & Bistro and may currently operate with an interim permit.

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 completed the liquor law training, both basic and manager.”

Staff Recommendation
Staff recommended approval of this application.

ITEM 7 DISTRICT 4 LIQUOR LICENSE APPLICATION - RESTAURANT PROGRESS

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license. Arizona State Application No. 1207A738.

Applicant
Amy Nations, Agent
Restaurant Progress
702 W. Montecito Ave.
Zoning Classification: C-2 TOD-Up-Town

Application Description
This request was for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and did not have an interim permit. This location required a Use Permit to allow outdoor dining and outdoor alcohol consumption. This business was currently being remodeled with plans to open in November 2016.

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 dedicating all of my time into my business and want to ensure I have an establishment that will be well managed and on point.”

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 the experience of great food while pairing specific beverages with the meals.”

Staff Recommendation
Staff recommended 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 prior to beginning operations.

ITEM 8 DISTRICT 5 LIQUOR LICENSE APPLICATION - SPECIAL EVENT - SS. SIMON & JUDE ROMAN CATHOLIC CATHEDRAL PHOENIX

The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

Applicant
Phillip Lester
SS. Simon & Jude Roman Catholic Cathedral Phoenix

Event Location
6351 N. 27th Ave.

Function
Festival
October 5, 2016

Date(s) - Time(s) / Expected Attendance
Oct. 23, 2016 – Noon to 7 p.m. / 500 attendees

Staff Recommendation
Staff recommended approval of this application.

ITEM 9

DISTRICT 5

LIQUOR LICENSE
APPLICATION - HENSLEY BEVERAGE COMPANY


Applicant
Robert Delgado, Agent
Hensley Beverage Company
4450 N. 45th Ave.
Zoning Classification: A-1

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

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: “As a Hensley Beverage Company employee for over 37 years, I have been involved in every aspect of the business. I currently hold an executive position of corporate director and vice president secretary/treasurer.”

Staff Recommendation
Staff recommended 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 prior to beginning operations.

Applicant
Kim Kwiatkowski, Agent
Circle K Store #5578
9875 W. Camelback Road
Zoning Classification: C-2

Application Description
This request was for a new liquor license for a convenience store that sold gas. This location was not previously licensed for liquor sales and did not have an interim permit. This business was currently under construction with plans to open in March 2017.

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: “Circle K requires all store personnel to attend an in-house training program. This training is designed to provide a safe and positive customer service environment. As part of the Circle K training program, we provide an Alcohol Training Program that meets the requirements of the Arizona Department of Liquor License and Control. Employees must pass a test on Techniques of Alcohol Management that becomes part of their employee file. Store managers are required to attend additional in-house manager training and obtain certification from the Arizona Department of Liquor License and Control. This certification requires the submission of fingerprints and includes a background investigation.”
The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “It is Circle K’s objective to provide a product, accessible in a convenient manner that meets the need of the surrounding community. Circle K’s success depends on us being able to provide products that are in demand.”

Staff Recommendation
Staff recommended 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 prior to beginning operations.

ITEM 11 DISTRICT 6 LIQUOR LICENSE APPLICATION - SPECIAL EVENT - CHILDSPLAY, INC.

The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

Applicant
Steven Martin
Childsplay, Inc.

Event Location
3515 E. Hialea Court

Function
Food & Wine Tasting/Live Music/Silent Auction

Date(s) - Time(s) / Expected Attendance
Oct. 15, 2016 – 5:30 p.m. to 8:30 p.m. / 150 attendees

Staff Recommendation
Staff recommended approval of this application.
ITEM 12

DISTRICT 6

LIQUOR LICENSE APPLICATION - SPECIAL EVENT - FESTIVAL OF LIGHTS ASSOCIATION

The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

Applicant
Myron Lichty
Festival of Lights Association

Event Location
1010 E. Marketplace SW.

Function
Carnival/Parade

Date(s) - Time(s) / Expected Attendance
Nov. 26, 2016 – 11 a.m. to 9:30 p.m. / 10,000 attendees

Staff Recommendation
Staff recommended approval of this application.

ITEM 13

DISTRICT 6

LIQUOR LICENSE APPLICATION - SPECIAL EVENT - KEYSTONE MONTESSORI CHARTER SCHOOL, INC.

The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

Applicant
Amy Jones
Keystone Montessori Charter School, Inc.

Event Location
1025 E. Liberty Lane
October 5, 2016

Function
Festival/Live Auction

Date(s) - Time(s) / Expected Attendance
Nov. 5, 2016 – 3 p.m. to 8 p.m. / 600 attendees

Staff Recommendation
Staff recommended approval of this application.

**ITEM 14**
**DISTRICT 6**

**LIQUOR LICENSE APPLICATION - ARCADIA PREMIUM**

The Council heard request for Sampling Privileges for an existing Series 10, Off Sale-Beer and Wine, liquor license. Arizona State Application No. 10076727S.

**Applicant**
Lara Mulchay
Arcadia Premium
5618 E. Thomas Road, Ste. 100
Zoning Classification: C-2

**Application Description**
This request was for the addition of Sampling Privileges to an existing liquor license for a convenience market. This location was currently licensed for liquor sales.

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

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

I have the capability, reliability and qualifications to hold a liquor license because: “I have been a responsible owner since September 29th, 2015. We have not received any liquor violations and have met all requirements of Title 4.”
The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “The convenience of our customers is best met by allowing them the opportunity to sample product prior to purchase. This is a privilege our customers have consistently been asking for.”

Staff Recommendation
Staff recommended approval of this application.

ITEM 15 DISTRICT 6 LIQUOR LICENSE APPLICATION - FRC 44 CHICKEN

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license. Arizona State Application No. 1207A733.

Applicant
Randy Nations, Agent
FRC 44 Chicken
4385 E. Indian School Road
Zoning Classification: C-2 HGT/WVR

Application Description
This request was for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and did not have an interim permit. This location required a Use Permit to allow outdoor dining and outdoor alcohol consumption. A Use Permit hearing had been scheduled. This business was currently being remodeled with plans to open in February 2017.

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 train all of our employees in responsible liquor service. Our employees will also undergo 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: “We would like the ability to offer our patrons drinks with their meals if they choose to have one.”

Staff Recommendation
Staff recommended 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 prior to beginning operations.

ITEM 16 DISTRICT 6 LIQUOR LICENSE APPLICATION - NOODLES & COMPANY

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license. Arizona State Application No.1207A740.

Applicant
Andrea Lewkowitz, Agent
Noodles & Company
4901 E. Ray Road, Ste. E
Zoning Classification: C-2

Application Description
This request was for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and did not have an interim permit. This business was currently being remodeled with plans to open in December 2016.

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

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

I have the capability, reliability and qualifications to hold a liquor license because: “Applicant is committed to upholding the highest business standards, including employee training, product quality and customer service. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service.”
The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "Noodles & Company offers its guests a wide variety of customized pastas, salads, sandwiches and more. Applicant would like to offer alcoholic beverages as an incident to the delicious meals served."

Staff Recommendation
Staff recommended 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 prior to beginning operations.

ITEM 17       DISTRICT 7       LIQUOR LICENSE
APPLICATION - SPECIAL       EVENT - LOCAL FIRST
ARIZONA

The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

Applicant
Thomas Barr
Local First Arizona

Event Location
1202 N. 3rd St.

Function
Festival/Silent Auction

Date(s) - Time(s) / Expected Attendance
Nov. 5, 2016 – 10 a.m. to 4 p.m. / 4,000 attendees

Staff Recommendation
Staff recommended approval of this application.
ITEM 18 DISTRICT 7 LIQUOR LICENSE APPLICATION - SPECIAL EVENT - SOUTHWEST HUMAN DEVELOPMENT, INCORPORATED

The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

Applicant
William McClung
Southwest Human Development, Incorporated

Event Location
734 W. Polk St.

Function
Food/Games/Music

Date(s) - Time(s) / Expected Attendance
Nov. 10, 2016 – 6 p.m. to 9 p.m. / 1,000 attendees

Staff Recommendation
Staff recommended approval of this application.

ITEM 19 DISTRICT 7 LIQUOR LICENSE APPLICATION - SOUTHERN GLAZER’S OF AZ


Applicant
Michael Jahn, Agent
Southern Glazer’s of AZ
2375 S. 45th Ave.
Zoning Classification: A-1

Application Description
This request was for a new liquor license for a wholesaler. This location was previously licensed for liquor sales as Southern Wine & Spirits of Arizona and may currently operate with an interim permit.
Public Opinion
No protest or support letters were received within the 20-day public comment period.

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

I have the capability, reliability and qualifications to hold a liquor license because: “I have worked in the alcoholic beverage industry for 36 years. I have been the General Manger of Southern Glazer’s Wine and Spirits of Arizona, since its beginning in 1992. I have completed an alcoholic training program covering the alcoholic rules and regulations in the state of Arizona.”

Staff Recommendation
Staff recommended approval of this application.

ITEM 20 DISTRICT 7 LIQUOR LICENSE
APPLICATION - ARIZONA CAPITOL MUSEUM STORE


Applicant
Kenneth Judd, Agent
Arizona Capitol Museum Store
1700 W. Washington St. #108
Zoning Classification: C-2

Application Description
This request was for a new liquor license for a museum store. This location was not previously licensed for liquor sales and did not have an interim permit.

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

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

I have the capability, reliability and qualifications to hold a liquor license because: “I have worked over 25 years in the hospitality/retail industry in a managerial capacity. I will be operating the license as an agent and employee for the State of Arizona. I have never been charged with any misdemeanor or felony in my lifetime.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “The Arizona Capitol Museum serves as a symbol of the State’s vast and colorful history. The Museum seeks to improve visitors understanding of this distinct region and inspire appreciation for our rich cultural heritage. To that end, the Museum Store will offer wine & beer produced solely in Arizona.”

Staff Recommendation
Staff recommended approval of this application.

ITEM 21 DISTRICT 8 LIQUOR LICENSE APPLICATION - SPECIAL EVENT - CHILDREN’S MUSEUM OF PHOENIX

The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

Applicant
Alexander Wurth
Children’s Museum of Phoenix

Event Location
215 N. 7th St.

Function
DJ/Dancing
The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

**Applicant**
Jana Smith
Phoenix Community Toolbank, Inc.

**Event Location**
3801 E. Illini St.

**Function**
Dinner/Music/Silent Auction

**Date(s) - Time(s) / Expected Attendance**
Oct. 27, 2016 – 4:30 p.m. to 9:30 p.m. / 200 attendees

**Staff Recommendation**
Staff recommended approval of this application.

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The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

**Applicant**
Jana Smith
Phoenix Community Toolbank, Inc.

**Event Location**
3801 E. Illini St.

**Function**
Dinner/Music/Silent Auction

**Date(s) - Time(s) / Expected Attendance**
Oct. 22, 2016 – 7 p.m. to 11 p.m. / 850 attendees

**Staff Recommendation**
Staff recommended approval of this application.

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The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.

**Applicant**
Jana Smith
Phoenix Community Toolbank, Inc.

**Event Location**
3801 E. Illini St.

**Function**
Dinner/Music/Silent Auction

**Date(s) - Time(s) / Expected Attendance**
Oct. 27, 2016 – 4:30 p.m. to 9:30 p.m. / 200 attendees

**Staff Recommendation**
Staff recommended approval of this application.
Applicant  
Justin Owen  
Phoenix Pride Incorporated  

Event Location  
115 N. 6th St.  

Function  
Cultural Celebration/Festival  

Date(s) - Time(s) / Expected Attendance  
Oct. 15, 2016 – 10 a.m. to 6 p.m. / 5,000 attendees  
Oct. 16, 2016 – 10 a.m. to 6 p.m. / 5,000 attendees  

Staff Recommendation  
Staff recommended approval of this application.  

ITEM 24  
DISTRICT 8  
LIQUOR LICENSE  
APPLICATION - SPECIAL EVENT - SAINT SAVA SERBIAN ORTHODOX CHURCH  

The Council heard request for a Series 15 - Special Event liquor license for the temporary sale of all liquors. There were no departmental objections or protests.  

Applicant  
Christina Knezevic  
Saint Sava Serbian Orthodox Church  

Event Location  
4436 E. McKinley St.  

Function  
Festival  

Date(s) - Time(s) / Expected Attendance  
Nov. 5, 2016 – 11 a.m. to 10:30 p.m. / 1,500 attendees  
Nov. 6, 2016 – Noon to 8 p.m. / 850 attendees  

Staff Recommendation  
Staff recommended approval of this application.
ITEM 25  DISTRICT 8  LIQUOR LICENSE APPLICATION - CIRCLE K STORE #8776

The Council heard request for a Series 9, Off Sale-All Liquor, liquor license. Arizona State Application No. 09070137.

Applicant
Kim Kwiatkowski, Agent
Circle K Store #8776
1544 E. Southern Ave.
Zoning Classification: C-2

Application Description
This request was for a location transfer of a liquor license from 5879 W. Van Buren St. for a convenience store that sold gas. This location was currently licensed for liquor sales with a Series 10, Off Sale-Beer and Wine, liquor license.

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: “Circle K requires all store personnel to attend an in-house training program. This training is designed to provide a safe and positive customer service environment. As part of the Circle K training program, we provide an Alcohol Training Program that meets the requirements of the Arizona Department of Liquor License and Control. Employees must pass a test on Techniques of Alcohol Management that becomes part of their employee file. Store managers are required to attend additional in-house manager training and obtain certification from the Arizona Department of Liquor License and Control. This certification requires the submission of fingerprints and includes a background investigation.”
The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “It is Circle K’s objective to provide a product, accessible in a convenient manner that meets the need of the surrounding community. Circle K’s success depends on us being able to provide products that are in demand.”

Staff Recommendation
Staff recommended approval of this application.

ITEM 26 DISTRCT 8 LIQUOR LICENSE APPLICATION - GALLO BLANCO CAFE Y BAR

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license. Arizona State Application No. 1207A737.

Applicant
Georgia Robson, Agent
Gallo Blanco Cafe Y Bar
928 E. Pierce St.
Zoning Classification: C-1 HP TOD-East Lake

Application Description
This request was for a new liquor license for a restaurant. This location was previously licensed for liquor sales as American Way Market with a Series 10, Off Sale-Beer and Wine, liquor license until April 2014 and did not have an interim permit. This business was currently being remodeled with plans to open in February 2017.

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: “Over 29 years in the Hospitality business with an exceptional record. We have the systems and training for proper alcohol serving practices. Liquor management certification”
The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “We feel that by having a business in that location will help activate the neighborhood. Activation will help make the neighborhood safer. We feel that it will help contribute to the Garfield neighborhood’s growth through tax revenue & job creation. It will be a place for the neighborhood to enjoy local foods & beverages responsibly. Easily accessible for the neighborhood to walk or ride their bikes to the cafe.”

Staff Recommendation
Staff recommended 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 prior to beginning operations.

<table>
<thead>
<tr>
<th>ITEM 27</th>
<th>DISTRICT 8 LIQUOR LICENSE APPLICATION - MORIAH NAILS &amp; SPA II</th>
</tr>
</thead>
</table>

**Applicant**
Angela Nguyen, Agent
Moriah Nails & Spa II
455 N. 3rd St., Ste. 1175
Zoning Classification: DTC – Business Core

**Application Description**
This request was for a location transfer of a liquor license from Gilbert for a bar/nail salon. This location was not previously licensed for liquor sales and did not have an interim permit. This business planned to open in November 2016.

**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 owned and operated a series 7 liquor license. As the result of that, I have completed both of the basic and Management courses as the requirement for holding the liquor license.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “Our local and visitor clients are within walking distance to our business. As the result of that, they blissfully have requested us to lawfully add a liquor service to our premise. Meanwhile, as the employer of Moriah Nails & Spa I truly believe that the issuance of this liquor license will definitely fulfill and enhance our clients’ experience at our premise.”

Staff Recommendation
Staff recommended 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 prior to beginning operations.

ITEM 28 DISTRICT 7 LIQUOR LICENSE APPLICATION - ORIONN FOOD MART


Applicant
Amy Nations, Agent
Orionn Food Mart
4216 S. Central Ave.
Zoning Classification: C-3

Application Description
This request was for a new liquor license for a convenience market. This location was previously licensed for liquor sales as Central Groceries and may currently operate with an interim permit.
Public Opinion
One letter protesting the issuance of this license was received and on file in the Office of the City Clerk.

The letter was from the prior business owner who claimed that after entering into a partnership agreement with the applicant for this business, the applicant failed to comply with the agreement and had taken the business away from him. He also believed that the applicant allowed cigarettes and other non-food items to be purchased with EBT.

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 a good work background and owned another business with my family.”

Staff Recommendation
Staff recommended disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval was based on concerns with possible undisclosed owners, false information listed on the application, and possible EBT/food stamp card fraud committed by the applicant. The applicant had not demonstrated capability, qualifications and reliability to hold and control a liquor license.

Staff also noted that 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.

Management Assistant II Denise Archibald stated this was a request for a new license for a convenience market. The location was previously licensed for liquor sales and was currently operating with an interim permit. She advised one letter protesting the issuance of this license was received from a prior business owner who claimed that after entering into a partnership agreement with the applicant for this business the applicant failed to comply with the agreement and took the business away from him. She conveyed consideration may only be given to the applicant’s personal qualifications since there was a presumption the public convenience and best interest of the community were established at the time the location was previously license. Staff recommended disapproval of this application based on a Police Department recommendation for disapproval.
October 5, 2016

Police Officer Chad Williamsen remarked the Phoenix Police Department recommended disapproval based on several reasons. First, the active current license owned by Mr. Talkuder appeared to have a hidden owner. Secondly, Mr. Talkuder entered into a business agreement with Mr. Syed Ali on June 30, 2016, in the amount of $25,000 as half ownership. Officer Williamsen indicated Mr. Ali was to pay a weekly salary to Mr. Talkuder for the ownership which he had not received and had since hired a law firm to help with litigation. Further, Mr. Ali did not list Mr. Talkuder as 50 percent owner on the state application nor did he list outstanding debt in connection with the purchase of this business. Additionally, Officer Williamsen noted Mr. Ali allowed patrons to pay for cigarettes, beer, and taxable merchandise with food stamps and EBT cards.

Mr. Saydur Talkuder spoke in opposition as this was his store. He had been a business owner for 60 years and hired Mr. Ali with the understanding it would be a partnership. Mr. Talkuder conveyed documents were signed on June 30, 2016, regarding the partnership where he was to receive $25,000, his name added to the LLC, and access to the bank account. However, his name was not included on the LLC and he had not received any money nor saw any account information. Also, he observed Mr. Ali’s questionable transactions.

Mayor Stanton stated the applicant, Mr. Syed Ali, and Shah Enam submitted speaker comment cards in favor, but did not wish to speak.

Mr. Randy Nations represented the applicant and expressed since there was a difference of opinion as to the facts he suggested to the applicant that this application be withdrawn at the state.

Councilman Nowakowski inquired if Council had to make a recommendation if the applicant planned to withdraw the application at the State Department of Liquor Licenses and Control.

Ms. Archibald replied until the applicant finished the withdrawal process and it was approved at the State she did not recommend that Council not take action today.

MOTION was made by Councilman Nowakowski, SECONDED by Vice Mayor Gallego, that Item 28 be recommended for disapproval based on Police Department recommendation for disapproval due to concerns with possible undisclosed owners, false information listed on the application, and possible EBT/food stamp card fraud committed by the applicant.
Roll Call: Ayes: DiCiccio, Nowakowski, Pastor, Stark, Valenzuela, Waring, Williams, Vice Mayor Gallego, and Mayor Stanton
Nays: None
Absent: None

MOTION CARRIED UNANIMOUSLY.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

MOTION was made by Vice Mayor Gallego, SECONDED by Councilman Valenzuela, that Items 29-83 be adopted, except Items 29(E), 29(M), 29(N), 29(O), 29(P), 29(U), 32, 35-37, 51, 77, and 79-83.

The following speaker comment cards were submitted in favor by individuals who did not wish to speak:

Mr. Stephen Karela – Item 39
Ms. Sterling Margetts – Item 59
Mr. Greg Eggstuff – Item 61

A speaker comment card was submitted by Ms. Luna Azul and Mr. Mark Roth, the applicant, not wishing to speak and no indication as to their position on Item 73.

