



Agenda

City Council Formal Meeting

Wednesday, June 16, 2021

2:30 PM

phoenix.gov

*****REVISED June 15, 2021*****

Item Requested to be Continued: 77

OPTIONS TO ACCESS THIS MEETING

Request to speak at a meeting:

- **Register online** by visiting the City Council Meetings page on phoenix.gov **at least 1 hour prior to the start of this meeting**. Then, click on this link at the time of the meeting and join the Webex to speak: <https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=ec1d9f2c5936a5a7e5244e42410d33e23>

- **Register via telephone** at 602-262-6001 **at least 1 hour prior to the start of this meeting**, noting the item number. Then, use the Call-in phone number and Meeting ID listed below at the time of the meeting to call-in and speak.

At the time of the meeting:

- **Watch** the meeting live streamed on phoenix.gov or Phoenix Channel 11 on Cox Cable, or using the Webex link provided above.

- **Call-in** to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 182 794 1701# (for English) or 182 277 7837# (for Spanish). Press # again when prompted for attendee ID.

Para nuestros residentes de habla hispana:

- **Para registrarse para hablar en español**, llame al 602-262-6001 **al menos 1 hora antes del inicio de esta reunión** e indique el número del tema. El día de la reunión, llame al 602-666-0783 e ingrese el número de identificación de la reunión 182 277 7837#. El intérprete le indicará cuando sea su turno de hablar.

- **Para solamente escuchar la reunión en español**, llame a este mismo número el día de la reunión (602-666-0783; ingrese el número de identificación de la reunión 182 277 7837 #). Se proporciona interpretación simultánea para nuestros residentes durante todas las reuniones.

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- 20 **Roosevelt Irrigation District**
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REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS**000 CITIZEN COMMENTS****ADJOURN**

City Council Formal Meeting



City of Phoenix

Report

Agenda Date: 6/16/2021, Item No. 1

Mayor and Council Appointments to Boards and Commissions

Summary

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

Responsible Department

This item is submitted by the Mayor's Office.

ATTACHMENT A



City of Phoenix

To: City Council
From: Mayor Kate Gallego

Date: June 16, 2021

Subject: BOARDS AND COMMISSIONS – APPOINTEES

The purpose of this memo is to provide recommendations for appointments to the following Boards and Commissions:

Assisted Housing Governing Board

I recommend the following for appointment:

Donna Magaard

Ms. Magaard has been appointed by Acting Housing Director Deanna Jonovich. She replaces Ruth Wiesehan for a term to expire June 30, 2023.

Civil Service Board

I recommend the following for appointment:

Jose Samuel Leyvas

Mr. Leyvas is the Executive Director of HomeAid Phoenix and a resident of District 7. He replaces Craig Steblay for a term to expire June 16, 2024.

Desert View Village Planning Committee

Councilman Jim Waring recommends the following for appointment:

Barbara Reynolds

Ms. Reynolds is a retired administrator of Teamsters Local 705 and a resident of District 2. She fills a vacancy for a term to expire November 19, 2022.

Human Services Commission

I recommend the following for appointment:

Jayson Matthews

Mr. Matthews is Vice President of Community Development at Valley of the Sun United Way and a resident of District 4. He fills a Category III vacancy for a term to expire June 30, 2023.

Industrial Development Authority Board

I recommend the following for appointment:

Aaron Marquez

Mr. Marquez is the Partnerships Lead at FreeWill and a resident of District 4. He replaces Charlene Tarver for a term to expire May 1, 2027.

Paradise Valley Village Planning Committee

Councilman Jim Waring recommends the following for appointment:

Cynthia DiMassa

Ms. DiMassa is a retired software professional and a resident of District 2. She fills a vacancy for a term to expire November 19, 2022.

Phoenix Business Workforce Development Board

I recommend the following for appointment:

Jeffrey Clark

Mr. Clark is President of the Arizona State Association of Letter Carriers. He replaces Yolanda Bejarano and will fulfill her term to expire June 30, 2023.

Brendan Mahoney

Mr. Mahoney is General Counsel at HBI International and a resident of District 4. He fills a Small Business vacancy for a term to expire June 30, 2022.



Liquor License - The Vanilla Gorilla Tap Room and Bottle Shop

Request for a liquor license. Arizona State License Application 007070005224.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 7 - Beer and Wine Bar

Location

14202 N. Scottsdale Road, Ste. 165

Zoning Classification: C-2 PCD

Council District: 2

This request is for an ownership and location transfer of a liquor license for a beer and wine bar. This location was not previously licensed for liquor sales and does not have an interim permit. This business has plans to open in July 2021.

The 60-day limit for processing this application is June 25, 2021.

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

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the

State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Hush Public House(Series 12)
14202 N. Scottsdale Road, Ste. 167, Scottsdale
Calls for police service: 48
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
“We currently own another business that has a liquor license in Arizona. We will continue to abide by Title 4 liquor laws.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“We would like to offer our patrons and adult beverage to enjoy at our establishment.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - The Vanilla Gorilla Tap Room and Bottle Shop
Liquor License Map - The Vanilla Gorilla Tap Room and Bottle Shop

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: THE VANILLA GORILLA TAP ROOM AND BOTTLE SHOP

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	2	1
Beer and Wine Bar	7	1	0
Liquor Store	9	1	0
Beer and Wine Store	10	4	1
Restaurant	12	24	10

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	44.37	16.42	23.88
Violent Crimes	8.14	0.90	0.84