Roll Call: Ayes: DiCiccio, Nowakowski, Pastor, Stark, Valenzuela, Waring, Williams, Vice Mayor Gallego, and Mayor Stanton
Nays: None
Absent: None

MOTION CARRIED UNANIMOUSLY, noting Item 29 was adopted in part.
ADMINISTRATION

ITEM 29 CITYWIDE ORDINANCE S-42892 - PAYMENT ORDINANCE $12,472,567.85

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed $12,472,567.85 for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts.

ITEM 30 CITYWIDE ORDINANCE S-42893 - STATE OF ARIZONA SOLICITATION ADSPO16-00005625 (CONTRACTS FOR AFTERMARKET AUTOMOTIVE PARTS AND SERVICES)

The Council heard request to authorize the City Manager, or his designee, to allow the use of State of Arizona contracts with Arizona Brake (Vendor No. 3017847), AutoNation (Vendor No. 3050772), USD, Inc. (Vendor No. 3065231), Genuine Parts Co NAPA (Vendor No. 3016734), and Parts Authority Arizona, LLC, d.b.a. Pro Auto Parts (Vendor No. 3070384), in an amount not to exceed $1,000,000, over the life of the contract. Further requested authorization for the City Controller to disburse all funds related to this item.

The Public Works Department operated and maintained a diverse fleet of City of Phoenix equipment and vehicles, and had a need for aftermarket repair parts such as alternators, bearings, belts, brakes, drive axles, filters, gaskets, hoses, struts, starters, and wipers. Services such as engine machining, flywheel turning, and rotor/drum turning may be required over the life of the contracts.

Procurement Results
The contracts awarded by the State of Arizona were the result of a competitive solicitation (ADSPO16-00005625). Under the Intergovernmental Agreement with the State of Arizona, the City of Phoenix may use its agreements when it was beneficial for the City to do so. The contract pricing was fair and reasonable and compared to other City contracts for similar goods and services.

Contract Term
The State of Arizona contract was awarded on April 1, 2016, and would end on March 31, 2017, with the option for four, one-year extensions through March 31, 2021.
Financial Impact
The expenditures against these contracts shall not exceed $1,000,000, with estimated annual expenditures of $200,000.

ITEM 31 CITYWIDE ORDINANCE S-42894 - NETWORK EQUIPMENT AND SERVICES - STATE OF ARIZONA ADSPO16-00005819

The Council heard request to authorize the City Manager, or his designee, to adopt State of Arizona cooperative purchasing contract ADSPO16-00005819 with Altura Communication Solutions, CDW Government, LLC, Custom Storage, Inc. dba cStor, Enterprise Networks Solutions, Inc., Insight Public Sector, Inc., World Wide Technology, and Trace3, Inc. in an aggregate amount not to exceed $20,500,000. Further requested authorization for the City Controller to disburse all funds related to this item.

City departments would be able to purchase a wide variety of technology for network equipment, such as routers, servers, switches, and controllers along with maintenance, training, and services.

Procurement Results
In accordance with A.R.S. 41-2632, the City entered into an intergovernmental agreement with the State of Arizona in order to access specified State cooperative purchasing contracts. The State's contract was awarded using a similar competitive process as set forth in Phoenix City Code Chapter 43. This request sought authorization to make purchases under the State's contract, throughout the contract's term as extended, when it was advantageous for the City to do so. This request was made by the Deputy Finance Director.

Contract Term
The State of Arizona awarded this contract on July 1, 2016 and it would end on June 30, 2017, with the option for four, one-year extensions through June 30, 2021.

Financial Impact
Expenditures against this contract shall not exceed $20,500,000 (including applicable taxes) with an estimated annual expenditure of $4,100,000.
The Council heard request to authorize the City Manager, or his designee, to accept up to $25,000 from the City of Mesa for navigation and coordination services for homeless veterans. Further requested authorization for the City Treasurer to accept all funds related to this item.

In 2015, Mayor Greg Stanton and City of Mesa Mayor John Giles demonstrated their continued commitment to ending veteran homelessness by signing on to the Obama Administration’s Mayor’s Challenge to End Veteran Homelessness. To continue progress towards this goal, Phoenix allocated $100,000 and would be joined by Mesa with $25,000, creating a partnership which would support Veteran Navigation and Coordination Services. The use of Navigators to assist homeless Veterans in accessing housing and needed support services had emerged as a promising practice within systems providing services to homeless Veterans.

The City of Phoenix, in partnership with Community Information and Referral (CIR) and the VA Community Resources and Referral Center (CRRC) led an effort to develop a By-Name List (BNL) to track and prioritize every homeless Veteran in the Maricopa region and prioritize them for housing and services.

The navigation and coordination services would connect Veterans identified on the Veteran BNL, and prioritized for housing, to an available housing resource. The contractor would also be responsible for managing the Veteran BNL to include ensuring eligibility for Veteran services were verified by the VA; prioritizing Veterans for housing; and participating in weekly regional case conferencing activities. This funding would support a minimum of two full-time Navigators who would work to engage and connect Phoenix homeless Veterans to permanent housing.
The Council heard request for retroactive authorization for the City Manager, or his designee, to apply for the U.S. Conference of Mayors (USCM) and their partner, the American Beverage Foundation for A Healthy America (ABFHA), 2017 Childhood Obesity Prevention Awards being offered to support both new and existing programs initiated by member mayors that addressed the childhood obesity epidemic in America’s cities.

Further requested authorization for the City Treasurer to accept and for the City Controller to disburse grant funds in accordance with the terms of the aforementioned grant and agreement. The deadline to submit the application was Friday, Sept. 16, 2016.

The purpose of the grant was to recognize outstanding mayoral-based initiatives that had the greatest potential to reduce childhood obesity as well as provide capacity-building resources to assist in scaling-up local programs for broader reach in tackling the challenge of childhood obesity.

This past spring, with the direction of City staff and leadership of City Council, the 2050 Environmental Sustainability Goals were approved - a set of specific, all-encompassing benchmarks to improve the quality of life of all residents. One of those goals specifically focused on health: maintaining a sustainable, healthy, equitable, thriving local food system and reducing rates of hunger, obesity, and diet-related disease - especially in underserved neighborhoods and food deserts. As the City moved forward in advancing the 2050 plan and goals, capacity-building resources were needed to assist in efforts to reach broader audiences in order to tackle the challenges of childhood and youth obesity as well as enhance ongoing prevention programs in Phoenix.
The proposed program being featured for the grant was entitled, “The Cook-off and Fitness Challenge,” designed in partnership with the Phoenix Union High School District (PUHSD), the Mollen Foundation, FitPHX and more than 72 businesses and community members. The “Cook-off and Fitness Challenge” would utilize Student Council Sustainability Officers in the PUHSD, which was a first-of-its kind model to improve sustainability literacy by educating, inspiring, and empowering high school students on the importance and benefits of sustainable living. The program would improve and encourage a culture of wellness, healthy habits, and leadership through a hands-on project based on nutrition and fitness learning. If granted, the results of the “Cook-off and Fitness Challenge” would affect one of the largest and most diverse districts in Arizona and improve access to physical activity and/or access to fresh fruits and vegetables within their schools.

Financial Impact
Only member cities of the U.S. Conference of Mayors were eligible to apply. If selected, the City of Phoenix could receive one of the following grant awards:

First Place: Single-year grant of $150,000;
Second Place: Single-year grant of $120,000;
Third Place: Single-year grant of $100,000;
Honorable Mention: Single-year grant of $25,000.

ECONOMIC DEVELOPMENT

ITEM 38 CITYWIDE
ORDINANCE S-42899 -
APPROVE AMENDED BYLAWS
OF THE PHOENIX BUSINESS
AND WORKFORCE
DEVELOPMENT BOARD

The Council heard request for authorization to approve the recently amended bylaws of the Phoenix Business and Workforce Development (PBWD) Board.

The PBWD Board was established in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA). The bylaw amendments incorporated provisions consistent with the WIOA legislation and guidance from the Workforce Arizona Council.
The PBWD Board bylaw amendments included changes as a result of the WIOA board certification checklist as follows:

- Article V - All PBWD Board members shall serve without compensation except for reimbursement of travel and subsistence as provided by law for other City of Phoenix officers and employees (A.R. 3.41) while on approved City business.

- Article VII - The PBWD Board may include the use of technology such as phone or web-based meetings to promote member participation and voting as its discretion if available.

- Article VII - Members of the PBWD Board shall not be permitted to delegate any duties to proxies or alternates.

- Article XI - Amendments to bylaws are allowed to be heard at a special meeting. The proposed amendment shall have been read by members of the PBWD Board prior to or at the meeting in which they are being approved and shall be in conformity with applicable Federal, State, and local law.

- Article XII - The PBWD Board shall operate in accordance with applicable Federal, State, and local laws and regulations, including without limitation WIOA and related regulations, as well as any future amendments and guidance which may be issued.

Other changes included:

- Article V - Add Ad Hoc Member voting privileges,

- Article VIII - Add conflict resolution for board member and service delivery partners,

- Article IX - Change the title of taskforce to committee.

The PBWD Board originally approved the bylaw amendments on Aug. 11, 2016. After the release of the final rules for WIOA in the Federal Register dated Aug. 19, 2016, the PBWD Board further amended the bylaws on Sept. 8, 2016 to be consistent with the new rules.
The Council heard request to authorize the City Manager, or his designee, to enter into a contract with ThyssenKrupp Elevator (Vendor No. 3017335) to provide complete elevator and escalator maintenance and repair services for the Phoenix Convention Center, for up to seven years, in an amount not to exceed $5,512,500. Further requested authorization for the City Controller to disburse all funds related to this item.

This contract would provide preventative and predictive maintenance, repair services, and inspections, as required, for 42 traction and hydraulic elevators, 28 escalators, and five stage/wheelchair lifts located throughout Phoenix Convention Center facilities.

**Procurement Results**

Invitation for Bid (IFB) 17-013 was conducted in accordance with Administrative Regulation 3.10. There were four offers received by the Procurement Division on July 15, 2016. Following is a tabulation of the lowest-priced, responsive and responsible bids received:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Annual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>ThyssenKrupp Elevator</td>
<td>$538,944</td>
</tr>
<tr>
<td>Kone, Inc.</td>
<td>$565,908</td>
</tr>
<tr>
<td>Centric Elevator Corporation</td>
<td>$762,048</td>
</tr>
</tbody>
</table>

The Deputy Finance Director recommended that the offer from ThyssenKrupp Elevator be accepted as the lowest-priced, responsive and responsible offer.

**Contract Term**

The initial five-year contract term would begin Dec. 1, 2016, and end Nov. 30, 2021. Provisions of the agreement included an option to extend the term up to two additional years, which may be exercised by the City Manager, or designee.
**Financial Impact**

The seven-year aggregate contract value shall not exceed $5,512,500. This amount reflected both the monthly maintenance cost and unforeseen costs resulting from event damage, vandalism, standby time, etc.

**TRANSPORTATION AND INFRASTRUCTURE**

**ORDINANCE S-42901 - AMEND FOREIGN CURRENCY CONCESSION LEASE WITH TRAVELEX AMERICA, INC., AT PHOENIX SKY HARBOR INTERNATIONAL AIRPORT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement to amend Foreign Currency Exchange Concession Lease No. 121874 (Lease) with Travelex America, Inc., (Travelex) at Phoenix Sky Harbor International Airport (Airport) to extend the term of the Lease.

Under the Lease, Travelex provided foreign currency exchange services at two locations in Terminal 4. The first location was pre-security on the passenger service level adjacent to the “B” security point. The second location was post-security on the N4 International Concourse.

**Contract Term**

The term of the Lease expired on Sept. 30, 2016, and the Aviation Department requested an extension through Dec. 31, 2017, in order to align the other financial services contracts at the Airport, (for example, automated teller machines).

The term of the Lease was five years with two, one-year options to extend and expired on June 30, 2014. The Lease went into month-to-month holdover, and the City Council approved an extension of the term through Sept. 30, 2016.

**Financial Impact**

In 2015, the Lease generated $85,875 in revenue to the City. The Aviation Department anticipated future annual revenues would be similar to past performance.
Concurrence/Previous Council Action
The City Council approved Ordinance S-40206 on Sept. 13, 2013.

Location
Phoenix Sky Harbor International Airport was at 3400 E. Sky Harbor Blvd.

ITEM 41 DISTRICT 8
ORDINANCE S-42902 - AMEND LEASE AGREEMENT NO. 126833 WITH G FARMS PARTNERSHIP

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement to amend Lease Agreement No. 126833 with G Farms Partnership (G Farms) to reduce the area of the premises by 5.7 acres and to reduce net annual rent from $116,320.19 per year to $115,564.31 per year.

On July 1, 2016, the City Council approved, by Ordinance S-42781, the pending sale of 5.7 acres of unutilized farmland from the City to TKR Enterprises, Inc. (TKR). TKR owned the property adjacent to and west of G Farms’ premises. TKR would purchase the 5.7 acres, which were an uneconomic remnant, for the purpose of assemblage and to allow TKR access to the railroad tracks from the east side of its property. In order to close the pending sale to TKR, the 5.7 acres must be removed from G Farms’ leasehold, which G Farms agreed to do. G Farms had farmed the land since 1999 and was the tenant before the City acquired the premises on April 28, 2000. The current net annual rent of $116,320.19 per year would be reduced to $115,564.31 per year to reflect the removal of the 5.7 acres.

Contract Term
Term was 10 years (Sept. 1, 2014, to Aug. 31, 2024) with two, five-year renewal options, which may be exercised at the sole discretion of the Aviation Director, or his designee.

Financial Impact
The City would receive $67,000 from the sale of the 5.7 acres, less applicable costs related to the sale. Net annual rent under the Lease would be $115,564.31 per year throughout the remaining term of the Lease.

Location
9801 N. Litchfield Road in El Mirage, Ariz.
ITEM 42    CITYWIDE

ORDINANCE S-42903 -
RFA 17-056 – FUEL TERMINAL SERVICES – REQUIREMENTS CONTRACT

The Council heard request to authorize the City Manager, or his designee, to enter into contracts with Caljet of America, LLC (Vendor No. 3012965) and Pro Petroleum, Inc. (Vendor No. 3004491) for fuel storage and delivery services for a total amount not to exceed $1,000,000 over the life of the contracts. Further requested authorization for the City Controller to disburse all funds related to this item.

The City required storage space and fuel terminal services for gasoline, diesel fuel, and ethanol. Due to the volume of fuel purchased to support daily fleet operations, fuel storage terminal services connected to the pipelines were required.

Procurement Results
The unique nature of procuring fuel for the City’s vehicle/equipment fleet required that the City had storage space, and blending and unloading capabilities that were only available in the Phoenix metropolitan area by these vendors.

Contract Term
The initial three-year term of each contract shall begin on or about Dec. 1, 2016, and end on Nov. 30, 2019. Provisions of the contracts included an option to extend the term of each contract up to two additional years, in one-year increments, which may be exercised by the City Manager, or his designee.

Financial Impact
The aggregate contract values, including all option years, would not exceed $1,000,000 with estimated annual expenditures of $200,000.

ITEM 43    DISTRICT 5

ORDINANCE S-42904 -
ACQUISITION OF ONE PARCEL FOR A ROADWAY IMPROVEMENT PROJECT LOCATED AT 10730 W. CAMPBELL AVE.

The Council heard request to authorize the City Manager, or his designee, to acquire fee title or lesser interest in all or portions of one improved or vacant parcel of land for a roadway improvement project. Land acquisition would be accomplished through donation, purchase within the appraised value, or by
eminent domain. Further requested authorization for the City Controller to disburse all funds necessary to acquire the property through donation, purchase within the City’s appraised value, or by eminent domain, plus usual and customary closing costs.

Additionally, requested authorization to enter into short-term protective leases to minimize relocation costs and temporary occupancy agreements to allow occupants time to relocate, as may be necessary to and in furtherance of this Ordinance.

The project proposes to improve 107th Avenue from Indian School to Camelback roads. Proposed improvements throughout the project included new pavement, curb, gutter, and Americans with Disabilities Act (ADA) sidewalks.

Location
10730 W. Campbell Ave.

ITEM 44    DISTRICT 7

ORDINANCE S-42905 - AMEND ORDINANCE S-36849 TO CORRECT LEGAL DESCRIPTION FOR USA LAND EXCHANGE; 75TH AVENUE AND VAN BUREN STREET

The Council heard request to amend Ordinance No. S-36849, adopted February 3, 2010, to correct the legal description for a land exchange between the United States of America and the City of Phoenix.

Ordinance S-36849 authorized the City to enter into an agreement with the United States of America through its Department of Interior Bureau of Land Reclamation to exchange property for the purpose of relocating an open distribution ditch to an underground irrigation pipeline for purposes of a street improvement project. A revision to the legal description was necessary as a result of modifications made during construction.

All other terms and conditions previously stated in the above referenced ordinance would remain the same.

Location
On Van Buren Street, between 71st and 75th avenues.
ITEM 45  DISTRICT 7  ORDINANCE S-42906 - GRANT OF EASEMENT TO SALT RIVER PROJECT (SRP) FOR CONSTRUCTION OF RIVER ROCK TRAILS SUBDIVISION

The Council heard request to authorize the City Manager, or his designee, to grant an irrigation easement to Salt River Project (SRP), across City-owned property located along the east side of 107th Avenue and Roeser Road, for consideration in the amount of the appraised value and other consideration. Further requested authorization for the City Treasurer to accept all funds related to this item.

The irrigation easement was required for the existing tail-water ditch to be relocated and replaced underground with pipe, necessary for construction of the River Rock Trails Subdivision by D. R. Horton. The City-owned property, which would be encumbered by the easement, was for a Water Services sewer lift station to be constructed by the developer as part of the project.

Location
Along the east side of 107th Avenue and Roeser Road, identified by Assessor Parcel Number 101-40-002E.

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

ITEM 46  DISTRICT 8  ORDINANCE S-42907 - AMEND ORDINANCE S-42271 ADOPTED ON JAN. 20, 2016 TO INCLUDE ACQUISITION OF THREE ADDITIONAL PARCELS

The Council heard request to amend Ordinance S-42271 adopted on Jan. 20, 2016, to include three additional parcels needed for a sidewalk improvement project.
Ordinance S-42271 authorized the City Manager, or his designee, to acquire fee title or lesser interest in all or portions of 26 improved or vacant parcels of land for a sidewalk improvement project. Three additional parcels were needed to accommodate the sidewalk improvement project located along Buckeye Road from Central Avenue to 16th Street. This project proposed to construct a new Americans with Disabilities Act (ADA) accessible route including sidewalks, ramps, and streetlights along Buckeye Road.

All other terms previously stated in the above referenced ordinance would remain the same.

**Location**
501 E. Yavapai St.
502 E. Yavapai St.
502 E. Yuma St.

**ITEM 47**  
**DISTRICT 8**  
**ORDINANCE S-42908**  
**GRANT OF A PUBLIC UTILITY EASEMENT FOR A CITY PROJECT LOCATED AT 2230 W. ROESER ROAD**

The Council heard request to grant a public utility easement, for consideration of one dollar and/or other valuable consideration, for the installation of a new service to a City facility on City property in the Salt River Project (SRP) service area, and further ordering the Ordinance recorded. This easement was needed to provide utilities and other services to the Lindo Park Recreation Center located at 2230 W. Roeser Road.

This public utility easement would be for the area described in the legal description to be sent directly to the Law Department ("Easement Premises") and would be granted to all public service corporations, agricultural improvement districts, and telecommunication corporations providing utility service to the property located at 2230 W. Roeser Road (collectively "Grantee") for an indefinite period subject to terms and conditions.
ITEM 48       OUT OF CITY

ORDINANCE S-42909 -
GRANT OF A PUBLIC UTILITY
EASEMENT FOR A CITY
PROJECT LOCATED AT
6301 E. THOMAS ROAD

The Council heard request to grant a public utility easement, for consideration of one dollar and/or other valuable consideration, for installation of a new service to a City facility on City property in the Salt River Project (SRP) service area, and further ordering the Ordinance recorded. This easement was needed to provide utilities and other services to the 64th Street and Thomas Road Reservoir Water Distribution Pumps located at 6301 E. Thomas Road.