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

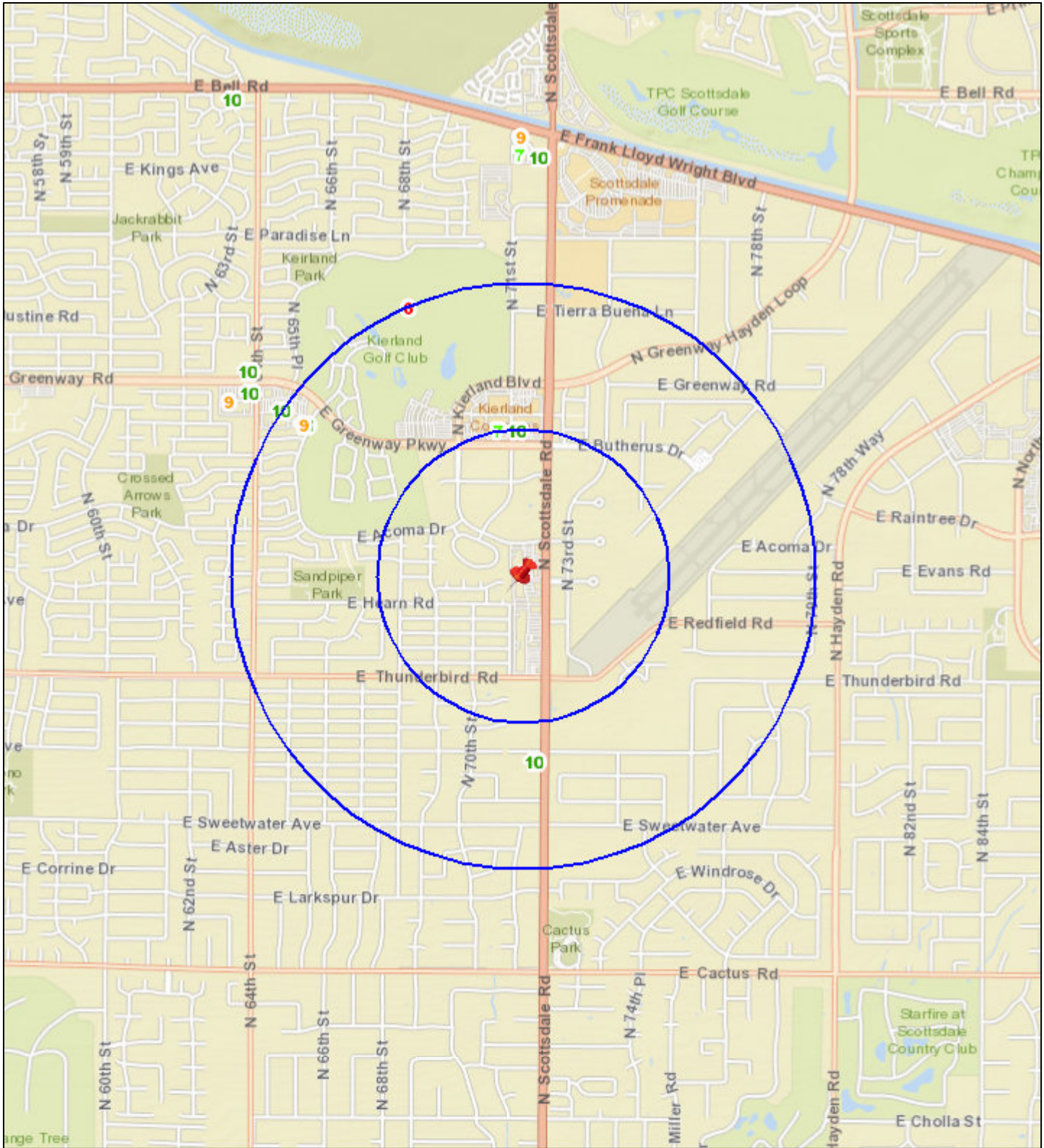
Description	Average	1/2 Mile Average
Parcels w/Violations	55	19
Total Violations	89	23

Census 2010 Data 1/2 Mile Radius

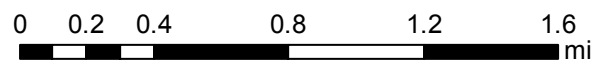
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1032072	1401	93 %	2 %	0 %
1032191	834	44 %	30 %	13 %
1032201	1364	95 %	15 %	3 %
1032202	513	51 %	32 %	4 %
1032203	1161	0 %	16 %	7 %
2168161	1812	95 %	0 %	4 %
Average		61 %	13 %	19 %

Liquor License Map: THE VANILLA GORILLA TAP ROOM AND BOTTLE SHOP

14202 N SCOTTSDALE RD



Date: 5/19/2021



City Clerk Department



Liquor License - N Food Mart

Request for a liquor license. Arizona State License Application 09070696.

Summary

Applicant

Yashvant Patel, Agent

License Type

Series 9 - Liquor Store

Location

12850 N. 19th Ave.

Zoning Classification: C-2

Council District: 3

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

The 60-day limit for processing this application is June 26, 2021.

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

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: “I, Bhargav Patel, have been working at N Food Mart since 2012. I started to work as a cashier at N Food Mart under the guidance of the owner, Yashvant Patel. However, as I got experience of running the store, I took over all responsibilities of store manager, who handles all aspects of the business. Along with that, I have been taking all necessary training courses which helped me to maintain requisite of liquor license. Currently, my role at Food Mart includes all responsibilities of co owner of business (N Food Mar). Thus, I could say that I have capability, reliability and qualification to hold a liquor licenses.”

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.



Liquor License - Golden Wok

Request for a liquor license. Arizona State License Application 148841.

Summary

Applicant

Juliana Yanko, Agent

License Type

Series 12 - Restaurant

Location

4651 E. Cactus Road

Zoning Classification: C-2 PCD

Council District: 3

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

The 60-day limit for processing this application is June 22, 2021.

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

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"My business hires competent, reliable staff who are responsible to follow the restrictions required by law related to serving liquor. Our training standards allow for future & current employees to be educated in safe processes regarding liquor sales. We maintain current health & safety guidelines in all aspects of our business."

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

"Providing a liquor license to this business will allow for improved economic viability. With ongoing success of this restaurant, patrons will be able to safely enjoy alcoholic beverages with their meals while benefiting the community's options for expanded dining experiences."

Staff Recommendation

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

Attachments

Liquor License Data - Golden Wok

Liquor License Map - Golden Wok

Responsible Department

This item is submitted by Deputy City Manager Toni MacCarone and the City Clerk Department.

Liquor License Data: GOLDEN WOK

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	2	1
Liquor Store	9	5	4
Beer and Wine Store	10	6	4
Hotel	11	1	1
Restaurant	12	21	18

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	44.37	74.54	200.10
Violent Crimes	8.14	5.46	11.04

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

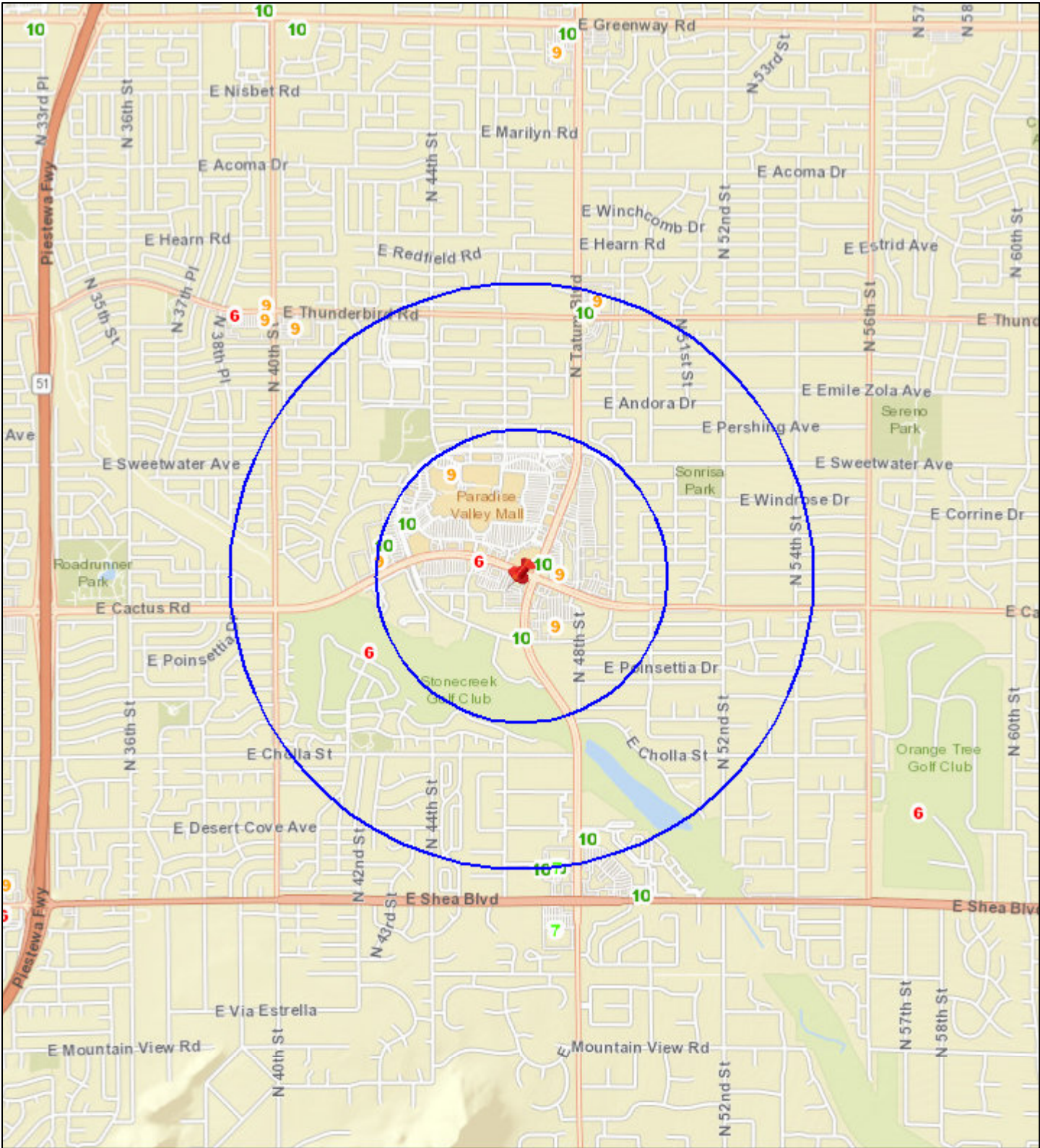
Description	Average	1/2 Mile Average
Parcels w/Violations	55	23
Total Violations	90	29

Census 2010 Data 1/2 Mile Radius

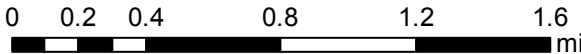
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1032052	1192	82 %	0 %	16 %
1032082	1548	38 %	36 %	18 %
1032083	885	93 %	10 %	0 %
1032091	804	74 %	0 %	24 %
1032101	872	20 %	20 %	12 %
1032102	1681	32 %	14 %	19 %
1032105	468	0 %	19 %	22 %
1032106	886	23 %	22 %	7 %
Average		61 %	13 %	19 %

Liquor License Map: GOLDEN WOK

4651 E CACTUS RD



Date: 4/26/2021





Liquor License - MJ Mini Mart & Smoke

Request for a liquor license. Arizona State License Application 148935.

Summary

Applicant

Simon Shimon, Agent

License Type

Series 10 - Beer and Wine Store

Location

1201 W. Hatcher Road

Zoning Classification: C-2

Council District: 3

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

The 60-day limit for processing this application is June 25, 2021.

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

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am a responsible owner/operator that abides and always follow all the rules and regulations."