This public utility easement would be for the area described in the legal description to be sent directly to the Law Department (“Easement Premises”) and would be granted to all public service corporations, agricultural improvement districts, and telecommunication corporations providing utility service to the property located at 6301 E. Thomas Road (collectively “Grantee”) for an indefinite period subject to terms and conditions.

ITEM 49       CITYWIDE

AWARD OF IFB PTD16-009,
TRANSIT STREET FURNITURE
AND BUS ADVERTISING

The Council heard request to authorize the City Manager, or his designee, to enter into contracts with Clear Channel Outdoor, Inc. (Vendor# 3050695) and Lamar Transit, LLC (Vendor# 3520628) for bus advertising and transit street furniture advertising services, respectively, for the City of Phoenix Public Transit Department.

The Transit Street Furniture and Bus advertising programs were revenue generating programs for the City. The purpose of these programs was to generate maximum revenue for the City to enhance the passenger services it provided via the public transit system. Contractors would be responsible for all costs associated with installation, maintenance, and restoration of advertising pertaining to bus and/or transit furniture.
Public Transit issued an Invitation for Bids (IFB) for public transit advertising based upon percentage bid(s) that yielded the overall greatest advertising revenues to the City on individual or combined contracts. This was done two ways to ensure a minimum level of revenues. The first was a Minimum Annual Guarantee (MAG) and the second was a percentage of net sales. The contractor paid either the MAG or a percentage of net sales, whichever amount was higher. The MAG amounts identified in the IFB were based on actual revenues received through the current contracts.

The current Transit Furniture contract had a MAG of $1.67 million. Revenue had averaged $2 million over the last two years. Therefore, the IFB set the Transit Furniture MAG at $2 million.

The current Bus Advertising contract had a MAG of $1.7 million; however actual revenues over the last four years had not exceeded $1.49 million. Therefore, the IFB set the Bus Advertising MAG at $1.5 million.

Procurement Results
On June 17, 2016, three proposals were received from the following proposers: Clear Channel Outdoor, Inc.; Lamar Transit, LLC; and Outfront Media, LLC.

City staff evaluated the bids to ensure the bidders were able to meet the requirements of the contract. Staff also reviewed each bidder’s financial statements to ensure the bidders were responsive and responsible. From this information Public Transit Department staff selected the bidders which bid the percentage of net sales revenue that would yield the overall greatest advertising revenues to the City. The bids received are shown in the table below:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Transit Furniture % of Net Sales</th>
<th>Bus % of Net Sales</th>
<th>Combined % of Net Sales</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear Channel Outdoor</td>
<td>N/A</td>
<td>66%</td>
<td>N/A</td>
</tr>
<tr>
<td>Lamar Transit, LLC</td>
<td>68.25%</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Outfront Media</td>
<td>65%</td>
<td>65%</td>
<td>65%</td>
</tr>
</tbody>
</table>

Contract Term
The contracts shall commence on or about Jan. 1, 2017 and end Dec. 31, 2021.
Financial Impact
This was a revenue generating contract and all expenses for maintenance related items would be taken from the revenue generated. The MAG would not decrease below the current level of annual revenue but may increase each contract year based on the City’s share of the previous year’s net sales revenues. The IFB and resultant contracts provided that the City would be paid the percentage of net sales revenue submitted in the bids or the MAG, whichever was greater.

ITEM 50 DISTRICT 6 ORDINANCE S-42910 - ENERGY AUDIT FOR 24TH STREET WATER TREATMENT PLANT

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Quest Energy Group to provide energy consulting services for the 24th Street Water Treatment Plant, in an amount not to exceed $12,000. Further requested authorization for the City Controller to disburse all funds related to this item.

Energy consulting services were required for an energy audit contract to develop energy and water cost saving opportunities. This also provided project management services to ensure proper equipment installation as needed.

Procurement Results
The City Council approved a Qualified Vendor List for Energy Audits on Dec. 18, 2013. Quest Energy Group was one of the approved vendors.

Contract Term
The contract term was for one year beginning Oct. 17, 2016, and ending on Oct. 16, 2017, with no options to extend.

Financial Impact
Expenditures would not exceed $12,000.00 over the life of the contract.

Location
The 24th Street Water Treatment Plant was located at 6202 N. 24th St.
ITEM 52  OUT OF CITY  ORDINANCE S-42912 - BUILDING ENERGY AUDIT FOR VAL VISTA WATER TREATMENT PLANT

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Quest Energy Group to provide energy consulting services for the Val Vista Water Treatment Plant in an amount not to exceed $15,000. Further requested authorization for the City Controller to disburse all funds related to this item.

Consulting services were needed to perform an energy audit on the Val Vista Water Treatment Plant Administration Building. Quest Energy Group would prepare a report on their findings and propose Energy Conservation Measures (ECMs). If required, Quest Energy Group would also provide project management services to ensure the ECMs were correctly implemented.

Procurement Results
The City Council approved a Qualified Vendors List for Energy Audits on Dec. 18, 2013. Quest Energy Group was one of the approved vendors.

Contract Term
The contract term was for one year, beginning Oct. 17, 2016, and terminating on Oct. 16, 2017, with no options to extend.

Financial Impact
Expenditures would not exceed $15,000 over the life of the contract.

Location
The Val Vista Water Treatment Plant was located at 3200 E. McDowell Road in Mesa, Ariz.

ITEM 53  DISTRICTS 1, 2, 3, 4, AND 8  ORDINANCE S-42913 - AUTHORIZATION TO APPLY FOR AND ACCEPT FUNDING FROM THE FCDMC FOR LOCAL DRAINAGE PROJECTS FOR FY 2018

The Council heard request to authorize the City Manager, or his designee, to apply for and accept grant funding from the Flood Control District of Maricopa County Small Project Assistance Program for fiscal year (FY) 2018. The grant
The Flood Control District of Maricopa County (FCDMC) Small Project Assistance Program (SPAP) provided an opportunity for cities to cost share flood hazard mitigation projects through local drainage solutions, with emphasis on projects that mitigated historical flooding issues. The application submittal period for FY 2018 SPAP funding opened on Aug. 22, 2016. Project submittals were due by Oct. 7, 2016. The FY 2018 program provided cost share opportunities for project-related construction costs to be completed between July 1, 2017 and June 30, 2018.

Street Transportation Department staff maintained a local drainage database of more than 700 flood hazard mitigation locations. After evaluation of the database for prioritized projects and a review of application criteria, staff identified eight projects for potential submission, which would be narrowed to five using the FCDMC prioritization process.

1. 7th Avenue and Peoria Avenue - Drainage Improvement Project
2. 17th Avenue and Osborn Road - Storm Drain Project
3. 47th Avenue and Waltann Lane - Storm Drain Project
4. 52nd Street and Turquoise Avenue - Drainage Improvement Project
5. 1346 E. Flower St. - Storm Drain Project
6. 3243 W. Taylor St. - Storm Drain Project
7. Grovers Avenue: 53rd Avenue to 55th Place - Storm Drain Project
8. 4101 E. Almeria Road - Drainage Improvement Project

Financial Impact
The amount of financial assistance from FCDMC was limited to 75 percent of the project construction cost or up to $250,000 per project. The City must cover the remaining costs from available City funds. For any projects accepted by the FCDMC for SPAP FY 2018 funding, the City’s share of project costs would be funded from the Local Drainage Project fund, which totaled $2 million annually in the Street Transportation Department’s Capital Improvement Program. Due to the FY 2018 SPAP funding timelines for construction project costs, design-related project costs would utilize FY 2017 Local Drainage Project funds.

Location
Eight projects were identified for potential submission, which would be narrowed to five projects by Oct. 7, 2016, based on funding availability and the FCDMC prioritization process.
ITEM 54  DISTRICTS 4 AND 5  ORDINANCE S-42914 -
IGA WITH ADOT FOR
35TH AVENUE AND INDIAN
SCHOOL ROAD SAFETY
IMPROVEMENTS - AMENDMENT
NO. 1

The Council heard request to authorize the City Manager, or his designee, to execute Amendment No. 1 to the Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for traffic equipment at the intersection of 35th Avenue and Indian School Road, to increase the amount of Federal Highway Administration (FHWA) funds received by the City for implementation of the project due to an increase in estimated project costs. Further requested authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

The IGA with ADOT delineated agency responsibilities for designing, furnishing, and installing traffic pre-signal and traffic pre-emption equipment at the intersection of 35th Avenue and Indian School Road. The improvements completed through this IGA would increase safety at the intersection, and involved the City designing, furnishing, and installing a traffic pre-signal on 35th Avenue at Indian School Road; new traffic pre-emption equipment for the intersection; and the connection to the railroad signal house at the intersection. A pre-signal control stopped the movement of roadway traffic as it approached a railroad crossing. Traffic pre-emption detected an approaching train and adjusted signal timing at an intersection downstream of a railroad crossing.

Additionally, the City would obtain permits and coordinate underground trenching for the construction, including obtaining an easement from the Burlington Northern Santa Fe Railroad, for adding sidewalk around new gate/flasher units on Indian School Road.

Financial Impact

The original cost of the project was established at $300,784. The project cost was increasing by $96,000 for a new total cost of $396,784. Federal funds received and managed by ADOT would cover $389,923 of the project costs.

The $6,861 balance was the City’s local match. The City would cover $5,151 of the local match through “in-kind” staff time. The remaining $1,710 would be funded through the Street Transportation Department’s Capital Improvement Program budget using Arizona Highway User Revenue funds. Amendment No. 1 did not change the City’s local match.
Previous Council Action
The City Council approved the request to enter into an IGA with ADOT on May 4, 2016.

ITEM 55  CITYWIDE  ORDINANCE S-42915 - INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION FOR CERTIFICATION ACCEPTANCE

The Council heard request to authorize the City Manager, or his designee, enter into an intergovernmental agreement with the Arizona Department of Transportation (ADOT) for certification acceptance, which allowed the City to continue self-administering transportation projects funded with federal highway administration (FHWA) funds.

Since 1996, the City of Phoenix had been certified by the Arizona Department of Transportation to self-administer transportation projects funded with federal transportation funds. ADOT was the lead agency in the state that the Federal Highway Administration contracted with to spend federal transportation funds. In coordination with FHWA, ADOT set forth responsibilities and requirements for local governments to deliver federally-funded transportation projects.

In 2015, ADOT announced the requirement for the City of Phoenix and seven other local governments to complete a re-certification process. This process required an evaluation and/or development of new written procedures and processes, and modification of existing documents, checklists and forms. The City of Phoenix had completed 17 ADOT requirement areas and was pending approval of the final requirement, so can now move forward with executing a new intergovernmental agreement with ADOT, which allowed the City to continue self-administering federally-funded transportation projects.

Through the competitive application process for federal transportation funds through the federal-aid highway program (administered by the Maricopa Association of Governments and ADOT), the City had been successful in securing approximately $25 million of federal funds for projects to be authorized or constructed between fiscal years 2017 and 2021. The self-administration process allowed the City to complete the federally-required procedures for project development in a more efficient and in a timely manner.
October 5, 2016

This new agreement would replace the existing one that had been in place since 1996 and amended in 2002.

**ITEM 56  CITYWIDE**

**ORDINANCE S-42916 - GRANT FUNDING FROM THE GOVERNOR’S OFFICE OF HIGHWAY SAFETY FOR ILLUMINATED STOP PADDLE PILOT PROGRAM**

The Council heard request to authorize the City Manager, or his designee, to accept grant funds and enter into an agreement with the Governor’s Office of Highway Safety (GOHS). The total amount awarded would not to exceed $10,000 to purchase and test illuminated STOP paddles for a school safety pilot program. Further requested authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

The Director of the Governor’s Office of Highway Safety was providing a grant opportunity for $10,000 in federal fiscal year 2017 to distribute and test illuminated STOP paddles for a school safety pilot program. The pilot program would be conducted to test the effectiveness of illuminated STOP paddles in school crossings. Street Transportation staff believed the illuminated STOP paddles would enhance school crosswalk safety by more effectively attracting the attention of distracted drivers before they reached school crosswalk zones.

The City had approximately 380 school crosswalk zones. It was estimated that 900 non-illuminated STOP paddles were currently in use. By combining $7,000 in the current Street Transportation Department operating budget to purchase 21 illuminated STOP paddles, the $10,000 in GOHS grant funds would be used to purchase an additional 31 paddles, for a total of 52 for the pilot program Citywide.

**Financial Impact**

No local City matching funds were required, however the City would utilize $7,000 in the current Street Transportation Department operating budget. The $10,000 in grant funds was available through the Governor’s Office of Highway Safety. The funding period was from Oct. 1, 2016 through Sept. 30, 2017.

**Location**

The illuminated STOP paddles would be distributed to 64 K-8 schools citywide with an emphasis on school crosswalk zones at signalized intersections with the highest traffic volumes, speeds and pedestrian crossings. Each of the 52 signs would be rotated every 9 weeks, for a total of 64 crosswalks in the pilot program.
The Council heard request to authorize the City Manager, or his designee, to execute Amendment No. 1 to Contract 136489 with Dibble & Associates Consulting Engineers, Inc., (Phoenix) to provide additional construction administration and inspection (CA & I) services in support of the Small Diameter Sewer Rehabilitation Program. Further requested authorization for the City Controller to disburse all funds related to this item.

The Small Diameter Sewer Rehabilitation Program was necessary for the rehabilitation of small diameter sewer pipe in the City of Phoenix wastewater collection system. Small diameter was defined as 8- to 14-inch diameter sewer pipe, which make up approximately 4,200 miles of the roughly 5,000 miles of pipe in the City’s wastewater collection system.

Services performed during the construction and post-construction phases of the project included, but were not limited to: project administration, engineering services and resident services during construction. Dibble & Associates Consulting Engineers, Inc. would review and inspect pipe interior conditions recorded during construction both before and after the rehabilitation of each segment of pipe and maintain documentation of the review process and corrective actions taken.

Procurement Results
Dibble & Associates Consulting Engineers, Inc. was selected for this project using a qualifications-based selection process in accordance with Title 34 of the Arizona Revised Statutes. The City entered into Contract 136489 with Dibble & Associates Consulting Engineers, Inc., on Sept. 19, 2013.

Contract Term
The term of the contract amendment would be for a two-year period from Sept. 20, 2016, through Sept. 19, 2018. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination for work in progress. No additional contract work scope changes may be executed after the end of the contract term.
Financial Impact
The initial contract value for Dibble & Associates Consulting Engineers, Inc. was established as a not-to-exceed amount of $1,492,324. The contract capacity shall be increased by $1,000,000 for a new contract value of $2,492,324. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

Previous Council Action
The City Council approved the Small Diameter Sewer Rehabilitation Program Construction Administration and Inspection Services Contract 136489 on July 3, 2013.

ITEM 58 CITYWIDE ORDINANCE S-42918 - HAULING WATER SLUDGE – REQUIREMENTS CONTRACT AMENDMENT

The Council heard request to authorize the City Manager, or his designee, to extend an existing contract with Otto Logistics, LLC (Vendor No. 3056283) to provide the Water Services Department with water sludge and barscreen conveyor screenings hauling services until a new contract can be awarded effective Jan. 1, 2017. Further requested authorization for the City Controller to disburse all funds related to this item.

The City of Phoenix Water Services Department required a contractor to provide sludge and barscreen conveyor screenings removal and disposal services on an as-needed basis. Water sludge and barscreen conveyor screenings were byproducts of the water production process and a requirements contract was needed to have these byproducts removed from the production sites and disposed of in approved landfills. Sludge hauling was required at the following locations:

<table>
<thead>
<tr>
<th>Location</th>
<th>Approximate Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>24th Street Water Treatment Plant</td>
<td>15,000 tons</td>
</tr>
<tr>
<td>Deer Valley Water Treatment Plant</td>
<td>12,000 tons</td>
</tr>
<tr>
<td>Union Hills Water Treatment Plant</td>
<td>2,500 tons</td>
</tr>
<tr>
<td>Val Vista Water Treatment Plant</td>
<td>21,000 tons</td>
</tr>
</tbody>
</table>
Barscreen conveyor screenings were also removed. The estimated yearly amount of barscreen conveyor screenings is:

<table>
<thead>
<tr>
<th>Location</th>
<th>Approximate Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Val Vista Water Treatment Plant</td>
<td>75 tons</td>
</tr>
</tbody>
</table>

The sludge and barscreen conveyor screenings were hauled from these locations and disposed of at contractually-approved disposal sites (State Route 85 Landfill or Salt River Landfill).

**Contract Term**

The extension of the current contract would be from Sept. 1, 2016, to Dec. 31, 2016.

**Financial Impact**

The estimated cost of these services from Sept. 1, 2016, to Dec. 31, 2016, would not exceed $480,000.00.

**PLANNING AND ZONING MATTERS**

**ITEM 59 DISTRICTS 2, 7 AND 8 MODIFICATION OF STIPULATION REQUEST FOR RATIFICATION OF AUGUST 17, 2016 PLANNING HEARING OFFICER ACTION**

The Council heard request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer’s recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Wednesday, August 17, 2016.

APPLICATION #: Z-SP-4-97-2
DISTRICT: 2
EXISTING ZONING: S-1 SP
LOCATION: Approximately 1,047 feet east of I-17 R.O.W. and 170 feet south of Carefree Highway centerline
ACREAGE: .07
October 5, 2016

PROPOSAL: 1) Deletion of Stipulation 2 regarding 15 year time period.
2) Modification of Stipulation 3 regarding number of carriers on site.
3) Technical Corrections to Stipulations 4 and 5.

APPLICANT: Verizon Wireless
OWNER: AZ State Lands Department
REPRESENTATIVE: Coal Creek Consulting

STIPULATIONS

1. That development be in general conformance with the site plan submitted to the Zoning Hearing Officer dated February 7, 1997.

2. That approval be stipulated to a fifteen FIVE (15) year conditional time period at which time an additional 15 year extension may be granted through the Planning Hearing Officer/Public Hearing Process.

3. That the 105-foot height is conditioned upon the use of the monopole by three FOUR (34) carriers using the facility with Sprint occupying the highest level. This section shall be reduced when Sprint vacates that elevation. The lower segments shall be removed, as the respective carriers vacate this facility, to allow a maximum height of 65-feet.

4. That the facility be screened by means of masonry wall and landscaping consistent with the character of the area and a dulling agent be used to minimize the visual appearance of the monopole, as approved by the PLANNING AND Development Services Department.

5. That the facility be screened by means of masonry wall and landscaping consistent with the character of the area and a dulling agent be used to minimize the visual appearance of the monopole, as approved by the PLANNING AND Development Services Department.

6. That the monopole shall be removed if it ceases to operate as a cellular communications facility more than 90 days.

Concurrence
The North Gateway Village Planning Committee chose not to hear this request.

On August 17, 2016, the Planning Hearing Officer recommended denied as filed and approved with modifications.
APPLICATION #: Z-21-02-7
DISTRICT: 7
EXISTING ZONING: C-1
LOCATION: Southeast corner of 83rd Avenue and Lower Buckeye Road
ACREAGE: 4
PROPOSAL: 1) Modification of Stipulation 1 regarding general conformance to the site plan.
2) Modification of Stipulation 3 regarding architectural style.
3) Deletion of Stipulation 14 regarding drive-through facilities.
4) Technical Corrections to Stipulations 5 and 8.
APPLICANT: Bill Arsenault
OWNER: Perez Investments Limited Partnership
REPRESENTATIVE: Sterling Margetts

STIPULATIONS

1. That development shall be in general conformance to the site plan dated June 225, 2001 WITH A COMMERCIAL PAD DEVELOPMENT SITE PLAN DATE STAMPED JULY 1, 2016 and include the integration of open space and pedestrian connection between the commercial and residential and the conceptual commercial center elevations (including the one pad site). In addition, 4-sided architectural improvements to the commercial buildings shall be provided.

2. Along arterial and adjoining local streets for a distance of 120 feet within the residential development, the sidewalks shall be detached and a 5-foot wide landscape strip shall be located between the sidewalk and back of curb. The planting area shall be planted with minimum 2-inch caliper trees placed an average of 20 feet on center with ground cover.

3. ARCHITECTURE MATERIALS FOR THE COMMERCIAL DEVELOPMENT SHALL BE COMPATIBLE WITH THE ELEVATIONS DATE STAMPED JULY 1, 2016. Mediterranean Tuscan design and architecture style shall be incorporated into the RESIDENTIAL PORTION OF THE development.

4. A minimum 40 by 40 foot triangular landscape entry area shall be provided at the Lower Buckeye Road entrance into the residential development.
5. That recreational amenities such as trails, ramadas, and playground equipment, shall be provided in the open space parcel. Connection to the community trails shall be provided where appropriate. Details about the open space layouts, amenities, and trail connections shall be illustrated on the site plan submitted by the developer and approved by the PLANNING AND Development Services Department.

6. That an 8-foot wide multi-purpose trail shall be provided along Lower Buckeye Road and shall be improved per Parks and Recreation Department standards and the Estrella Village Trails Plan.

7. That all retention areas shall be sloped no greater than 4:1 throughout the site.

8. That view fencing shall be required for all lots that back onto the open space areas as approved by the PLANNING AND Development Services Department.

9. That prior to the final plat approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and characteristics of the Tolleson and 91st Avenue Wastewater Treatment Plants, the Sunland Beef Company, and the dairy operations in the area. The form and content of such documents shall be reviewed and approved by the City Attorney.

10. That the developer of this property shall participate in the Estrella Village Arterial Street Landscape Program.

11. That a homeowner’s association shall be established which will have the responsibility for maintaining all landscaping within and adjacent to the right of way, and in all common areas and tracts in accordance with approved plans.

12. That a 75' by 75' landscape triangle shall be provided on the commercial center site located at the southeast corner of 83rd Avenue and Lower Buckeye Road.

13. That the following right-of-way shall be provided:
   a. Right-of-way totaling 55 feet shall be dedicated for the south half of Lower Buckeye Road.
   b. Right-of-way totaling 55 feet shall be dedicated for the east half of 83rd Avenue.
   c. A 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 83rd Avenue and Lower Buckeye Road.
d. Sufficient right-of-way shall be dedicated to accommodate a far-side busbay (Detail P-1257 and 1261) on Lower Buckeye Road at 83rd Avenue.

e. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.

f. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Alan Hilty, 262-6193, with the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.

14. There SHALL be no drive-through facilities for the commercial pads EXCEPT FOR THE PROPERTY SHOWN ON THE SITE PLAN DATE STAMPED JULY 1, 2016.

Concurrence
On August 16, 2016, the Estrella Village Planning Committee recommended approval.

On August 17, 2016, the Planning Hearing Officer recommended denied as filed and approved with modifications.

APPLICATION #: Z-94-06-8
DISTRICT: 8
EXISTING ZONING: R-4, R1-6 (App R-3)
LOCATION: Northwest corner of 36th Street and Palm Lane
ACREAGE: 3.23
PROPOSAL:
1) Modification of Stipulation 1 regarding site plan and elevations dated August 9, 2006.
2) Deletion of Stipulation 2 regarding the height of the fencing on the east and west property lines.
3) Deletion of Stipulation 3 regarding a three foot high perimeter wall on the south portion of the site.
4) Modification of Stipulation 4 regarding pathways to Type A building units abutting Palm Lane.
5) Deletion of Stipulation 5 regarding unit sidewalls having architectural and decorative accents.
6) Deletion of Stipulation 6 regarding landscaping for Type B and C building units.
STIPULATIONS

1. That the development shall be in general conformance to the site plan and rendered elevations dated August 9, 2006, June 29, 2016 as approved or modified by the PLANNING AND Development Services Department.

2. That the project shall have six-foot high view fencing or a screen wall not to exceed 3 feet on the east and west property lines (35th and 36th Streets) as approved or modified by the PLANNING AND Development Services Department.

3. That the proposed project shall have a staggered three-foot high perimeter wall on the south portion of the site directly abutting Palm Lane as approved or modified by the Development Services Department.

4. That the proposed project shall have the pathways leading to Type A building units those abutting Palm Lane connecting with the public sidewalk as approved or modified by the PLANNING AND Development Services Department.

5. That the sidewalls of all units shall have a combination of architectural accents such as wall mounted skylights, partial brick finish, decorative accents such as window shutters, grids or frame accents or varying types of windows such as bow, bay, or garden type as approved or modified by the Development Services Department.

6. That all Type B and C building units shall have corresponding landscaping accents on both sides of the garage door such as trees or bushes WILL CONFORM WITH THE R-3 SFA and as approved or modified by the PLANNING AND Development Services Department.

7. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals IN CONFORMANCE TO THE R-3 SFA DEVELOPMENT OPTIONS and as per plans approved by the PLANNING AND Development Services—Department City. All improvements shall comply with all ADA accessibility standards.
8. That the property owner shall record documents that disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

9. That prior to site plan approval that both applicant and landowner execute a waiver of claims under proposition 207 in a form approved by the City Attorney's office. Said waiver shall be recorded by the city and placed in the application file for record.

Concurrence
The Camelback East Village Planning Committee chose not to hear this case.

On August 17, 2016, the Planning Hearing Officer recommended denied as filed and approved with modifications.

ITEM 60       DISTRICT 7       MAP OF DEDICATION -
PHOENIX LOGISTICS CENTER
(91ST AVENUE & DURANGO) -
150003 - NORTHEAST CORNER
OF 91ST AVENUE AND WEST
DURANGO STREET

Map of Dedication No.: 150003
Project No.: 07-4205
Name of Map of Dedication: Phoenix Logistics Center (91st Avenue & Durango)
Owner(s): Phoenix Logistics Center, LLC
Engineer(s): Survey Innovation Group, Inc.
Request: Map of Dedication
Reviewed by Staff: March 1, 2016

Staff requested that the above map of dedication be approved by the City Council and certified by the City Clerk. Recording of the map of dedication dedicated the easements as shown to the public.

Location
Generally located at the northeast corner of 91st Avenue and West Durango Street.
ITEM 61  DISTRICT 5  FINAL PLAT - DESWEST -  
160061 - NORTHWEST  
CORNER OF 103RD AVENUE  
AND CAMPBELL ROAD  

Plat No.: 160061  
Project No.: 12-3246  
Name of Plat: Deswest  
Owner(s): Villa De Paz Homeowners Association  
Engineer(s): Lemme Engineering, Inc.  
Request: A 12-lot Residential Subdivision Plat  
Reviewed by Staff: September 8, 2016  

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

Location  
Generally located at the northwest corner of 103rd Avenue and Campbell Road.  

ITEM 62  DISTRICT 5  FINAL PLAT - TRACTION  
POWER SUB STATION #18 -  
160064 - NORTHEAST CORNER  
OF 19TH AVENUE AND LAS  
PALMARITAS DRIVE  

Plat No.: 160064  
Project No.: 09-620  
Name of Plat: Traction Power Sub Station #18  
Owner(s): City of Phoenix  
Engineer(s): Thomas Lavalette Engineering Alliance, Inc.  
Request: A 2-lot Commercial Plat  
Reviewed by Staff: September 7, 2016  

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

Location  
Generally located at the northeast corner of 19th Avenue and Las Palmaritas Drive.
ITEM 63  DISTRICT 4  RESOLUTION 21484 -
ABANDONMENT OF RIGHT-OF-
WAY - V160003A - 1401 EAST
EARLL DRIVE

Abandonment of Right-of-Way – V160003A – 1401 East Earll Drive

Abandonment No.: V160003A
Project No.: 07-307
Applicant(s): James E. Zorn
Request: To abandon a portion of the North Randolph Road and North
14th Street right-of-way adjacent to the parcel addressed 1401 East Earll
Drive.
Date of Decision/Hearing: March 9, 2016

Financial Impact
A fee was also collected as part of this abandonment in the amount of
$690.50.

ITEM 64  DISTRICT 5  RESOLUTION 21485 -
ABANDONMENT OF
EASEMENT - V100021A -
NORTH 19TH AVENUE AND
WEST LAS PALMARITAS
DRIVE

Abandonment of Easement – V100021A – North 19th Avenue and West
Las Palmaritas Drive

Abandonment No.: V100021A
Project No.: 09-620
Applicant(s): Metro c/o Ken Cole of AECOM
Request: To abandon the Public Utility Easement on the south 8 feet of the
parcels addressed 8205 North 19th Avenue, APN 158-08-023, and
1833 West Las Palmaritas Drive, APN 158-08-024.
Date of Decision/Hearing: June 14, 2010

The resolution of the abandonment and the subdivision plat were to be
recorded together with the Maricopa County Recorder on the same day, at the
same time.
### ITEM 65  DISTRICT 5
**RESOLUTION 21486 - ABANDONMENT OF RIGHT-OF-WAY - V100022A - NORTH 19TH AVENUE AND WEST LAS PALMARITAS DRIVE**

Abandonment of Right-of-Way – V100022A – North 19th Avenue and West Las Palmaritas Drive

- Abandonment No.: V100022A
- Project No.: 09-620
- Applicant(s): Metro c/o Ken Cole of AECOM
- Request: To abandon a portion of the Las Palmaritas Drive Right-of-Way between the parcels addressed 8215 West Las Palmaritas Drive, APN 158-08-016A, and 8205 North 19th Avenue, APN 158-08-023, and adjacent to the northwest corner of 1833 West Las Palmaritas Drive, APN 158-08-024.
- Date of Decision/Hearing: June 16, 2010

The resolution of the abandonment and the subdivision plat were to be recorded together with the Maricopa County Recorder on the same day, at the same time.

### ITEM 66  DISTRICT 6
**RESOLUTION 21487 - ABANDONMENT OF EASEMENT - V150074A - 8TH STREET AND CAMELBACK ROAD**

Abandonment of Easement – V150074A – 8th Street and Camelback Road

- Abandonment No.: V150074A
- Project No.: 15-2602
- Applicant(s): Michael Caylor of Site Consultants
- Request: To abandon the 16-foot Public Utility Easement bounded by North 8th Street and North 8th Place, East Camelback Road and East Pasadena Avenue, retained from the alley abandonment per Resolution 19497.
- Date of Decision/Hearing: February 5, 2016
ITEM 67  DISTRICT 6  RESOLUTION 21488 - ABANDONMENT OF EASEMENT - V160045A - 7838 NORTH 6TH STREET

Abandonment of Easement – V160045A – 7838 North 6th Street

Abandonment No.: V160045A
Project No.: 01-226
Applicant(s): Sekou Jackson
Request: To abandon the 25-foot Roadway Easement on the parcel addressed 7838 North 6th Street, APN 160-45-071.
Date of Decision/Hearing: August 19, 2016

ITEM 68  DISTRICT 8  RESOLUTION 21489 - ABANDONMENT OF RIGHT-OF-WAY - V150061A - 2615 EAST SOUTHGATE AVENUE

Abandonment of Right-of-Way – V150061A – 2615 East Southgate Avenue

Abandonment No.: V150061A
Project No.: 04-3089
Applicant(s): Juan C. Cordova and Maria Catalina Rubio Cerezo
Request: The abandonment of the 18-foot alley Right-of-Way adjacent to the parcel addressed 2615 East Southgate Avenue, APN 122-20-123
Date of Decision/Hearing: December 9, 2015

Financial Impact
A fee was also collected as part of this abandonment in the amount of $558.

ITEM 69  DISTRICT 8  RESOLUTION 21490 - ABANDONMENT OF RIGHT-OF-WAY - V160009A - 3135 EAST CORONADO ROAD

Abandonment of Right-of-Way – V160009A – 3135 East Coronado Road
Abandonment No.: V160009A  
Project No.: 06-4743  
Applicant(s): Sal Ramel  
Request: To abandon the Coronado Road Right-of-Way located between the parcel addressed 3135 East Coronado Road, APN 120-20-093A, and the unaddressed parcel identified as APN 120-20-088B.  
Date of Decision/Hearing: March 23, 2016  

Financial Impact  
A fee was also collected as part of this abandonment in the amount of $1,300.

ITEM 70     DISTRICTS 3, 6 AND 8     ORDINANCE S-42919 - ACCEPTANCE OF EASEMENTS FOR WATERLINE, PUBLIC UTILITY AND ACCESS PURPOSES  

The Council heard request to accept five easements for waterline, public utility and access purposes; further ordering the ordinance recorded.  
Accepting the property interests would meet the Planning and Development Department’s Single Instrument Dedication Process requirement prior to releasing any permits to applicants.

ITEM 71     DISTRICTS 5, 6 AND 8     ORDINANCE S-42920 - ACCEPTANCE AND DEDICATION OF A DEED AND EASEMENTS FOR ROADWAY, SIDEWALK AND TRAFFIC CONTROL PURPOSES  

The Council heard request to accept and dedicate a deed and two easements for roadway, sidewalk and traffic control purposes; further ordering the ordinance recorded.  
Accepting and dedicating the property interests would meet the Planning and Development Department’s Single Instrument Dedication Process requirement prior to releasing any permits to applicants.
<table>
<thead>
<tr>
<th>ITEM 72</th>
<th>DISTRICT 1</th>
<th>ORDINANCE G-6213 - AMEND CITY CODE - REZONING APPLICATION Z-39-16-1 – SOUTHWEST CORNER OF 27TH AVENUE AND LOUISE DRIVE</th>
</tr>
</thead>
</table>

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-39-16-1 for the CP/GCP DVAO (Commerce Park/General Commerce Park option, Deer Valley Airport Overlay District) zoning district located at the southwest corner of 27th Avenue and Louise Drive to allow commerce park warehouse, office, and light industrial uses.

<table>
<thead>
<tr>
<th>ITEM 73</th>
<th>DISTRICT 2</th>
<th>ORDINANCE G-6214 - AMEND CITY CODE - REZONING APPLICATION Z-24-16-2 – NORTHWEST CORNER OF 16TH STREET AND WAHALLA LANE</th>
</tr>
</thead>
</table>

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-24-16-2 for the PUD (Planned Unit Development) zoning district located at the northwest corner of 16th Street and Wahalla Lane to allow a mix of uses including single and multifamily residential.

<table>
<thead>
<tr>
<th>ITEM 74</th>
<th>DISTRICT 2</th>
<th>ORDINANCE G-6215 - AMEND CITY CODE - REZONING APPLICATION Z-34-16-2 – NORTHEAST CORNER OF CAVE CREEK ROAD AND GREENWAY PARKWAY</th>
</tr>
</thead>
</table>

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-34-16-2 for the C-2 (Intermediate Commercial) zoning district located on the northeast corner of Cave Creek Road and Greenway Parkway to allow an automobile service station with food/convenience store and future commercial pad.
The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-289-P-84-6 for the C-2 SP PCD (Intermediate Commercial, Special Permit, Planned Community District) zoning district located north of the northeast corner of Desert Foothills Parkway and Marketplace Way to allow a major amendment to the Foothills PCD to allow a Special Permit for a Self-Service Storage Warehouse and all underlying C-2 uses.

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-76-15-6 for the PUD (Planned Unit Development) zoning district located approximately 766 feet north of the northwest corner of 52nd Street and McDowell Road to allow a Planned Unit Development which included a mix of uses including a retail plant nursery.
The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-31-16-8 for the DTC-Warehouse HP (Downtown Code-Warehouse Historic Preservation District) zoning district located at the southeast corner of the 5th Street alignment and Grant Street to add a Historic Preservation overlay to the site.

Items 29(E), (P), and (U) were heard together.

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed $12,472,567.85 for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts.

e) $ 186,062.00 To Maricopa Association of Governments, request payment authority for annual membership dues and assessments for FY 2016-17. This item was approved by the Transportation and Infrastructure Subcommittee on Sept. 21, 2016, for the Office of Government Relations, Public Works, Water Services and Human Services departments.
To G4S Secure Solutions (USA), Inc., request payment authority under City of Tempe Intergovernmental Agreement T14-058-01, through Jan. 1, 2017, to provide security guard services at Phoenix City Hall and Calvin Goode buildings. Security guards were needed to establish tighter security procedures that included screening visitors using metal detectors and bag screening using an X-ray machine, for the Police Department.

Request additional funds for legal fees and costs incurred through June 30, 2017 (list of vendors available in the Law Department). The request for additional funds reflected an increase in legal fees and costs to defend claims paid by the Self Insurance Trust Fund and to prosecute Phoenix’s claims against other parties, for the Law Department.

MOTION was made by Vice Mayor Gallego, SECONDED by Councilwoman Pastor, that Items 29(E), (P), and (U) be adopted.

Councilman Waring indicated he would be voting no on Item 29(E), noting he had voted against MAG membership dues every year since 2012 based on his concerns about how MAG managed its money.

Roll Call: Ayes: Nowakowski, Pastor, Stark, Valenzuela, Williams, Vice Mayor Gallego, and Mayor Stanton
Nays: DiCiccio and Waring
Absent: None

MOTION CARRIED.

ITEM 29(M) CITYWIDE ORDINANCE S-42892 - PAYMENT ORDINANCE $12,472,567.85

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed $12,472,567.85 for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts.
m) $ 120,000.00 To Dominion Voting Systems, Inc., request additional expenditures for Contract 120334, through June 30, 2018, for annual software licenses, election equipment maintenance and hardware repairs or replacement for the ballot tabulation system used for City elections, for the City Clerk Department.

**MOTION** was made by Vice Mayor Gallego, **SECONDED** by Councilwoman Pastor, that Item 29(M) be adopted.

Mr. Leonard Clark spoke in opposition to the company receiving this money because of recent vote count concerns.

Councilman Waring would be voting against this item because he did not think the City should run an election.

Roll Call: Ayes: DiCiccio, Nowakowski, Pastor, Stark, Valenzuela, Williams, Vice Mayor Gallego, and Mayor Stanton

Nays: Waring

Absent: None

**MOTION CARRIED.**

**ITEM 29(N) CITYWIDE**

ORDINANCE S-42892 - PAYMENT ORDINANCE $12,472,567.85

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed $12,472,567.85 for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts.
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n) $ 55,000.00 To Ellen MacArthur Foundation Trading LTD, request payment authority for Contract 141574, through Oct. 1, 2017, for membership to Circular Economy 100. Membership provided access to industry best practices on a global scale to implement business plans to attract key industry leaders and capital investment in waste diversion projects at the Phoenix Resource Innovation Campus. This item was approved by the Transportation and Infrastructure Subcommittee on Sept. 21, 2016, for the Public Works Department.

**MOTION** was made by Vice Mayor Gallego, **SECONDED** by Councilwoman Pastor, that Item 29(N) be adopted.

Roll Call: Ayes: Nowakowski, Pastor, Stark, Valenzuela, Williams, Vice Mayor Gallego, and Mayor Stanton
Nays: DiCiccio and Waring
Absent: None

**MOTION CARRIED.**

**ITEM 29(O) CITYWIDE**

**ORDINANCE S-42892 - PAYMENT ORDINANCE**

$12,472,567.85

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed $12,472,567.85 for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts.

o) $ 36,000.00 To Employment Learning Innovations, Inc., request additional expenditures for Contract 137332, through March 31, 2018, to provide Civil Treatment training to employees and managers on appropriate workplace behavior. Civil Treatment was designed to help organizations prevent, detect, and correct inappropriate behavior and build productive, inclusive cultures, for Citywide departments.
MOTION was made by Vice Mayor Gallego, SECONDED by Councilman Valenzuela, that Item 29(O) be adopted.

Roll Call:  
Ayes: Nowakowski, Pastor, Stark, Valenzuela, Vice Mayor Gallego, and Mayor Stanton  
Nays: DiCiccio, Waring, and Williams  
Absent: None

MOTION CARRIED, noting Item 29 was adopted in full.

**ITEM 32 CITYWIDE RESOLUTION 21482 - COMMEMORATION OF INDIGENOUS PEOPLES’ DAY**

The Council heard request to authorize the City Manager, or his designee, to approve the commemoration of Indigenous Peoples’ Day by resolution to be celebrated annually the second Monday of October.