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

"This is a change in ownership to an existing convenience store with a series 10 beer and wine store liquor license. I will continue to provide quality service to the neighbors of this store and to the general public."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - MJ Mini Mart & Smoke

Liquor License Map - MJ Mini Mart & Smoke

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: MJ MINI MART & SMOKE

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	1	0
Liquor Store	9	5	0
Beer and Wine Store	10	10	4
Restaurant	12	9	1
Club	14	1	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	44.37	106.23	91.18
Violent Crimes	8.14	31.28	31.52

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

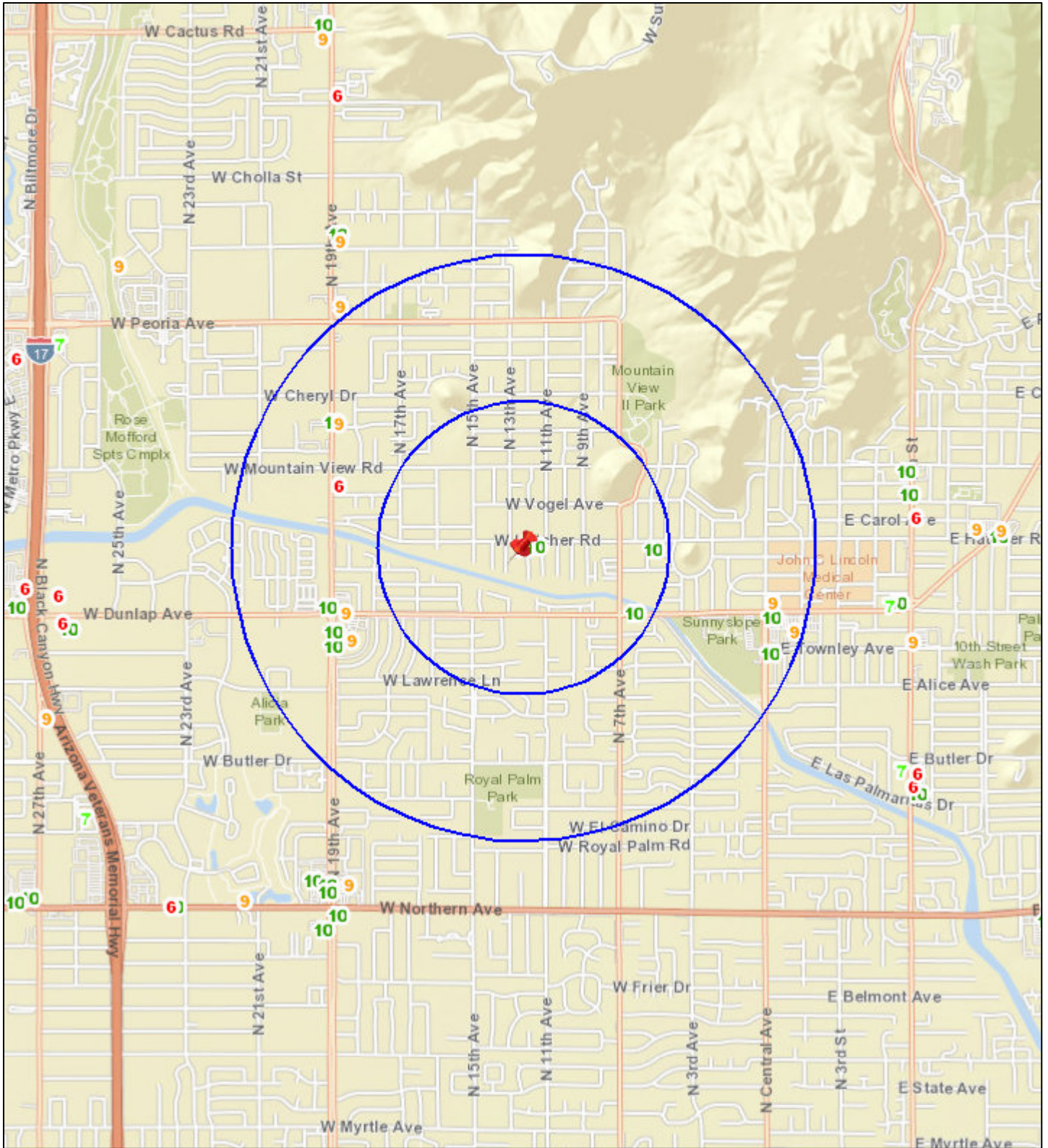
Description	Average	1/2 Mile Average
Parcels w/Violations	55	98
Total Violations	90	165

Census 2010 Data 1/2 Mile Radius

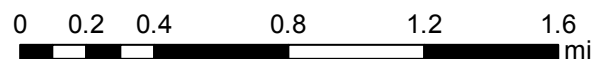
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1045011	795	78 %	7 %	18 %
1045012	1110	5 %	29 %	23 %
1045013	1204	7 %	29 %	48 %
1045021	2058	40 %	14 %	50 %
1045022	2126	31 %	14 %	49 %
1045023	1538	57 %	20 %	33 %
1046003	1165	68 %	20 %	35 %
1053003	1205	96 %	9 %	0 %
1054001	1427	100 %	3 %	4 %
1054002	981	85 %	7 %	5 %
Average		61 %	13 %	19 %

Liquor License Map: MJ MINI MART & SMOKE

1201 W HATCHER RD



Date: 4/29/2021





Liquor License - Arizona Mundo Distribution

Request for a liquor license. Arizona State License Application 128097.

Summary

Applicant

Jose Ralon, Agent

License Type

Series 4 - Wholesaler

Location

3442 W. Wilshire Dr., Ste. 4
Zoning Classification: Ind. Pk.
Council District: 4

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

The 60-day limit for processing this application is June 21, 2021.

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

Other Active Liquor License Interest in Arizona

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

Mundo Distribution (Series 4)
2925 E. McDowell Road, Phoenix
Calls for police service: 1

Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am capable and qualified to hold a Series 4 liquor license because I have one at my present location since 2017 we have had no vilations. I know the responsibility it takes to have a liquor license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"My buisness provieds our community with diffrent products from Central america and there beer. This gives our community a little piece of there home country."

Staff Recommendation

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

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.