The Planning and Development Department received a Heritage and Historical Celebration/Commemoration Application on May 5, 2016 from Carlos Bravo and Jeffrey Malkoon. The application requested the establishment of Indigenous Peoples’ Day in Phoenix to be commemorated annually on the second Monday in October. Along with their application they submitted a resolution for adoption by the City Council. The rationale of the proposed commemoration was to honor and celebrate the historical and cultural heritage of the indigenous communities of the Phoenix area.


MOTION was made by Vice Mayor Gallego, SECONDED by Councilman Valenzuela, that Item 32 be adopted.

Planning and Development Director Alan Stephenson stated this was a request to authorize the City Manager to approve the commemoration of Indigenous Peoples’ Day to be celebrated annually the second Monday of October.
October 5, 2016

Historic Preservation Officer Michelle Dodds explained in May of this year Mr. Carlos Bravo and Mr. Jeffrey Malkoon submitted an application to establish Indigenous Peoples’ Day to reflect on the contributions these people made to the City of Phoenix. She noted the application was recommended for approval by the Heritage Commission and the Sustainability, Housing, Efficiency, and Neighborhoods Subcommittee.

Councilman Nowakowski asked if general funds would be spent on this holiday.

Mr. Stephenson replied it was just a commemoration of that day so no city funds were being used for an event at this time.

Mr. Carlos Bravo expressed this resolution had an important purpose as it was not only a commemoration but a testament to the history that Native American communities were the first people in Arizona and established their existing cultural presence. Also, it sent a message that Phoenix valued Native American heritage and culture as well as raised awareness of the Native American communities in the Phoenix area. He conveyed Phoenix had the third largest Native American population in the nation, estimated at 44,000 people. Moreover, Arizona was home to 22 Native American tribes and many had historic landmarks, monuments, and natural preserves.

Mr. Jeffrey Malkoon continued Phoenix was built on what was the Hohokam civilization and still used the same irrigation system to manage its water resources. Plus, the Pueblo Grande and Mesa Grande sites were a reminder of the significant contributions of Native American cultures. He advised passage of this resolution would make Phoenix the largest city in the country to recognize Indigenous Peoples’ Day as well as the first municipality in Arizona. He specified 25 cities across the country had passed comparable resolutions and anticipated Council’s support would encourage other large cities to join in this movement across the nation. He and Mr. Bravo had met with numerous bodies over the past two years regarding this resolution and encouraged Council to adopt it.

Councilman DiCiccio congratulated those who worked hard to make this resolution possible.

Mr. Tyrell Tunney, vice president of the Future Inspired Native American Leaders Youth Council based in Phoenix, spoke in favor. He stated this recognition day represented a new beginning for urban youth generations and would provide awareness of the different opportunities for higher education. He asked that Council support Indigenous Peoples’ Day on the second Monday of October.
Ms. Megan Tom, an Arizona State University student, spoke in support. She believed Indigenous Peoples’ Day would initiate much needed conversations within schools and businesses about indigenous viewpoints. It would also give youth the confidence of inclusion and Phoenix would gain ancient perspectives. She expressed this was a good start and urged Council to support Indigenous Peoples’ Day.

Ms. Laura Medina, an Arizona State University student, spoke in favor as she felt it was important to acknowledge this history. She announced a free event with traditional food, great speakers, and amazing artists was being held on Monday, October 10 from 1:00 to 9:00 p.m. by a group called Indigenous Peoples’ Day Arizona.

In response to Councilman Nowakowski, Ms. Medina said the event was at the Puente Human Rights Movement to also help build a bridge with the Mexican community and conveyed there were flyers available.

Ms. Jolyana Begay-Kroupa, program manager for the Phoenix Indian Center, spoke in support as this resolution recognized and pledged solidarity of indigenous people. She asked that Council support these efforts to maintain and revitalize indigenous people.

Ms. Dai Dawson spoke in favor because this recognition of indigenous people was important and hoped Phoenix set the standard for other cities.

Mr. Alex Malkoon spoke in support as this motion brought back an appreciation of the indigenous population and their culture. He urged Council to approve the resolution.

Councilman DiCiccio remarked education about the indigenous population had lagged and was glad to see young kids were starting to learn about it again.

Mr. Kyle Blackhorse spoke in favor. He emphasized Phoenix had the fourth largest urban Native population and thought it would be great for the elders and youth to be honored with this day.
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Mayor Stanton stated speaker comment cards were submitted in favor by the following individuals, but no one wished to speak:

Mr. Thomas Barr  
Ms. Lindsay Robinson  
Ms. Stacey Champion  
Ms. Denise Malkoon  
Ms. Camille Malkoon  
Ms. Lisa Blackhorse  
Ms. Belinda Escalante

Ms. Shenise Bryant represented Native American Connections which supported Indigenous Peoples’ Day.

Ms. Jaclyn Roessel spoke in favor. She commented Indigenous Peoples’ Day provided a base to work from as well as celebrated the vibrancy and resilience of indigenous people. She believed support of this resolution would challenge everyone to rise to new levels of understanding.

Vice Mayor Gallego was glad the City of Phoenix would become the largest city in the country to recognize Indigenous Peoples’ Day. She emphasized this was an important step in acknowledging heritage since tribal communities formed the original settlements in Phoenix while not discounting the contributions of current tribal nations that were vital to the City. The commemoration was not a city holiday that would cost money but a day highlighting great treasures like the Pueblo Grande Museum with organizations interested in holding events. She recognized Mr. Bravo and Mr. Malkoon for their leadership along with the testimony from students and community members.

In response to questions from Councilman Waring, Mr. Stephenson confirmed Indigenous Peoples’ Day would not replace Columbus Day as it was recognized as a state and federal holiday. Further, this would not be a day off for the City since it was not recognized as a state or federal holiday. He added the City’s official calendar recognized federal, state, and city holidays which was the reason Columbus Day was placed on it.

Councilman Waring mentioned staff had inquired why Pearl Harbor Day was not on the city calendar. He now understood the day was not recognized as a federal, state, or city holiday but wanted to change that since it was also an important day.
In further response to questions from Councilman Waring, Mr. Stephenson clarified Indigenous Peoples’ Day would be commemorated as part of this declaration but not placed on the City’s calendar since it only showed federal, state, and city holidays. He continued the City did not have any sponsored events planned but there were other organizations planning them. Moreover, the City did not intend to remove Columbus Day from its calendar.

Councilman Waring recalled an article that focused on Columbus Day and wanted people to know Council’s action would not take it off the city calendar. Still, he appreciated the positive comments in the newspaper made by Mr. Malkoon and Vice Mayor Gallego about why the City should do this as a way to recognize past service.

Mr. Stephenson reiterated this was a commemoration of the contributions of indigenous people in the city’s history. It was not a city holiday so there would be no additional time off nor any money spent but would allow a group to plan events to celebrate indigenous people’s contributions.

Councilman Waring was aware this was controversial in other cities and wondered if Council was voting only on positive Indigenous Peoples’ Day.

Mr. Stephenson explained this resolution commemorated the contributions of indigenous people and how folks planned celebrations was up to them. The City did not have any sponsored events; therefore, no money would be spent on this effort.

Councilman Waring voiced his support for the item.

Councilman DiCiccio remarked the City recognized many different individuals and groups; however, this would be the first time Phoenix recognized those who first settled and contributed to society; for instance, the water system and architecture. He supported the item and thanked everyone who brought this forward as it was important to acknowledge the history as something positive going forward.

Councilman Valenzuela agreed with Councilman DiCiccio’s comments, noting this was a positive move since it was American history. He thanked the groups that would continue to celebrate indigenous people year-round and was supportive of other events the City could take part in and sponsor moving forward.

Councilwoman Stark was proud to see Millennials step up and do right by the city.
Councilwoman Pastor commented Indigenous Peoples’ Day embraced Arizona’s history of people who were first and built the infrastructure. She indicated this day would continue tradition, language, and stories as well as bring resources together. She thanked Vice Mayor Gallego for bringing this to the forefront and everyone who supported it.

Councilwoman Williams applauded those who spoke and welcomed them to continue participating as Council’s goal was to be inclusive of all people.

Councilman Nowakowski stressed this was an opportunity to start educating individuals about Native people as well as share their stories in order to bring folks together. He also thanked the young leaders that spoke and believed the City had great leaders in its future.

Mayor Stanton supported declaring Indigenous Peoples’ Day in the City of Phoenix. He thanked Mr. Bravo and Mr. Malkoon for their leadership and everyone that testified, especially the young leaders. Mayor Stanton noted this would help educate the broader community of the history by using city facilities like the Pueblo Grande Museum to send that message. Moreover, he wanted City management to begin the process of changing the name of Squaw Peak Drive to show respect for all populations, especially Native Americans.

Roll Call: Ayes: DiCiccio, Nowakowski, Pastor, Stark, Valenzuela, Waring, Williams, Vice Mayor Gallego, and Mayor Stanton
Nays: None
Absent: None

**MOTION CARRIED UNANIMOUSLY.**

Councilwoman Pastor temporarily left the voting body.
The Council heard request for adoption of a Resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Ariz., (the “Phoenix IDA”) previously resolved to issue up to $110,000,000 of Education Facility Revenue Bonds (the “Revenue Bonds”) for use by Legacy Traditional School – Chandler (formerly known as Athlos Traditional Academy) (the “Borrower”), and certain of its affiliates, primarily to:

a) refinance, acquire, and expand existing school facilities, acquire land and construct a new campus, and acquire certain furniture, fixtures, and equipment to be used at one or more of the schools (the “Project”), and

b) to pay certain costs related to the issuance of the Revenue Bonds.

Location

The school facilities to be refinanced were located at 13901 N. 67th Ave. in Glendale, Ariz. (the “Glendale Campus”), and 1900 N. McQueen Road in Chandler, Ariz. (the “North Chandler Campus”).

The school facilities to be acquired were located at 7877 W. Hillcrest Blvd. in Peoria, Ariz. (the “Peoria Campus”), and 14506 W. Sweetwater Ave. in Surprise, Ariz. (the “Surprise Campus”).

The campuses to be expanded were located at 7900 S. 43rd Ave. in Laveen, Ariz. (the “Laveen Campus”), and 14506 W. Sweetwater Ave. in Surprise, Ariz. (the “Surprise Campus”).

The new campus would be located at the northeast corner of Valley Drive and West La Madre Way in North Las Vegas, Nev. (the “North Valley Campus”).
MOTION was made by Vice Mayor Gallego, SECONDED by Councilwoman Williams, that Item 35 be adopted.

Mayor Stanton temporarily left the voting body. Vice Mayor Gallego assumed the Chair.

Mr. Leonard Clark spoke in opposition. He appreciated the process of the Phoenix IDA but stressed there were loopholes regarding charter schools. He expressed many parents could not afford to send their children to charter schools so the system was unbalanced. Also, citizens elected public school officials whereas charter schools appointed board members. Therefore, he urged that Council vote no on this item.

Acting Mayor Gallego confirmed the following individuals that submitted speaker comment cards in favor did not wish to speak:

Mr. Terry Warren
Mr. Brandon Jones
Mr. Corey Kennedy

Mayor Stanton returned to the voting body and resumed as Chair.

Vice Mayor Gallego indicated one of the schools was in her district and agreed with Mr. Clark that there was less public review for charter schools than public schools. She wanted to make sure the school worked with the Street Transportation Department so students had safe routes to school.

Roll Call:  Ayes:  DiCiccio, Nowakowski, Stark, Valenzuela, Waring, Williams, Vice Mayor Gallego, and Mayor Stanton
Nays:  None
Absent:  Pastor

MOTION CARRIED UNANIMOUSLY.
The Council heard request to authorize the City Manager, or his designee, to amend City Contract No. 121451, assign development rights and any other agreements necessary including a tax incentive agreement with RED Development, LLC (RED) for the redevelopment of Block 23, located at 125 E. Washington St. in Downtown Phoenix, as a mixed-use high-rise redevelopment project. Further requested authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item. Pursuant to A.R.S. §9-500.11, this item could not be placed on the Consent calendar, and must be approved by at least two-thirds of the Phoenix City Council.

Block 23 was a parcel of land that was granted to the City as a part of the original Townsite of Phoenix in the late 1800s; it was originally utilized as a public plaza. Over the years, the City entered into land leases for commercial uses, which included the former JC Penny store and the Fox Theater. As the City grew and needs changed, the parcel was used by the City for municipal office space and a bus station. Most recently Block 23 was used as a public parking lot, controlled by the Barron Collier Company (BCC). Since the property had always been in the City’s name since the 1800s, this property never generated property tax.

In December 1991, the City and BCC entered into a Development Agreement that included transfer of development rights and land between the City and BCC, trading two downtown parcels for 20 acres of land that became Steele Indian School Park. BCC and Opus West developed the first of the two blocks in Downtown into the Collier Center; however, they had not yet developed Block 23. In June 2007, the City and BCC moved forward to develop the second parcel, Block 23. BCC was not successful in advancing the project.

RED reached terms with BCC to secure all development rights to Block 23, to develop a dense, vibrant, urban, mixed-use, high-rise development project in the heart of Downtown, with a capital investment of approximately $160 million, and would include a grocery store. The development would take the parcel from non-revenue-generating to a productive mixed-use project. In order to facilitate the development of Block 23, staff recommended the following new terms be incorporated into an amended development agreement:
An amended Project Improvement description including:

- Approximately 300 multifamily, for-rent, high-rise residential units.

- 150,000 square feet of creative, open, office space attractive to technology- and innovation-oriented tenants.

- 50,000 square feet of commercial space to include:
  - An urban Fry’s grocery store.
  - Additional commercial space for restaurants and retail.

- 1,000 above- and below-grade structured parking stalls.

- Streetscape, pedestrian and cycling improvements, enhancing walkability and bikeability in downtown.

Amended performance requirements including:

- RED must complete acquisition of BCC’s development rights and terminate all remaining BCC rights and eliminate City obligations under the 1991 and 2007 contracts, except as identified below.

- Amend the existing redevelopment agreement within six months after the Phoenix City Council’s authorization of the business terms.

- Execute the development lease prior to June 27, 2017.

- Within 18 months from execution of the agreement, Developer shall commence construction; and RED would complete the Project within 36 months.

- Maintain the City’s prior approval for a Government Property Lease Excise Tax (GPLET), but reduce the length from 75 years down to 50 years.
To defray the expense of acquiring the development rights to Block 23, the City would:

- Provide up to $18.3 million of financial support.
  - Provide $2.5 million to RED to fund the expense of historic and prehistoric site evaluation/excavation, environmental work, demolition and other site work, similar to a private-sector sale of property. Funds were available in the Downtown Community Reinvestment fund.
  - Pay to RED, by reimbursement or other method reasonably acceptable to the City and RED, City construction sales taxes ($1.8 million estimate) collected from the Project.
  - Pay to RED, by reimbursement or other method reasonably acceptable to the City and RED, $560,000 annually of all other City Privilege License Taxes (PLT) collected from the Project for a period of 25 years not to exceed $14 million. If the 2016 Project did not generate at least $560,000 per year in PLT taxes, City shall only pay the amount that had actually been collected (subject to the limitations in the following paragraph).
  - During the first 10 years after the completion of construction, if the Project did not generate $560,000 during the year, then in years two through 10, the City would pay RED, by reimbursement or other method reasonably acceptable to the City and RED, any excess PLT collected in the amount necessary to “true up” the previous year’s total to achieve $560,000 for the year.
- The sales tax reimbursement would be performance-based. Reimbursement would occur only to the extent the project generated sufficient funds.

To complete the purchase of Block 23 from the City, RED would:

- Pay lease payments totaling $18 million to the City.
  - Remit to City annual lease-to-purchase payments for a total of $15 million over the Term of the Agreement.
  - Pay a final purchase payment of $3 million at the end of the lease.
- Develop the project as described above.
October 5, 2016

RED may purchase the Site and Project Improvements and terminate the Lease at any time during the Term for the total outstanding amount as identified above, but not less than $18 million. The Agreements would include other terms and conditions as needed, and deadlines for performance benchmarks may be modified by the City.

Contract Term
The amended lease term would be for a maximum of 50 years.

Financial Impact
The project would generate an estimated net new City Sales Tax revenue to the General Fund of $76.5 million over the Term. The $2.5 million referenced for site work was available in the Community and Economic Development Capital Improvement Plan (CIP) budget in the Downtown Community Reinvestment Fund. The City shall reimburse RED all of the City construction sales taxes collected from the project. The City shall reimburse RED up to $560,000 annually of all other City PLT collected from the Project for a period of 25 years (not to exceed $14 million). All rent payments and final purchase payment generated from this project would be deposited into the General Fund ($18 million over the Term).

Location
The project site was located at 125 E. Washington St. in downtown Phoenix, also known as Block 23 of the Original Townsite of Phoenix.

Concurrence/Previous Council Action
The Downtown, Aviation, Economy, and Innovation Subcommittee voted 4-0 to recommend approval of this item on Aug. 31, 2016. The Phoenix City Council approved Resolution 21474 with a 7-2 vote, on Sept. 7, 2016, which provided public notice of the consideration of the tax incentive agreement for this project on Oct. 5, 2016.

Deputy City Manager Paul Blue stated staff recommended an amendment to the existing development agreement to support a grocery store, residential and office development on a block known as Block 23. The original town site had been in city ownership since the late 1800s but brought no income in terms of real estate taxes and had been a parking lot for decades. He conveyed the site would net over $70 million and bring in a treasured asset, a grocery store. He believed there were a number of benefits and financial return to the city that made this proposal valid.
Councilwoman Pastor returned to the voting body.

Councilwoman Williams indicated this matter came before the Subcommittee, noting people were primarily excited about the grocery store. She congratulated staff for their hard work, negotiations, and successful conclusion.

**MOTION** was made by Councilwoman Williams, **SECONDED** by Councilman Nowakowski, that Item 36 be adopted.

Mr. Leonard Clark spoke in support as a major grocery store was needed for residents in downtown.

Ms. Greta Rogers spoke in opposition. She referred to an article from the New York Times that she submitted to the Council with regard to banks financing commercial property. She expressed caution on this proposal as she did not approve of tax relief being provided over a long period of time. She suggested Fry’s build their own grocery store or have RED Development enter into a cooperative agreement and take the risk instead of the citizens of Phoenix.

Mayor Stanton stated speaker comment cards were submitted in favor by the following individuals, but no one wished to speak:

- Mr. Dave Krietor - Downtown Phoenix, Inc.
- Ms. Brandi Porter
- Mr. Daniel Klocke

Councilman Nowakowski conveyed that Council had been working on placing a grocery store in downtown Phoenix for years. He thanked RED Development for taking the risk and building CityScape during the economic downturn which had become a town square. He noted RED Development listened to what people wanted which was a grocery store and would be a great investment for Phoenix. The City had not collected any money from this property but now it would bring in revenue along with new business. He also thanked Mayor Stanton for helping to secure Fry’s in downtown Phoenix.

Councilwoman Stark believed a deal already existed and staff improved upon it.

Community and Economic Development Director Christine Mackay replied staff took an existing agreement and negotiated with the developer to substantially amend it.
Councilman Waring indicated this was a good project but could not support it as he had reservations about the City using tax incentives. This was a tough decision since he knew the people involved and had respect for them. Still, he wondered if somehow he held up this vote.

Mr. Blue responded Councilman Waring had no role in slowing down the vote on this item.

Councilman DiCiccio also was not supportive of the property tax component, but agreed this was a good project. He congratulated those who worked hard on this project, particularly Councilman Nowakowski who had been working on bringing this grocery store to downtown Phoenix since 2010. Further, Councilman DiCiccio commended staff for their hard work and dedication for putting these big complex projects together.

Councilman Valenzuela stated this was how Phoenix moved its economy and the community forward. The city had an excellent community partner in Fry’s grocery store and RED Development who made a successful investment with CityScape and now this mixed-use development. He thanked staff for their leadership to reduce the GPLET and believed this was a proper use for this economic development tool.

In response to questions from Councilwoman Pastor, Ms. Mackay confirmed this agreement had been in existence since 1991 and staff was amending the timeframe from 75 to 50 years. The economic impact of this project would bring in approximately $254 million over 10 years. Also, staff expected around 1,300 new jobs in the downtown market with significant average salaries. Therefore, she said the City would see about $76 million in new sales tax.

Councilwoman Pastor expressed support for the item.