Liquor License - Dapper & Stout Coffee Company

Request for a liquor license. Arizona State License Application 149156.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 12 - Restaurant

Location

100 E. Camelback Road, Ste. 150

Zoning Classification: C-2 TOD-1 WSNSPD

Council District: 4

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. A Use Permit hearing has been scheduled. This business is currently being remodeled with plans to open in July 2021.

The 60-day limit for processing this application is June 27, 2021.

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

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
“We will train all of our employees in responsible liquor service. All employees handling alcohol will attend the Title 4 liquor law training.”

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 and adult beverage to enjoy at our establishment.”

Staff Recommendation

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

Attachments

Liquor License Data - Dapper & Stout Coffee Company
Liquor License Map - Dapper & Stout Coffee Company

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: DAPPER & STOUT COFFEE COMPANY

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	2	2
Bar	6	14	3
Beer and Wine Bar	7	11	10
Liquor Store	9	6	1
Beer and Wine Store	10	7	2
Restaurant	12	48	24

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	44.37	106.84	106.68
Violent Crimes	8.14	16.45	14.33

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

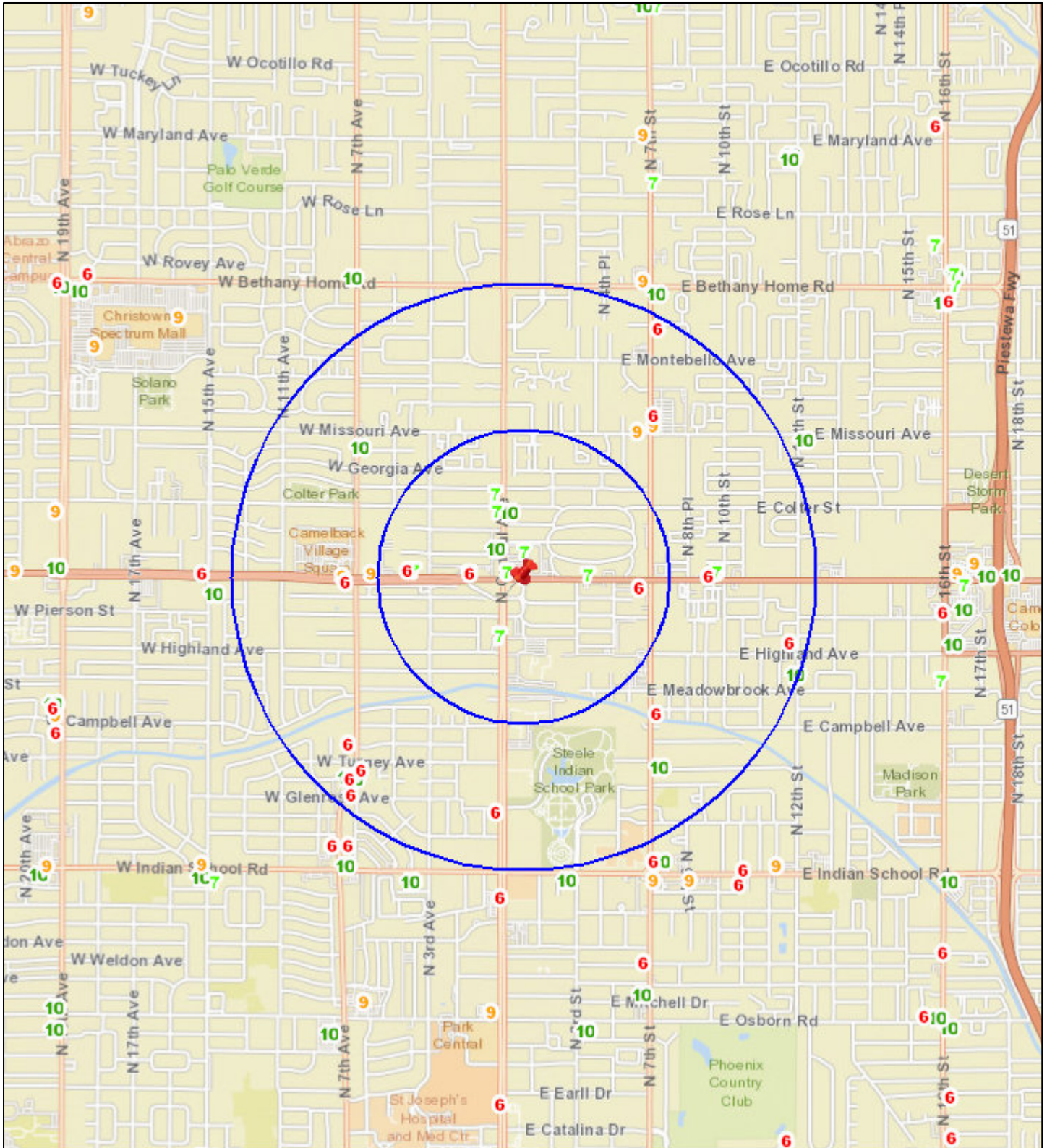
Description	Average	1/2 Mile Average
Parcels w/Violations	55	56
Total Violations	90	109

Census 2010 Data 1/2 Mile Radius

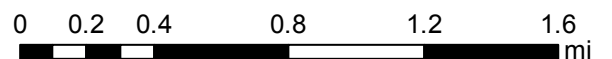
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1075001	758	80 %	2 %	3 %
1075002	1458	74 %	7 %	15 %
1075003	1599	46 %	15 %	14 %
1076013	1748	38 %	8 %	17 %
1086023	650	23 %	34 %	15 %
1088021	1456	23 %	32 %	31 %
1088022	435	43 %	41 %	19 %
1171001	2126	10 %	15 %	10 %
Average		61 %	13 %	19 %

Liquor License Map: DAPPER & STOUT COFFEE COMPANY

100 E CAMELBACK RD



Date: 4/30/2021





Liquor License - El Original Mariscos Altata

Request for a liquor license. Arizona State License Application 148778.

Summary

Applicant

Jesus Altamirano, Agent

License Type

Series 12 - Restaurant

Location

5828 W. Indian School Road

Zoning Classification: C-2

Council District: 5

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

The 60-day limit for processing this application is June 21, 2021.