Mayor Stanton supported this item as well because having a great downtown was not just important to the City but the entire State. He pointed out there had been great momentum in the heart of Phoenix the last two years. He thought staff had been judicious with recommendations to Council regarding a development agreement. This site was in the heard of the city and was currently an empty lot that generated no economic activity. He commented once this project was complete there would be a grocery store which benefited and accelerated more residential in downtown Phoenix as well as additional opportunities for businesses and entrepreneurs. Thus, he thought it was smart economic development policy for the City.
Roll Call: Ayes: Nowakowski, Pastor, Stark, Valenzuela, Williams, Vice Mayor Gallego, and Mayor Stanton
Nays: DiCiccio and Waring
Absent: None

**MOTION CARRIED.**

**ITEM 37**

**DISTRICTS 7 AND 8**

**ORDINANCE S-42898 - REQUEST TO AUTHORIZE INNOVATION DISTRICT CONSULTANT FUNDING AND CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Mary Jo Waits & Associates, LLC, to provide consulting services for the City’s Innovation District Steering Committee in an amount not to exceed $75,000 per year and further authorized the City Controller to disburse funds.

The consultant would facilitate meetings of the Innovation District Steering Committee, appointed by the Mayor and Council, and would develop and write a comprehensive plan to designate, promote, and guide a geographic area where research-oriented anchor institutions, high-growth companies, and creative and tech startups can cluster to maximize innovation and employment potential.

**Procurement Results**

The City of Phoenix issued a Request for Proposals (RFP) on Aug. 22, 2016, and received two proposals by the proposal deadline. One of the proposals was deemed non-responsive for failing to demonstrate its primary consultant met the minimum qualifications published in the RFP. The responsive proposal was submitted by Mary Jo Waits and Associates, LLC. Staff verified the Mary Jo Waits and Associates, LLC proposal met the RFP’s requirements and minimum qualifications.

**MOTION** was made by Vice Mayor Gallego, **SECONDED** by Councilman Valenzuela, that Item 37 be adopted.
Vice Mayor Gallego stated this was an innovation district located in the downtown warehouse district. The community wanted to know how this would work with existing planning and she thought there was a commitment to build upon work already done. Staff spent significant time on the Biomedical Campus master plan to ensure the city took advantage of the medical school and ASU/NAU downtown facilities to have businesses and therapies come out for those in the community with cancer and other diseases. This effort focused more on the private sector plus working together with downtown planning, noting the warehouse district had attracted start-ups and creative companies. She believed this would continue to build on that momentum.

Councilman Valenzuela remarked entrepreneurs were excited about Phoenix having an innovation district close to downtown with connections to public transportation and all three public universities. He noticed the city was focused on economic development in this particular space, especially around technology, innovation, and entrepreneurship. He expressed support for this item.

Mayor Stanton also supported the item as there were many assets in the existing innovation district which included the bioscience campus, the heart of downtown, and the warehouse district. He emphasized this would bring the right parties to the table who would come up with ways to support existing businesses and institutions in the innovation district. He stressed this facilitation would take things to a new level so Phoenix could build a more competitive economy moving forward.

Roll Call: Ayes: DiCiccio, Nowakowski, Pastor, Stark, Valenzuela, Williams, Vice Mayor Gallego, and Mayor Stanton
Nays: Waring
Absent: None

MOTION CARRIED.
The Council heard request to authorize the City Manager, or his designee, to enter into a contract with McKinstry Essention, LLC, to provide all labor, equipment, materials, and tools for a systemic energy analysis of the Municipal Court Building, in an amount not to exceed $93,000. Further requested authorization for the City Controller to disburse all funds related to this item.

This contract was required to improve the building’s energy efficiency. The contract would provide a systemic evaluation of operation and equipment specifications to maximize energy efficiencies.

Procurement Results
The City Council approved a Qualified Vendor List for Energy Audits on Dec. 18, 2013. McKinstry Essention, LLC, was one of the approved vendors.

Contract Term
The contract term was for one year, beginning Oct. 5, 2016, and ending on Oct. 4, 2017, with no options to extend.

Financial Impact
Expenditures would not exceed $93,000 over the life of the contract.

Location
The City of Phoenix Municipal Court was located at 300 W. Washington St.

MOTION was made by Vice Mayor Gallego, SECONDED by Councilwoman Williams, that Item 51 be adopted.

Councilman Waring expressed the city spent a lot of money on studies and consultants but things did not seem to improve. He voted no on Item 37 based on that viewpoint and would be doing so on this item as well.
Roll Call: Ayes: Nowakowski, Pastor, Stark, Valenzuela, Williams, Vice Mayor Gallego, and Mayor Stanton
Nays: DiCiccio and Waring
Absent: None

MOTION CARRIED.

ITEM 77  DISTRICT 8  ORDINANCE G-6218 -
AMEND CITY CODE -
REZONING APPLICATION
Z-15-16-8 – NORTHWEST CORNER OF 32ND STREET AND HIGHLINE CANAL

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-15-16-8 for the PUD BAOD (Planned Unit Development, Baseline Area Overlay District) zoning district located at the northwest corner of 32nd Street and Highline Canal to allow a Planned Unit Development including single family residential and accessory uses.

MOTION was made by Vice Mayor Gallego, SECONDED by Councilman Valenzuela, that Item 77 be adopted.

Mayor Stanton stated Mr. Ed Bull, representative for the applicant, submitted a speaker comment card in favor, but did not wish to speak.

Vice Mayor Gallego added speaker comment cards were submitted in favor by the following individuals, who also did not wish to speak:

Mr. Tom Lemon, Applicant
Dr. Michael Pace
Mr. Carl Triphahn
Mr. Guy Stuckey
Mr. Tom Mulhern
Mr. Steve Curtis
Ms. Andrea Pedersen
Roll Call: Ayes: DiCiccio, Nowakowski, Pastor, Stark, Valenzuela, Waring, Williams, Vice Mayor Gallego, and Mayor Stanton
Nays: None
Absent: None

MOTION CARRIED UNANIMOUSLY.

ITEM 79 DISTRICT 2

PUBLIC HEARING - ORDINANCE G-6220 - REZONING APPLICATION Z-69-15-2 - NORTHEAST CORNER OF 40TH STREET AND DYNAMITE BOULEVARD

The Council heard request to hold a public hearing on the rezoning for the following item to consider adopting the Planning Commission's recommendation and the related Ordinance if approved.

From: S-1
To: R1-10
Acreage: 9.71
Location: Approximately 1,330 feet north of the northeast corner of 40th Street and Dynamite Boulevard
Proposal: Single Family Residential
Applicant: Brennan Ray, Burch & Cracchiolo
Owner: Various Property Owners
Representative: Brennan Ray, Burch & Cracchiolo
Staff: Approval, subject to stipulations.
PC Action: May 5, 2016 – Approved, per the stipulations in the staff report with a modification to Stipulation 4.

¾ VOTE REQUIRED FOR CHANGE OF ZONING
October 5, 2016

The following stipulations were subject to discussion at the meeting and the City Council may add, delete or amend stipulations.

1. The development shall be in general conformance with the site plan date stamped April 20, 2016 and elevations date stamped October 29, 2015, as modified by the following stipulations and approved by the Planning and Development Department with specific regard to the following:

   A. The development shall not exceed 39 lots.

   B. Lot widths shall be a minimum 50-feet wide.

2. The developer shall construct/fund installation of a traffic light at the intersection of Cave Creek Road and Peak View Road as approved by the Street Transportation Department as outlined below:

   A. The developer shall deposit $150,000 into a Street Transportation Department escrow account to fund the above ground traffic signal construction, materials, and labor. This portion of the traffic light will be constructed by the City and any money remaining in the escrow account that is not necessary for the construction shall be returned to the applicant within six months of the traffic light becoming operational as approved by the Street Transportation Department.

   B. The developer shall be responsible for construction of all remaining elements of the traffic light that are not detailed in the Street Transportation Department Peak View and Cave Creek Road Cost Estimate date stamped April 22, 2016 by the Planning and Development Department.

3. The development shall utilize view fencing for the homes that back common open space tracts, as approved by the Planning and Development Department.

4. The development shall utilize 6-foot wrought iron view fencing along the west property line and 6-foot solid block wall along the south property line, as approved by the Planning and Development Department.

5. No public or construction vehicular access shall be provided from the 40th Street alignment or the western property line.
6. The developer shall construct a control gate at the 40th Street alignment to allow access along the existing easement to the City of Phoenix well site as approved by Planning and Development Department and Water Services Department.

7. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and operational characteristics of nearby existing ranchettes and animal privilege private properties that may cause adverse noise, odors, dust, and other externalities. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

8. The development shall be in general conformance with the Conceptual Landscape Plan date stamped April 20, 2016, as approved by Planning and Development Department.

9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.

Planning and Development Director Alan Stephenson stated this application was located at the northeast corner of 40th Street and Dynamite Boulevard. The request was to rezone from S-1 to R1-10 to allow single-family residential development on 9.71 acres. He referred to slides that showed the lot and surrounding area as well as the design of Lennar homes. Staff recommended approval of R1-10 zoning subject to stipulations from the Sept. 19, 2016 memo. He pointed out the memo represented additional outreach the applicant did with neighbors to gain support by limiting more units to single story, providing a trail, and other accommodations. The request was denied by the Desert View Village Planning Committee; however, the Planning Commission recommended approval.
Mayor Stanton declared the public hearing open.

Mr. Ed Bull, representing Lennar Homes, conveyed Phase I was under construction on the northern portion of the site while this request was for Phase II. He requested Council approval as per the Planning Commission and staff recommendations including Stipulations 1-12, noting Stipulations 10-12 were new as referenced by staff. This request made Lennar a unique developer on the site since only his client could provide protections that were important to the neighbors. For example, there was a landscape buffer along the south side of Phase II. There also was no access on 40th Street as the two phases would be interconnected. He remarked one of the stipulations called for Lennar to pay for a traffic signal at the intersection of Cave Creek and Peak View Roads.

Mr. Bull said there were a number of neighborhood meetings and one-on-ones for almost a year from November 2015 to 2016 where a number of issues were resolved. The last issue for some neighbors was that density was higher than preferred but there was a great deal of effort made on the other concerns, such as types of fencing and landscaping. He advised one of the additional stipulations talked about one story homes along the southern and eastern perimeters. Another stipulation related to the number of street lights and their location within the site. An additional stipulation cited pedestrian and equestrian access through the site. He noted there were a number of letters in support as well as an email exchange. In conclusion, he showed four one-story homes and three two-story homes that were under construction in Phase I as product examples and reiterated that Lennar requested Council approval of their application.

Ms. Mary Markey lived in the lot just south of Phase II and spoke in opposition. She was disappointed because Lennar was unwilling to reduce density in Phase II which encroached on horse properties. One aspect that should be looked at when considering rezoning was the effect on the community and this was a rural equestrian community. She pointed out there was another development on 44th Street and Peak View Road, noting that developer worked with the neighbors and agreed to decrease the density of homes plus increase lot square footage. She expressed this proposal would destroy the unique character of this neighborhood especially since it was jumping from 8 to 39 homes. Consequently, she would have to build an eight-foot wall for privacy from the housing development behind her home. She thought Lennar should follow through with this development based on the current land use.
Mr. Bull advised this was a transition parcel that tied into Phase I. He conveyed neighbors that were once opposed now supported the proposal because Lennar was keeping traffic off of 40th Street as well as providing a traffic signal. He reiterated Lennar was providing appropriate buffers along with density. Staff and the Planning Commission recommended approval; therefore, he requested Council approval subject to the stipulations.

Ms. Markey expressed concern about the additional traffic and density of the homes.

Noting there was no one else present wishing to speak, Mayor Stanton declared the public hearing closed.

Councilman Waring recalled the open areas to the west and north were mentioned and inquired about their zoning.

Mr. Stephenson replied the General Plan for those particular areas were higher density residential of 2-5 dwelling units per acre. He also pointed out the vicinity of Cave Creek Road would be a six-lane arterial in the future. Staff believed this proposal was the best thing for this parcel to connect with Phase I so it did not impact traffic.

In response to Councilman Waring, Mr. Bull remarked there used to be a lot of neighbors opposed to this project but he believed Mr. and Ms. Markey were the only remaining opposition.

**MOTION** was made by Councilman Waring, **SECONDED** by Councilman DiCiccio, that Item 79 be approved per the Planning and Development Director’s memo dated Sept. 19, 2016, and to adopt the related ordinance with the following stipulations:

1. The development shall be in general conformance with the site plan date stamped April 20, 2016 and elevations date stamped October 29, 2015, as modified by the following stipulations and approved by the Planning and Development Department with specific regard to the following:

   A. The development shall not exceed 39 lots.

   B. Lot widths shall be a minimum 50-feet wide.
2. The developer shall construct/fund installation of a traffic light at the intersection of Cave Creek Road and Peak View Road as approved by the Street Transportation Department as outlined below:

   A. The developer shall deposit $150,000 into a Street Transportation Department escrow account to fund the above ground traffic signal construction, materials, and labor. This portion of the traffic light will be constructed by the City and any money remaining in the escrow account that is not necessary for the construction shall be returned to the applicant within six months of the traffic light becoming operational as approved by the Street Transportation Department.

   B. The developer shall be responsible for construction of all remaining elements of the traffic light that are not detailed in the Street Transportation Department Peak View and Cave Creek Road Cost Estimate date stamped April 22, 2016 by the Planning and Development Department.

3. The development shall utilize view fencing for the homes that back common open space tracts, as approved by the Planning and Development Department.

4. The development shall utilize 6-foot wrought iron view fencing along the west property line and 6-foot solid block wall along the south property line, as approved by the Planning and Development Department.

5. No public or construction vehicular access shall be provided from the 40th Street alignment or the western property line.

6. The developer shall construct a control gate at the 40th Street alignment to allow access along the existing easement to the City of Phoenix well site as approved by Planning and Development Department and Water Services Department.

7. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and operational characteristics of nearby existing ranchettes and animal privilege private properties that may cause adverse noise, odors, dust, and other externalities. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
8. The development shall be in general conformance with the Conceptual Landscape Plan date stamped April 20, 2016, as approved by Planning and Development Department.

9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.

10. Homes along the eastern perimeter (Lots 1-9) and southern perimeter (Lots 10-17) shall be limited to one story (22 feet in building height).

11. During Phase 2, the property owner shall dedicate a 5 feet wide pedestrian and equestrian public access easement from the east property line to the west property line, near the southern perimeter of Phase 2. The access easement shall be located generally as shown on the equestrian access exhibit date stamped September 14, 2016, as approved by the Planning and Development Department.

12. The development shall have four street lights located at the intersection corners on the internal side of the loop street within Phase 2, as approved by the Planning and Development Department.

Mayor Stanton stated the following individuals submitted speaker comment cards in opposition and did not wish to speak:

Mr. Robert Markey – donated his time to Ms. Markey
Mr. Ken Godee
Ms. Shirley Godee
Ms. Wendy Ensminger

Mayor Stanton added the following speaker comment cards were submitted in support, but no one wished to speak:

Mr. Alan Jones
Mr. Todd Skoro
Mr. Jason Phillips
Councilman Waring made the point there were three additional members of
the community opposed to the project.

Councilwoman Williams commented when this project first came before the
Council she was not supportive of it. However, she thought there would be more
homes coming into the area so she was now supportive because this was the
best deal for the community.

Roll Call: Ayes: DiCiccio, Nowakowski, Pastor,
Stark, Valenzuela, Waring, Williams,
Vice Mayor Gallego, and
Mayor Stanton

Nays: None
Absent: None

MOTION CARRIED UNANIMOUSLY.

Items 80-82 were heard together.

ITEM 80 DISTRICT 2

PUBLIC HEARING -
RESOLUTION 21491 -
GPA-PV-1-16-2 -
NORTHEAST CORNER OF
CAVE CREEK ROAD AND
UNION HILLS DRIVE

The Council heard request to hold a public hearing and approve the land
use for the following item by adopting the Planning Commission's
recommendation and the related Resolution.

Application: GPA-PV-1-16-2 (Companion Cases Z-28-16-2 and
Z-SP-3-16-2)
Request: General Plan Map Amendment
Location: Northeast corner of Cave Creek Road and Union Hills Drive
Proposal: To amend the General Plan Land Use Map to modify
10.18 +/- acres located at the northeast corner of Cave
Creek Road and Union Hills Drive from Residential
15+ du/acre to Commercial.
Applicant: David Brown, Wentworth Property Company
Staff: Approval
VPC Action: Paradise Valley – August 1, 2016 – Approved. Vote 15-0.
PC Action: September 1, 2016 – Approved as recommended by the
Paradise Valley Village Planning Committee. Vote 6-0.
ITEM 81  DISTRICT 2  PUBLIC HEARING - 
ORDINANCE G-6221 - 
Z-28-16-2 - APPROXIMATELY 
276 FEET NORTH OF THE 
NORTHEAST CORNER OF 
CAVE CREEK ROAD AND 
UNION HILLS DRIVE

The Council heard request to hold a public hearing on the rezoning for the following item to consider adopting the Planning Commission's recommendation and the related Ordinance if approved.

Application:  Z-28-16-2 (Companion Cases Z-SP-3-16-2 and GPA-PV-1-16-2)
From:  R-4A
To:  C-2
Acreage:  5.85 acres
Location:  Approximately 276 feet north of the northeast corner of Cave Creek Road and Union Hills Drive
Proposal:  Self-storage facility and all underlying C-2 uses
Applicant:  David Brown, Wentworth Property Company
Owner:  JTF Development Partners, LLC
Representative:  George Pasquel III, Withey Morris PLC
Staff:  Approval, subject to stipulations.
VPC Action:  Paradise Valley – August 1, 2016 – Approved, per staff recommendation with an additional stipulation. Vote 15-0.
PC Action:  September 1, 2016 – Approved as recommended by the Paradise Valley Village Planning Committee. Vote 6-0.

The following stipulations were subject to discussion at the meeting and the City Council may add, delete or amend stipulations.

1.  The development shall have a maximum height of 15 feet within 75 feet of the north property line abutting Cave Creek Road; and maximum height of 25 feet between 76 feet and 312 feet of the north property line abutting Cave Creek Road, as approved by the Planning and Development Department.

2.  The landscape setbacks shall be in specific conformance to the site plan date stamped May 13, 2016, as approved by the Planning and Development Department.
3. The developer shall provide minimum 2-inch caliper trees placed 20-feet on center, or in equivalent groupings, along Union Hills Drive and Cave Creek Road, as approved by the Planning and Development Department.

4. The site shall develop with a design/color and landscaping similar and consistent between all buildings on the property, as approved by the Planning and Development Department.

5. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been viewed and approved by the City Attorney.

6. The hours of operation for the self-storage facility shall be limited to 8am to 9pm, daily.

**ITEM 82**

**DISTRICT 2**

**PUBLIC HEARING -**

**ORDINANCE G-6222 -**

**Z-SP-3-16-2 - APPROXIMATELY 276 FEET NORTH OF THE NORTHEAST CORNER OF CAVE CREEK ROAD AND UNION HILLS DRIVE**

The Council heard request to hold a public hearing on the rezoning for the following item to consider adopting the Planning Commission's recommendation and the related Ordinance if approved.

Application: Z-SP-3-16-2 (Companion Cases Z-28-16-2 and GPA-PV-1-16-2)

From: R-4A

To: C-2 SP

Acreage: 5.85 acres

Location: Approximately 276 feet north of the northeast corner of Cave Creek Road and Union Hills Drive

Proposal: Self-storage facility and all underlying C-2 uses

Applicant: David Brown, Wentworth Property Company

Owner: JTF Development Partners, LLC

Representative: George Pasquel III, Withey Morris PLC
Staff: Approval, subject to stipulations.

VPC Action: Paradise Valley – August 1, 2016 – Approved, per staff recommendation with an additional stipulation. Vote 15-0.

PC Action: September 1, 2016 – Approved as recommended by the Paradise Valley Village Planning Committee. Vote 6-0.

The following stipulations were subject to discussion at the meeting and the City Council may add, delete or amend stipulations.