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

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because: "I have worked in the restaurant business for 12 years during that time I also had a liquor license. Several years ago I decided to rent my restaurant (at this location) however, the tenant did not pay her rent and did not file for a liquor license. Unfortunately, it resulted in lost revenue. I locked out the tenant and decided to reopen my restaurant. I attended Basic and Management liquor law training to identify obviously intoxicated customers, I am familiar with the legal forms of ID and my staff also attended the training class."

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

"This restaurant has been in operation for approximately 12 years. The community supports the restaurant and due to the menu, the service of alcohol complements the food service. The restaurant does not have any entertainment and the restaurant will continue to be supportive to the neighborhood and surrounding communities."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - El Original Mariscos Altata

Liquor License Map - El Original Mariscos Altata

Responsible Department

This item is submitted by Deputy City Manager Toni MacCarone and the City Clerk Department.

Liquor License Data: EL ORIGINAL MARISCOS ALTATA

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	1	1
Beer and Wine Bar	7	1	1
Liquor Store	9	6	2
Beer and Wine Store	10	7	1
Restaurant	12	7	2

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	44.37	117.72	79.93
Violent Crimes	8.14	23.56	19.21

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

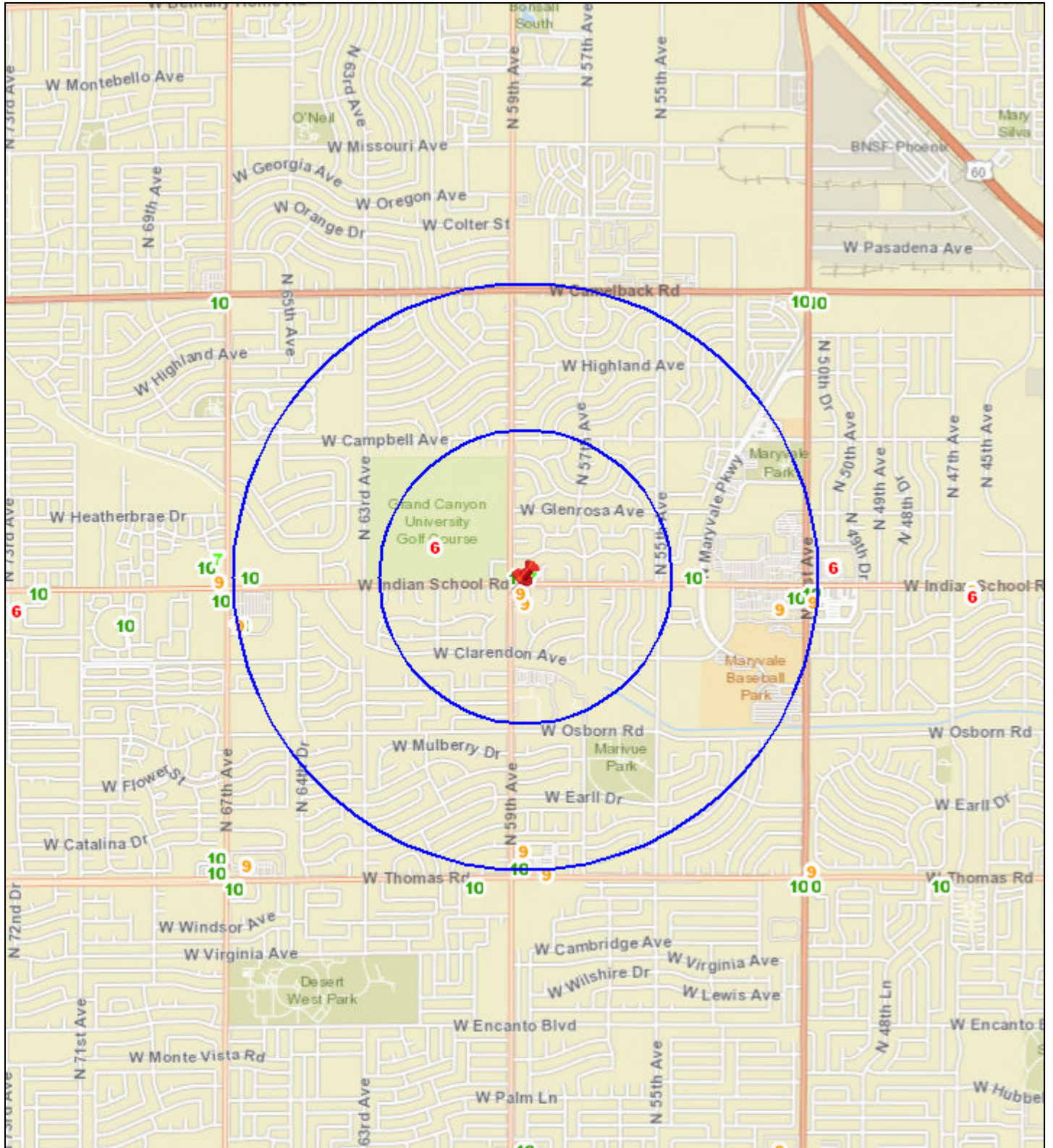
Description	Average	1/2 Mile Average
Parcels w/Violations	56	167
Total Violations	91	309

Census 2010 Data 1/2 Mile Radius

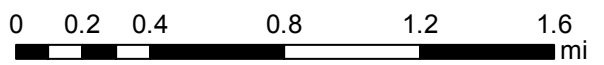
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1094001	623	55 %	22 %	23 %
1094004	1754	25 %	24 %	40 %
1094005	1964	56 %	26 %	22 %
1095001	1977	84 %	0 %	22 %
1095002	1574	79 %	9 %	48 %
1098021	2573	85 %	3 %	21 %
1099002	1908	34 %	13 %	25 %
1099003	3146	54 %	16 %	33 %
Average		61 %	13 %	19 %

Liquor License Map: EL ORIGINAL MARISCOS ALTATA

5828 W INDIAN SCHOOL RD



Date: 4/23/2021





Liquor License - Pizza Hut #37665

Request for a liquor license. Arizona State License Application 148789.

Summary

Applicant

Theresa Morse, Agent

License Type

Series 10 - Beer and Wine Store

Location

6075 N. 19th Ave., Ste. 104

Zoning Classification: C-2

Council District: 5

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

The 60-day limit for processing this application is June 21, 2021.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because: "The owners have extensive experience owning and managing liquor licensed establishments in AZ and other states. All employees and owners are familiar with current liquor laws and are required to take liquor law classes. The owners primary purpose is to provide food and beer & wine as an accessory to take-out pizza /wings & deliver the same. The area coaches provide oversight to all employees and establishments. Furthermore, the owners are diligent to ensure all ID is checked and alcohol is not sold to intoxicated customers."

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

"The owners have selected this existing store to allow customers to purchase beer or wine with their food to go only. The license permits delivery of beer/wine as well as food. The owners are mindful of the community and they support their cause to abide by all laws and participate in community action. The issuance of this license is in the best interest of the community."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Pizza Hut #37665

Liquor License Map - Pizza Hut #37665

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: PIZZA HUT #37665

Liquor License

Description	Series	1 Mile	1/2 Mile
Government	5	1	0
Bar	6	4	2
Liquor Store	9	8	2
Beer and Wine Store	10	9	2
Restaurant	12	6	5

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	44.37	251	541.82
Violent Crimes	8.14	42.72	45.43

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

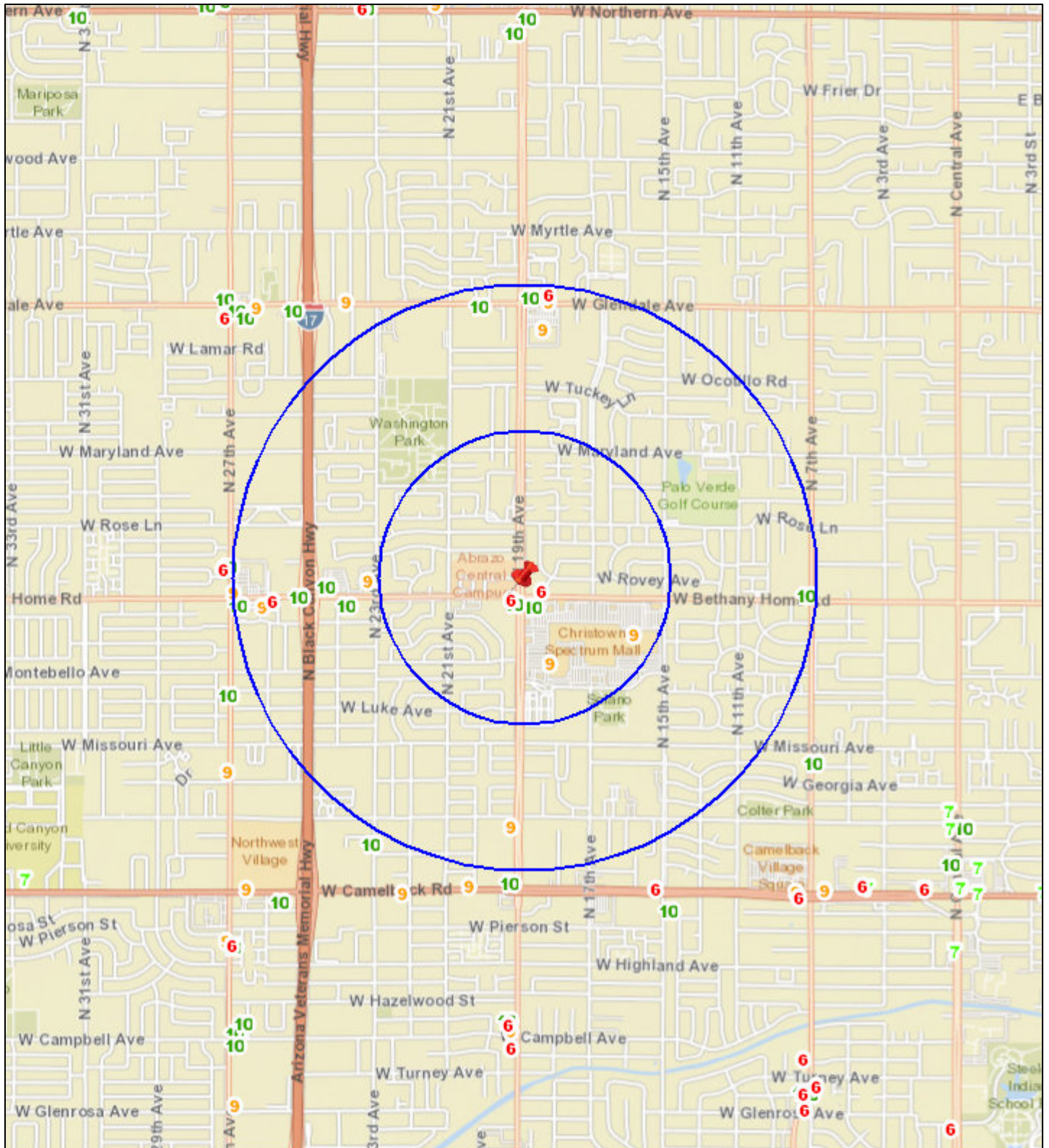
Description	Average	1/2 Mile Average
Parcels w/Violations	56	88
Total Violations	91	145

Census 2010 Data 1/2 Mile Radius

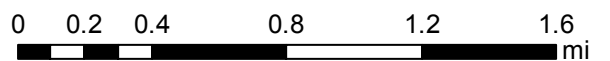
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1067012	803	9 %	19 %	32 %
1067013	971	33 %	39 %	20 %
1067031	1122	79 %	3 %	16 %
1067032	1120	92 %	0 %	4 %
1068021	1099	60 %	0 %	9 %
1068022	1105	85 %	21 %	1 %
1068023	1633	17 %	17 %	34 %
1073001	2203	79 %	3 %	6 %
1074001	1280	80 %	4 %	15 %
1074003	839	0 %	6 %	56 %
Average		61 %	13 %	19 %

Liquor License Map: PIZZA HUT #37665

6075 N 19TH AVE



Date: 4/23/2021





Liquor License - Safeway #1201

Request for a liquor license. Arizona State License Application 09070282 & 09070282S.