1. The development shall have a maximum height of 15 feet within 75 feet of the north property line abutting Cave Creek Road; and maximum height of 25 feet between 76 feet and 312 feet of the north property line abutting Cave Creek Road, as approved by the Planning and Development Department.

2. The landscape setbacks shall be in specific conformance to the site plan date stamped May 13, 2016, as approved by the Planning and Development Department.

3. The developer shall provide minimum 2-inch caliper trees placed 20-feet on center, or in equivalent groupings, along Union Hills Drive and Cave Creek Road, as approved by the Planning and Development Department.

4. The site shall develop with a design/color and landscaping similar and consistent between all buildings on the property, as approved by the Planning and Development Department.

5. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been viewed and approved by the City Attorney.

6. The hours of operation for the self-storage facility shall be limited to 8am to 9pm, daily.
Planning and Development Director Alan Stephenson stated all three applications were located on the northeast corner of Cave Creek Road and Union Hills Drive. He explained Item 80 was a General Plan Map Amendment request for commercial for the entire corner to allow a self-storage facility. Item 81 was a C-2 zoning request that provided a buffer between the residential to the north and commercial uses on the immediate corner. He continued Item 82 was a special permit request that authorized the proposed self-storage facility. Staff recommended approval of these requests.

Mayor Stanton declared the public hearings open on Items 80-82. Noting there was no one present wishing to speak, he declared the public hearings for Items 80-82 closed.

**MOTION** was made by Councilman Waring, **SECONDED** by Councilman DiCiccio, that Item 80 be approved per Planning Commission’s recommendation and to adopt the related resolution.

Roll Call:  
Ayes: DiCiccio, Nowakowski, Pastor, Stark, Valenzuela, Waring, Williams, Vice Mayor Gallego, and Mayor Stanton  
Nays: None  
Absent: None

**MOTION CARRIED UNANIMOUSLY.**

**MOTION** was made by Councilman Waring, **SECONDED** by Councilwoman Pastor, that Item 81 be approved per Planning Commission’s recommendation and to adopt the related ordinance.

Roll Call:  
Ayes: DiCiccio, Nowakowski, Pastor, Stark, Valenzuela, Waring, Williams, Vice Mayor Gallego, and Mayor Stanton  
Nays: None  
Absent: None

**MOTION CARRIED UNANIMOUSLY.**
MOTION was made by Councilman Waring, SECONDED by Councilwoman Stark, that Item 82 be approved per Planning Commission’s recommendation and to adopt the related ordinance.

Roll Call: Ayes: DiCiccio, Nowakowski, Pastor, Stark, Valenzuela, Waring, Williams, Vice Mayor Gallego, and Mayor Stanton

Nays: None

Absent: None

MOTION CARRIED UNANIMOUSLY.

ITEM 83 DISTRICT 8

PUBLIC HEARING - ORDINANCE G-6223 - Z-14-16-8 - NORTHEAST CORNER OF THE 59TH AVENUE ALIGNMENT AND BASELINE ROAD

The Council heard request to hold a public hearing on the rezoning for the following item to consider adopting the Planning Commission’s recommendation and the related Ordinance if approved.

Application: Z-14-16-8
From: GC (Golf Course)
To: C-1 (Neighborhood Retail)
Acreage: 12.52
Location: Northeast corner of the 59th Avenue alignment and Baseline Road
Proposal: Retail, including a bank, restaurant and church
Applicant: Larry Lazarus, Lazarus, Silvyn & Bangs
Owner: Jaguar Premium Properties, LLC
Representative: Larry Lazarus, Lazarus, Silvyn & Bangs
Staff: Approval per the Planning Commission recommendation.

VPC Action: Laveen – August 8, 2016 – Approved, per staff stipulations with nine (9) additional stipulations. Vote: 8-4.

PC Action: September 1, 2016 – Approved, per the memo from Xandon Keating dated August 31, 2016, with an additional stipulation.
The following stipulations were subject to discussion at the meeting and the City Council may add, delete or amend stipulations.

1. The development shall be in general conformance with the site plan and elevations date stamped June 21, 2016, except as modified by the following stipulations and as approved by the Planning and Development Department.

2. A minimum 50-foot landscape setback shall be provided along the southern property line for the eastern 700 feet of the property and a minimum 35-foot landscape setback shall be provided along the southern property line for the western 287 feet of the property, as approved by the Planning and Development Department. The setback area shall be developed as shown in the Baseline Road Scenic Drive cross section.

3. The developer shall construct a 10-foot multi-use trail within a 30-foot multi-use trail easement that shall be dedicated along the north side of Baseline Road for the length of the project, as approved by the Planning and Development Department.

4. The development shall provide pedestrian pathways between buildings or pads. The pedestrian pathways shall be shaded either by trees or shade structures, as approved by the Planning and Development Department.

5. Entrances to the site and pedestrian path crossings shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.

6. Drive-through queuing lanes shall be screened from view of arterial streets through the incorporation of a landscaped berm, screen wall or combination of a wall and berm at least four feet in height, as approved by the Planning and Development Department.

7. The development shall utilize view fencing along the northern and eastern property lines, as approved by the Planning and Development Department.

8. Right-of-way totaling 55 feet shall be dedicated for the east half of 59th Avenue, as approved by the Planning and Development Department.
9. A 25-foot by 25-foot right-of-way triangle shall be dedicated at the northeast corner of 59th Avenue and Baseline Road, as approved by the Planning and Development Department.

10. The property owner shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

11. The developer shall submit paving plans for all arterial streets within and adjacent to the development to the Street Transportation Department for review.

12. The developer shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Mr. Alan Hilty, (602) 262-6193, with the Street Transportation Department. This form is required by the EPA for air quality standards.

13. The developer shall present the following plans to the Laveen Village Planning Committee prior to preliminary site plan approval through the Planning and Development Department.

   a. Detailed building elevations
   b. Detailed landscape plans
   c. Detailed lighting plans
   d. Detailed sign package

14. The developer shall notify the following individuals by mail 15 days prior to any of the following future public meetings regarding the subject site: (1) Planning Hearing Officer hearing, (2) preliminary site plan review meeting. The notice shall include the date, time and location of the meeting/hearding.

   a. All property owners within a 1,000 feet radius of the subject site
   b. TOM METZGER
      5626 W. CARSON ROAD
      LAVEEN, AZ 85339
c. JOHN & SELMA POE  
4335 W. BURGESS LANE  
LAVEEN, AZ 85339

d. DON LAY  
7014 S. 57TH AVENUE  
LAVEEN, AZ 85339

e. DARIN REEZER  
7201 S. 58TH AVENUE  
LAVEEN, AZ 85339

f. DAVID PAWLOWSKI  
7031 S. 58TH AVENUE  
LAVEEN, AZ 85339

g. PHIL BISCHOFF  
4701 W. VALENCIA DRIVE  
LAVEEN, AZ 85339

h. JONATHAN FAVORITE  
8010 S. 54TH LANE  
LAVEEN, AZ 85339

i. PATRICK & CRYSTAL MARVIN  
4823 W. GWEN STREET  
LAVEEN, AZ 85339

j. MICHELLE RUTKOWSKI  
7650 E. WILLIAMS DRIVE  
SCOTTSDALE, AZ 85255

k. JULIE GUNN  
1809 W. MOODY TRAIL  
PHOENIX, AZ 85041

l. JEFF GUNN  
1809 W. MOODY TRAIL  
PHOENIX, AZ 85041

m. MARTYN WHITE  
10032 N. 38TH STREET  
PHOENIX, AZ 85028
| n. | VERONICA MONTENIERI  
   | 4314 W. MONTE WAY  
   | LAVEEN, AZ 85339 |
| o. | P. MONTENIERI  
   | 4314 W. MONTE WAY  
   | LAVEEN, AZ 85339 |
| p. | JENNIFER ROUSE  
   | 4821 W. ELLIS STREET  
   | LAVEEN, AZ 85339 |
| q. | KARLA ZIDOW  
   | 5204 W. DESERT DRIVE  
   | LAVEEN, AZ 85339 |
| r. | DIANA KUDES  
   | 5210 W. PEDRO LANE  
   | LAVEEN, AZ 85339 |
| s. | GARY KUDES  
   | 5210 W. PEDRO LANE  
   | LAVEEN, AZ 85339 |
| t. | DESIREE HOOGERHUIS  
   | 3217 W. MELODY DRIVE  
   | LAVEEN, AZ 85339 |
| u. | JASON PALTZER  
   | 6622 S. 50TH AVENUE  
   | LAVEEN, AZ 85339 |
| v. | JEFF & KAREN KEELOR  
   | 7236 S. 57TH AVENUE  
   | LAVEEN, AZ 85339 |
| w. | DAPHNE HERRING  
   | 5506 W. GLASS LANE  
   | LAVEEN, AZ 85339 |
| x. | DONNA SNOW  
   | 6806 W. DESERT LANE  
   | LAVEEN, AZ 85339 |
October 5, 2016

y. JODA SCHAUMBERG  
   7205 S. 58TH AVENUE 
   LAVEEN, AZ 85339

z. FELICIA CORBETT  
   4811 W. GWEN STREET 
   LAVEEN, AZ 85339

aa. BEN GRAFF  
   WITHEY MORRIS PLC 
   2525 E. ARIZONA BILTMORE CIRCLE 
   PHOENIX, AZ 85016

bb. RICHARD FLOR  
   2022 W. ASTER DRIVE 
   PHOENIX, AZ 85029

cc. SANDRA GUERRERO  
   3247 W. BASELINE ROAD 
   LAVEEN, AZ 85339

dd. RALPH PADILLA  
   5813 W. ARDMORE ROAD 
   LAVEEN, AZ 85339

e. LORI GONZALES  
   5740 W. HIDALGO AVENUE 
   LAVEEN, AZ 85339

ff. GARY JORGENSEN  
   5527 W. CARSON ROAD 
   LAVEEN, AZ 85339

gg. WENDY ENSMINGER  
   6806 S. 55TH LANE 
   LAVEEN, AZ 85339

hh. KURT GRONLUND  
   6834 S. 58TH AVENUE 
   LAVEEN, AZ 85339

ii. BRIAN SMITH  
   56222 W. CARSON ROAD 
   LAVEEN, AZ 85339
15. All cellular communication facilities shall be building mounted or internal to the cross.

16. The developer shall provide minimum 3-inch caliper trees, placed 20-feet on center or in equivalent groupings, within the eastern 560 feet of the northern landscape setback, as approved by the Planning and Development Department.

17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims in a form approved by the City Attorney’s Office. The waiver shall be recorded with the Maricopa County Recorder’s Office and delivered to the City to be included in the rezoning application file for record.

Mayor Stanton advised a staff report would be heard followed by 20 minutes of testimony on both sides from the public.

Planning and Development Director Alan Stephenson stated this was a rezoning request from golf course to C-1 neighborhood retail to allow retail uses and a church for a 12.52-acre parcel located at 59th Avenue and Baseline Road, within close proximity to the future Loop 202 freeway. He displayed the proposed site plan that showed the church was located on the eastern portion while the retail use was on the western portion of the site along with projected elevations. This request was approved by the Laveen Village Planning Committee and the Planning Commission. He conveyed there was a recent memo with added stipulations regarding additional notification to folks, view fencing to the north, and underground fuel tanks not permitted on this parcel. Staff recommended approval pursuant to the memo and adoption of the related ordinance.
Mayor Stanton declared the public hearing open.

Mr. Larry Lazarus indicated this proposal had been discussed at several team meetings, including a neighborhood open house, as well as the Laveen Village Planning Committee and Planning Commission hearings over the past approximately 14 months. He explained this empty field was within 900 feet of the new freeway with existing commercial surrounding the property. Three acres would be small boutique stores, plus a bank and possibly a restaurant. He continued eight acres would be CrossWalk Church which would be done in two phases. He emphasized this proposal met all of the core value requirements of the General Plan by eliminating a vacant parcel and connecting people with resources. Also, this would be a good transition from the freeway in that there was existing large commercial to a small boutique center, a church, and golf course behind the property.

Mr. Lazarus remarked he worked with the community pertaining to the requirements of the design study as well as the Laveen area plan. Further, he addressed several items brought up by the Laveen Citizens for Responsible Development (LCRD), such as site plans, plant pallets, and architectural character. He displayed several renderings of this project, noting a previous proposal was withdrawn in 2008 that was much denser and had a gas station. The current proposal was less dense and created internal pedestrian movement. He concurred with staff’s recommendation and the related stipulations.

Pastor Jeff Hurst asked everyone in favor of this project to stand. He believed this was a low impact proposal surrounded by similar types of development; however, he wanted to make a high impact in the Laveen and South Phoenix communities. The people in this community had already gathered funds to purchase the first five acres of the property though their own generosity and a grant, so he encouraged the Council to approve the rezone of this property.

Ms. Tamara Cowan, a 15-year resident of the Cottonfields community in Laveen, had seen a lot of changes, particularly along the Baseline corridor. She was an advocate of development and expressed Laveen had a unique opportunity to grow while retaining its rural charm and expansive open spaces. She was excited about this proposed development as well as the plans for the new practice facility at the golf course and asked for Council’s approval of this application.

Councilman Waring temporarily left the voting body.
Mr. Leonard Walker, a 13-year resident of the Cottonfields community, spoke in support. He had seen many changes with the golf course and noted it was not profitable as most balls were given as enticement to tournaments. He understood the new owner planned to build a warm-up area similar to other driving ranges. He hoped the 202 extension would create business opportunity and jobs as well as increase the tax base for Laveen and Phoenix. Residents had attempted to improve the community with businesses like the golf academy, urgent care centers, and restaurants but they were turned down. He did not want the golf course to close before the completion of the new freeway and urged that Council vote in favor of progress.

Councilman Waring returned to the voting body via telephone.

Mr. Al Martinez, president of the homeowners association in the gated subdivision behind this project, spoke in favor. His community struggled with the decision of rezoning and had discussed it at great length for the past 14 months with the golf course owner, developer, and pastor of the proposed church. The thought of someone building on this land and the community could pick its neighbors was exciting. He also liked that the current golf course owner would be building a warm-up area and netted driving range. He commented the church would not be visible to residents that had rear view fencing of the golf course. Besides, the church would be a buffer to the new freeway and future commercial properties. He said a majority of his community wanted to see progress and the church could be a great addition to the Laveen area. Also, the soft retail and jobs would be a welcome site to what was currently there, so he requested Council vote for the rezoning.

Mr. Phil Hertel spoke on behalf of the LCRD in support. He noted the LCRD spent time working with the applicant on this project and the community voiced their legal concerns and HOA issues. However, the LCRD did not get involved with legal issues but did talk about development so he came up with a Plan B. He conveyed if this project was built it would be good for the community, but if the residents won their legal case it would not get developed. He pointed out there were stipulations created during this process that the applicant, developer, LCRD, and those opposed and in favor agreed to and should be part of this plan as it showed the intent. He provided a handout with the stipulations to Council and urged them to approve this case with those stipulations intact.

Councilman Waring returned to the dais.
Mayor Stanton stated speaker comment cards were submitted in favor by the following individuals:

- Mr. David Pawlowski
- Mr. Gary Jorgensen
- Mr. Jeff Gunn
- Ms. Julie Gunn
- Mr. Joda Schaumberg
- Mr. Jon Kimoto
- Mr. Dan Solofra
- Mr. Phil Bischoff
- Ms. Rachel Bischoff
- Mr. Tom Metzger
- Ms. Karen Giroux
- Ms. Carol Jacques
- Mr. Harry Tolliver
- Ms. Carolyn Tolliver
- Ms. Michelle Malone
- Ms. Juanita Walker
- Ms. Ann Bradford
- Ms. Aracely Salazar
- Ms. Alyssa Salazar
- Ms. Diane Davis
- Mr. Stephen Bischoff
- Ms. Alexandra Almada
- Ms. Jessica Aylesworth
- Mr. Brian Dover
- Ms. Mary Dover
- Mr. David Dover
- Ms. Adeline Handy
- Ms. Judith Sivert
- Mr. Robert Fryberger
- Ms. Katie Behm
- Mr. Jonathan Favorite
- Mr. Jason Paltzer
- Mr. Thomas Weinstein
- Mr. Chase Fellhoelter
- Ms. Maureen Johnson
- Ms. Loren Johnson
- Mr. Ralph Padilla
- Ms. Sylvia Padilla
- Mr. LaVon Henbrock
- Ms. Myrtle Hall
- Ms. Gloria Warner
- Mr. Ralph Pierce
- Ms. Linda Pierce
- Ms. Lisa Shimp
- Ms. Daniel Loper
- Ms. Shelby Loper
- Mr. Stephen Loper
- Ms. Sarah Loper
- Ms. Rebecca Loper
- Mr. William Cowan
- Ms. Merla Rimpel
- Ms. Erica Delgado
- Ms. Maggie Lam
- Mr. David Glodowski
- Ms. Bethany Sharrock
- Mr. Matthew Cook
- Mr. Stephen Heitz
- Mr. Tom Press
- Mr. John Enter
- Mr. Robert Penton
- Mr. Eric Baim
- Mr. James Deibler
- Mr. James Hinckley

Mayor Stanton temporarily left the voting body. Vice Mayor Gallego assumed the Chair.
Ms. Yolanda Gutierrez and Ms. Bobbie McLeod, residents of the Cottonfields community, testified together in opposition. They asked those in the audience that were homeowners in Laveen to stand. There were three highlights they wanted to address: maintaining the Laveen character, conforming with the General Plan and Southwest growth study, and protecting the rights of the 450 Cottonfields residents.

The character of Laveen was rural, equestrian, and open space which was continually challenged by developers. They pointed out last year the Council and voters adopted the General Plan that designated this property as parks, open space, and privately owned. In fact, staff noted this application was not consistent with the General Plan use designation. They conveyed the City created a plan for the development and growth of the Phoenix metropolitan area as set forth in the Southwest growth study that showed Laveen would remain largely rural. The proposed rezoning was inconsistent with this study as the land was already zoned golf course open space. Moreover, major commercial was to be limited to three specific locations: 35th Avenue, Dobbins Road, and 51st Avenue. In addition, this parcel was subject to deed restrictions that limited the sole use of the property as golf course or open space. They added a two-thirds affirmative vote by their community was required to change the use restriction. They displayed numerous attorney letters on this subject but emphasized one document dated June 11, 2015. The only vote of their community was taken in 2011 where 75 percent of the residents voted against the proposed change to commercial.

Ms. Gutierrez and Ms. McLeod stressed if this application was granted and the applicant was allowed to commercialize the southern border without complying with the community vote they would return to seek additional rezoning of two parcels on the northern border. The applicant’s attorney stated a judgment resolved the issue but no judge had ruled on the validity of the deed restrictions on this parcel. They specified a settlement was reached by four HOA board members which dismissed the lawsuit; however, homeowners never approved it and their rights were given away.

The applicant’s attorney said community meetings were held but there were none within the community for those people affected by this proposal. They indicated there was one presentation where less than 50 homeowners were aware and attended. Despite this, there was no shortage of places to connect in Laveen as was mentioned by the applicant’s attorney. Contrary to the applicant’s attorney’s claim of transition from large to small commercial, they expressed nothing transitioned to a golf course better than a driving range. Also, they conveyed the applicant’s attorney attested in court about knowing the deed restrictions were in place when the property was purchased.
Ms. Gutierrez and Ms. McLeod spoke to the neighbors and submitted over 100 signatures on a petition demanding a vote on this specific issue by their HOA. However, the board president failed to instruct the management company to mail ballots to the homeowners obstructing their right to vote on the matter. They commented houses in a golf course community generally sold for a higher price so their homes were a significant investment. They stressed the homeowners had the right to control any change of use to the golf course property. They urged the Council to deny this application and send the applicant back to their community for a vote.

Acting Mayor Gallego agreed with one of the stipulations on the document submitted by Mr. Hertel that listed additional individuals on the notification list. She asked staff to explain the other stipulations and further insight on why the Planning Commission removed them.

Mr. Stephenson replied the LCRD stipulations were either duplicative or not legally enforceable. LCRD Stipulation 1 required all property owners within a 1,000-foot radius be notified of future hearings. He advised staff’s Stipulation 14 already required a list of people be notified of any planning hearing officer and preliminary site plan hearings, noting staff’s memo added two more folks, Mr. Phil Hertel and Mr. Jon Kimoto. Mr. Stephenson believed staff could add the person listed in the LCRD document to the notification list which meant everyone would be aware of any potential change in the future. He continued proposed LCRD Stipulation 3 related to zoning reversion which the City did not do any longer as there were not enough resources so he did not recommend inclusion of that stipulation. The circumstances around this property being at a major intersection and 900 feet from a freeway were not going to change over time. He added the final stipulation read any attempt to modify a church site plan shall not include new opportunities for C-1 retail uses. He advised the City could not exclude individual uses as part of a zoning classification; however, the stipulated site plan required that a change to the church building would have to go back through a public hearing process.

Mayor Stanton returned to the voting body and resumed as Chair.

Vice Mayor Gallego stated she had worked with Planning staff prior to this meeting to add Stipulation 18 related to underground fuel storage tanks due to significant community interest and requested staff provide more explanation.
Mr. Stephenson responded Stipulation 18 made it practically impossible for someone to develop a gas station on the site which he believed was residents’ primary concern.

Mr. Hollis Joslin, resident of the Cottonfields community, spoke in opposition. He reemphasized not only would this rezoning request be inconsistent with the General Plan but a direct violation of a deed restriction which guaranteed the property would remain golf course or open space. He commented the HOA board moved approval without a community vote and thought Council’s approval of this rezoning request would be a breach of contract. He asked that Council deny this request since action was still pending.

Ms. Wendy Ensminger, resident of the Cottonfields community since 2004, conveyed the Council had a dilemma because there was a contractual agreement with the homeowners, not the HOA board who did not have a right to enter into the settlement without a community vote. She expressed approving this rezoning request would harm the community by causing a breach of contract when a two-thirds vote of residents was necessary for a land use change. In fact, the meeting where the HOA board approved the settlement was not noticed to the community and was placed on the agenda as golf course update. She stated the remedy was the developer must return to the community for a vote regarding any changes to the land use along with the Council voting against this rezoning request.

Mr. Jesse Ary owned a home in this area of Laveen and spoke in opposition. As a realtor he understood the importance of recognizing the value and integrity of homeowner association rules and regulations. People purchased their homes with the understanding this property would remain a golf course. He was not concerned with the applicant’s ability to beautify the property but folks purchased their homes based on established CC&Rs. He asked if Council did not deny this application that homeowners be alerted of the situation.

Ms. Doris Finney, recent resident of the Cottonfields area, spoke in opposition. She purchased her house because of the golf course and did not want her view obstructed, so she urged the Council to help save the property.
Speaker comment cards were submitted in opposition by the following individuals:

Ms. Patrice Herring  Mr. Billy Finney
Ms. Linda Becker  Ms. Mary Markey
Mr. Jeff Smith  Mr. Richard Gutierrez
Ms. Mari Smith  Mr. Ricardo Cotazar
Mr. William Palmer  Mr. Don O’Beirn
Mr. Donald Hamilton  Ms. JoAnn O’Beirn
Ms. Rosa Greene  Mr. Eric Bassingthwaithe
Ms. Roberta Potts  Ms. Parthenia Griffin
Ms. Kristi McCann  Ms. Blanca Gutierrez
Mr. Larry Gustafson  Mr. Gerald Wathier
Ms. Zelda Spidle  Ms. Lorena Figueroa
Ms. Erin Thomas Tobin  Mr. Paul Barnes
Ms. Maria David  Mr. Brian Horton
Ms. Cheryl Wathier  Mr. Craig Lane
Mr. Kurt Gronlund  Ms. Trina Negrete
Mr. Jeffrey Keelor  Ms. Jocelyn Pacheco
Ms. Karen Keelor  Ms. Kesha Hodge
Ms. Idonia Hudson Ary  C. Garcia

Mr. Lazarus rebutted testimony pertaining to circumvention of a required vote explaining these were private deed restrictions and residents had an opportunity to be involved and voice their opposition. Lastly, the zoning was determined by a court of law prior to his client purchasing this property. He had submitted that court decision which was based on an agreement of the community represented by the homeowners association. He added many portions of the golf course had been saved because of the current financial circumstance. He pointed out the case was dismissed with prejudice which meant it could not be brought back.

Mayor Stanton emphasized this was an ongoing civil dispute that Council was not party to so their decision would be a zoning recommendation.

Ms. Ensminger commented the HOA board did not have the authority to enter into the settlement as the agreement lied with the homeowners.

Mayor Stanton declared the public hearing closed.
Councilman DiCiccio was surprised by the comments about the HOA board. He had looked into these types of things because of personal experience and thought it was a bigger issue in this state. In fact, he was contemplating creating state legislation as there were no penalties. His concern related to the amount of control HOA boards had as their actions impacted people’s lives.

Councilwoman Pastor inquired about statements made that this proposal did not fit in the General Plan and the Southwest growth study.

Mr. Stephenson answered this application met several goals of the current General Plan as outlined in the staff report. He advised the General Plan also mentioned land use designation which showed this particular parcel as parks, open space. However, there was language built into the General Plan that did not measure conformance at a major intersection of two arterial streets down to less than 12 acres. He remarked this zoning application did not have to be consistent with the General Plan so long as it was in the 12-net-acre threshold. Therefore, this proposal met the General Plan requirements because it met the exception even though the land use designation was not commercial.

In response to further questions by Councilwoman Pastor, Mr. Stephenson conveyed the City was not involved in the HOA regulations mentioned earlier as it was a private document. Further, the current zoning was GC, Golf Course, and only allowed a golf course along with access to uses like a driving range or clubhouse.

Councilwoman Pastor asked if there were LCRD members that lived in the Cottonfields neighborhood. Also, she wanted to know if the LCRD worked with the residents of this community.

Mr. Hertel knew of one LCRD member that lived in this particular neighborhood but did not know if there were others. He remarked there were 30-40 people from the Cottonfields community that attended the LCRD meetings.

Councilwoman Pastor listened to the testimony and, although she heard discrepancies on both sides, recognized the community was divided. She wanted to see a win-win since the neighborhood deserved more vibrancy and space. She agreed with Councilman DiCiccio as she was also disturbed about the whole HOA piece but did not know how to resolve it. However, she understood at this point it was a legal matter the community had to settle.
Councilman Nowakowski expressed as a resident of Laveen himself he was sad to hear folks attack each other. He believed the church was good for the community based on the activities and fundraisers for children. He wondered how many residents attended the April 14th meeting held by the developers.

Ms. McLeod stressed it was not a meeting but a presentation with easels setup around the room and people stationed at each one. She continued residents could ask questions based on the information provided at the stations but it was not a formal meeting.

Mr. Lazarus interjected it was a neighborhood meeting pursuant to zoning requirements with notice sent to folks 600 feet from the property and all homeowners associations within one mile. He indicated it was an open house where residents were free to express their opinion, noting some people were in favor of the proposal while others were opposed to it. He reiterated there were two LCRD meetings plus the Village Planning Committee and Planning Commission meetings where there were substantial people on both sides of the case.

Councilman Nowakowski knew this was a blighted piece of property and asked what residents wanted because it seemed like the plan was a church and not high-rises that could go up to 30 feet.

Ms. McLeod responded residents wanted to retain the current property. She explained the community was buffered by Baseline on the south side and Southern on the north with the golf course on each side. If this zoning request was approved the only remnant would be the driveway into their community as the neighborhood would be surrounded by commercial. She emphasized the position of the neighborhood was that this property was not open for rezoning because documentation established it was part of the community.

Councilman Nowakowski wondered who would put in a driving range and keep it up so the property was kept up. He wanted to ensure this was a win-win for individuals that lived in Laveen as well as the Cottonfields residents.

Ms. McLeod commented there were other options but people wanted to develop a driving range so that it remained open space. However, this proposal included a practice range which would not improve the golf course. She confirmed the driving range was part of their property per the CC&Rs.
Mr. Lazarus stated this property was no longer part of the golf course given that his client was a separate property owner. He advised it would not be a driving range or open space because that was an unreasonable request. Further, he had been working with everyone to keep this property economically viable and hoped that the Council viewed this proposal as a good land use.

Councilman Nowakowski inquired if there was anything restricting Council from moving forward with this case.

City Attorney Brad Holm replied there was a difference of opinion on the private property rights but they were not affected by the zoning change, so there was nothing prohibiting Council from moving forward.

Councilman Nowakowski asked if it was acceptable to only build the church as that was the best purpose for this property.

Mr. Ary emphasized the April 14th meeting was not a meeting but an announcement which did not include all of the Cottonfields residents. He expressed property owners needed to be engaged in order to build partnerships, so he urged that Council not make a decision today.

Mayor Stanton reiterated there was no legal restriction on Council moving forward.

Councilman Nowakowski inquired if the Council did not move on this now, would that cause a timeline issue for the owner.

Mr. Lazarus stressed this needed to move forward today for several reasons. First, there was divisiveness and he was not sure any further discussions would resolve the situation. Secondly, there was a letter of intent for the bank portion that could be jeopardized if there was a delay. There was also a second grant that was contingent on this moving ahead, plus the church had a preferable loan. Therefore, he concluded this needed to move forward quickly so these opportunities were not lost.

Councilman Nowakowski sought the opinion of Ms. Gutierrez.

Ms. Gutierrez commented she was concerned because the church had the money to purchase the land but not to build the church which made her question if this would be an on-going issue.

Mr. Lazarus confirmed there was assurance the second grant would not just be for the purchase but for building as well.
Mayor Stanton wanted further confirmation this was a land use decision and not a user choice.

Mr. Lazarus pointed out he was not making any guarantees that the church would be built but they were lining up the appropriate funds to build it.

Councilman Nowakowski was not ready to vote on this item because he believed more time was needed in order for both groups to work things out. He thought Laveen was a great community and that the church would be an asset. Still, he wanted to respect the rights of the property owners but also did not want the developer to lose an anchor bank so he was stuck in the middle.

Vice Mayor Gallego remarked this was a difficult decision and wanted to come to a resolution but understood that a continuance would end the project.

Mr. Lazarus advised the letter of intent along with the development could be in jeopardy and asked for time to confer with his client.

Vice Mayor Gallego had spoken with legal counsel who advised her that the City made land use decisions and was not the jurisdiction for HOA disputes. Therefore, the issue at hand was whether this request was an appropriate land use for a parcel on Baseline Road near a neighborhood and a freeway.

Mr. Holm concurred this matter was a land use decision and not an adjudication of a dispute between private property owners and the rights they claimed were in contradiction of one another.

Vice Mayor Gallego continued if there was litigation following this meeting then Council could verify their decision was in conformance with the court directive and commit to that in an expeditious manner.

Mr. Stephenson responded if there was resolution in the future Council could request the Planning Commission to initiate a case to revert the zoning with the required Proposition 207 waiver from the property owner.

Mr. Lazarus repeated this proposal needed to move ahead. If there was further litigation and the judge decided to uphold the CC&Rs then approval of his client’s request would not move forward. However, if the judge ruled that this parcel was not subject to the CC&Rs then Council’s approval would stand.
Mayor Stanton interjected the suggestion was to make an appropriate land use decision now.

Mr. Lazarus remarked the residents needed to work out their differences either alone or through litigation but Council’s role regarded a land use decision.

Councilwoman Pastor was not comfortable with the suggestion.

Vice Mayor Gallego observed this was an engaged community and she was committed to protecting such a unique place. It was encouraging to see that people cared about their neighborhood and wanted to be involved in decisions, but not so good when a community was divided. She had heard from people who were strongly opposed as well as deeply supportive of this case. Similarly, residents wanted to remove blight from the entrance of the community while others wanted to keep the status quo or bring back the driving range. She looked at golf courses throughout the area and there were some with the same setup that had succeeded economically and other golf courses that were struggling.

Vice Mayor Gallego reiterated this was a difficult decision but the Council was trusted with a land use decision about what made sense for a parcel on a major road with entrance to Laveen. She thought it was a responsible decision to move forward with the case and would be making a motion in favor of it. The applicant stipulated to a site plan with a commitment to place items as approved. She added if it did not move forward she would not support a change in the site plan to other C-1 uses. She emphasized the church was a responsible partner and appreciated their promises to Laveen. Further, she had met with several church board members and believed they would do everything possible to have a successful project in this area.

**MOTION** was made by Vice Mayor Gallego, **SECONDED** by Councilwoman Stark, that Item 83 be approved per the Planning and Development Director’s memo dated Oct. 5, 2016, and to adopt the related ordinance with the following stipulations:

1. The development shall be in general conformance with the site plan and elevations date stamped June 21, 2016, except as modified by the following stipulations and as approved by the Planning and Development Department.
2. A minimum 50-foot landscape setback shall be provided along the southern property line for the eastern 700 feet of the property and a minimum 35-foot landscape setback shall be provided along the southern property line for the western 287 feet of the property, as approved by the Planning and Development Department. The setback area shall be developed as shown in the Baseline Road Scenic Drive cross section.

3. The developer shall construct a 10-foot multi-use trail within a 30-foot multi-use trail easement that shall be dedicated along the north side of Baseline Road for the length of the project, as approved by the Planning and Development Department.

4. The development shall provide pedestrian pathways between buildings or pads. The pedestrian pathways shall be shaded either by trees or shade structures, as approved by the Planning and Development Department.

5. Entrances to the site and pedestrian path crossings shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.

6. Drive-through queuing lanes shall be screened from view of arterial streets through the incorporation of a landscaped berm, screen wall or combination of a wall and berm at least four feet in height, as approved by the Planning and Development Department.

7. The development shall utilize view fencing or no fencing along the northern and eastern property lines, as approved by the Planning and Development Department.

8. Right-of-way totaling 55 feet shall be dedicated for the east half of 59th Avenue, as approved by the Planning and Development Department.

9. A 25-foot by 25-foot right-of-way triangle shall be dedicated at the northeast corner of 59th Avenue and Baseline Road, as approved by the Planning and Development Department.

10. The property owner shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
11. The developer shall submit paving plans for all arterial streets within and adjacent to the development to the Street Transportation Department for review.

12. The developer shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Mr. Alan Hilty, (602) 262-6193, with the Street Transportation Department. This form is required by the EPA for air quality standards.

13. The developer shall present the following plans to the Laveen Village Planning Committee prior to preliminary site plan approval through the Planning and Development Department.
   a. Detailed building elevations
   b. Detailed landscape plans
   c. Detailed lighting plans
   d. Detailed sign package

14. The developer shall notify the following individuals by mail 15 days prior to any of the following future public meetings regarding the subject site: (1) Planning Hearing Officer hearing, (2) preliminary site plan review meeting. The notice shall include the date, time and location of the meeting/hearing.
   a. All property owners within a 1,000 feet radius of the subject site
   b. TOM METZGER
      5626 W. CARSON ROAD
      LAVEEN, AZ 85339
   c. JOHN & SELMA POE
      4335 W. BURGESS LANE
      LAVEEN, AZ 85339
   d. DON LAY
      7014 S. 57TH AVENUE
      LAVEEN, AZ 85339
   e. DARIN REEZER
      7201 S. 58TH AVENUE
      LAVEEN, AZ 85339
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f. DAVID PAWLOWSKI
   7031 S. 58TH AVENUE
   LAVEEN, AZ 85339

g. PHIL BISCHOFF
   4701 W. VALENCIA DRIVE
   LAVEEN, AZ 85339

h. JONATHAN FAVORITE
   8010 S. 54TH LANE
   LAVEEN, AZ 85339

i. PATRICK & CRYSTAL MARVIN
   4823 W. GWEN STREET
   LAVEEN, AZ 85339

j. MICHELLE RUTKOWSKI
   7650 E. WILLIAMS DRIVE
   SCOTTSDALE, AZ 85255

k. JULIE GUNN
   1809 W. MOODY TRAIL
   PHOENIX, AZ 85041

l. JEFF GUNN
   1809 W. MOODY TRAIL
   PHOENIX, AZ 85041

m. MARTYN WHITE
   10032 N. 38TH STREET
   PHOENIX, AZ 85028

n. VERONICA MONTENIERI
   4314 W. MONTE WAY
   LAVEEN, AZ 85339

o. P. MONTENIERI
   4314 W. MONTE WAY
   LAVEEN, AZ 85339

p. JENNIFER ROUSE
   4821 W. ELLIS STREET
   LAVEEN, AZ 85339
q. KARLA ZIDOW  
5204 W. DESERT DRIVE  
LAVEEN, AZ 85339

r. DIANA KUDES  
5210 W. PEDRO LANE  
LAVEEN, AZ 85339

s. GARY KUDES  
5210 W. PEDRO LANE  
LAVEEN, AZ 85339

t. DESIREE HOOGERHUIS  
3217 W. MELODY DRIVE  
LAVEEN, AZ 85339

u. JASON PALTZER  
6622 S. 50TH AVENUE  
LAVEEN, AZ 85339

v. JEFF & KAREN KEELOR  
7236 S. 57TH AVENUE  
LAVEEN, AZ 85339

w. DAPHNE HERRING  
5506 W. GLASS LANE  
LAVEEN, AZ 85339

x. DONNA SNOW  
6806 W. DESERT LANE  
LAVEEN, AZ 85339

y. JODA SCHAUMBERG  
7205 S. 58TH AVENUE  
LAVEEN, AZ 85339

z. FELICIA CORBETT  
4811 W. GWEN STREET  
LAVEEN, AZ 85339
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aa. BEN GRAFF
   WITHEY MORRIS PLC
   2525 E. ARIZONA BILTMORE CIRCLE
   PHOENIX, AZ 85016

bb. RICHARD FLOR
   2022 W. ASTER DRIVE
   PHOENIX, AZ 85029

c. SANDRA GUERRERO
   3247 W. BASELINE ROAD
   LAVEEN, AZ 85339

d. RALPH PADILLA
   5813 W. ARDMORE ROAD
   LAVEEN, AZ 85339

e. LORI GONZALES
   5740 W. HIDALGO AVENUE
   LAVEEN, AZ 85339

f. GARY JORGENSEN
   5527 W. CARSON ROAD
   LAVEEN, AZ 85339

gg. WENDY ENSMINGER
   6806 S. 55TH LANE
   LAVEEN, AZ 85339

hh. KURT GRONLUND
   6834 S. 58TH AVENUE
   LAVEEN, AZ 85339

ii. BRIAN SMITH
   56222 W. CARSON ROAD
   LAVEEN, AZ 85339

jj. MATT CHRISTOPHER
   7019 S. 55TH LANE
   LAVEEN, AZ 8539

kk. DON MEDLING
   5529 W. DARREL ROAD
   LAVEEN, AZ 85339
15. All cellular communication facilities shall be building mounted or internal to the cross.

16. The developer shall provide minimum 3-inch caliper trees, placed 20-feet on center or in equivalent groupings, within the eastern 560 feet of the northern landscape setback, as approved by the Planning and Development Department.

17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims in a form approved by the City Attorney’s Office. The waiver shall be recorded with the Maricopa County Recorder’s Office and delivered to the City to be included in the rezoning application file for record.

18. The Development shall not include any underground fuel storage tanks, as approved by the Planning and Development Department.

Councilman Nowakowski was not supportive of the motion because he thought things could be worked out. He expressed this might be the best place for the church but residents that lived in the surrounding area needed to be in favor of it.

Councilman DiCiccio supported the church and its goals but he was uncomfortable based on his own experience, so he also was not supportive of the motion.
October 5, 2016

Roll Call: Ayes: Stark, Valenzuela, Waring, Williams, Vice Mayor Gallego, and Mayor Stanton
Nays: DiCiccio, Nowakowski, and Pastor
Absent: None

MOTION CARRIED.

CITIZEN COMMENTS

Mr. Paul Nelson requested that Council work on a plan to close the alleyways in the Royal Palm neighborhood due to a recent situation involving children. He also believed a lot of the traffic and crime in the area was due to people who frequented a clinic near the community and wanted Council to rectify the problem.

ADJOURNMENT

There being no further business to come before the Council, Mayor Stanton declared the meeting adjourned at 6:35 p.m.

______________________________
MAYOR

ATTEST:

______________________________
CITY CLERK

1005min.doc/SC
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 5th day of October, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9th day of March, 2017.

________________________________
City Clerk