Summary

Applicant

Nicholas Guttilla, Agent

License Type

Series 9 & 9S - Liquor Store with Sampling Privileges

Location

4005 E. Chandler Blvd.

Zoning Classification: C-2 PCD

Council District: 6

This request is for a location transfer of a liquor license for a grocery store. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is June 28, 2021.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because: "Safeway is committed to upholding the highest standards for alcohol sales and service. Its managers and staff are trained in responsible liquor sales and service, along with other restricted sales items. Safeway is a national grocery store chain which takes its responsibility regarding liquor sales very seriously and it has a stellar compliance record in Arizona."

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

"Placing this license at Safeway #1201 will have no adverse effect on the neighborhood or customers. There is already an existing liquor license at Safeway #1201 and the second license will eventually be moved from this location. Only one series 9 liquor license will be active at a time."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Safeway #1201

Liquor License Map - Safeway #1201

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: SAFEWAY #1201

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	2	2
Beer and Wine Bar	7	1	1
Liquor Store	9	3	2
Beer and Wine Store	10	5	3
Restaurant	12	16	10

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	44.37	35.37	51.91
Violent Crimes	8.14	3.95	8.38

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

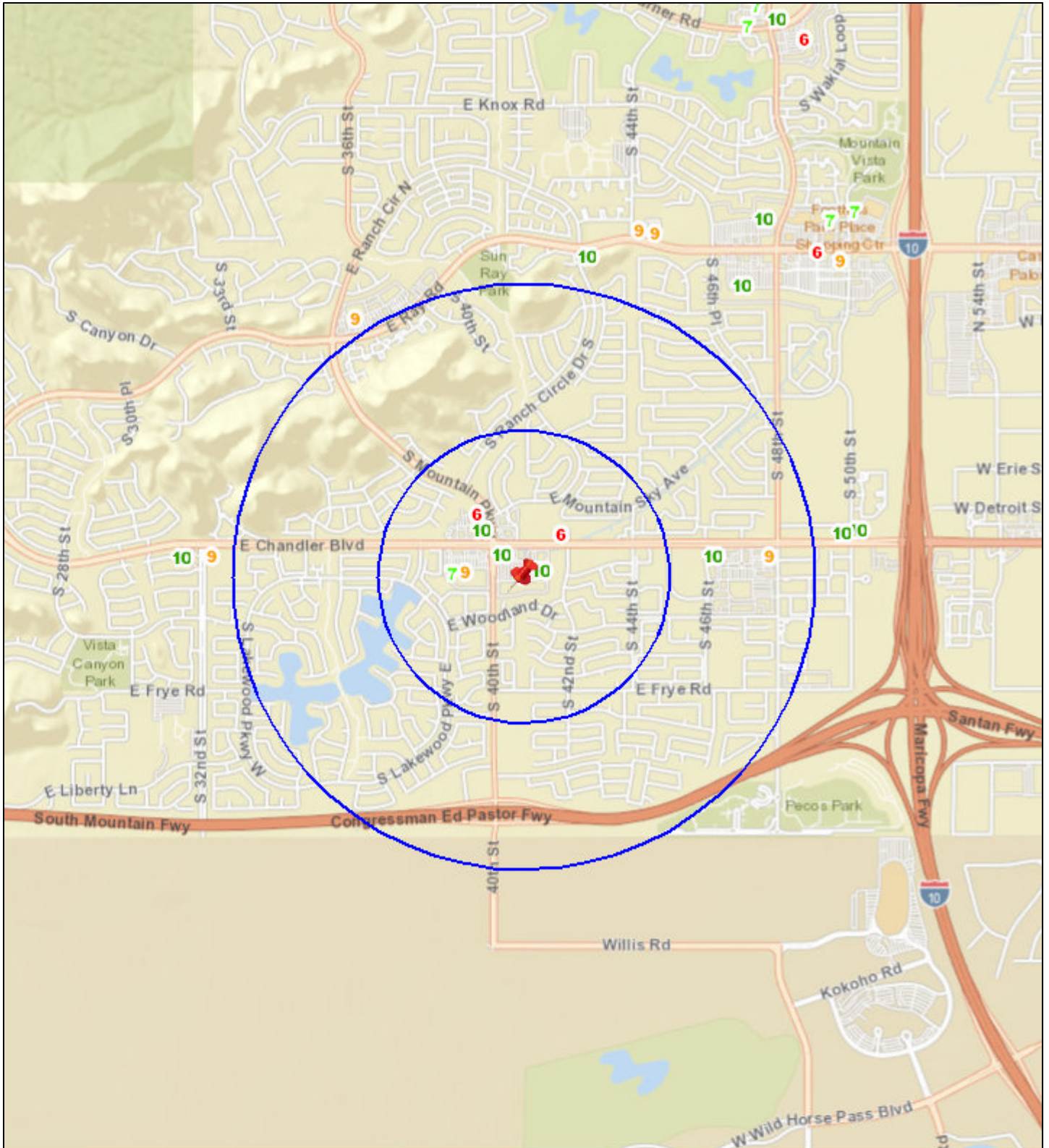
Description	Average	1/2 Mile Average
Parcels w/Violations	55	13
Total Violations	89	18

Census 2010 Data 1/2 Mile Radius

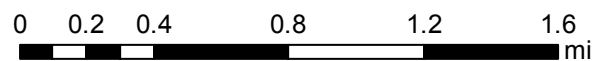
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1167121	2721	19 %	15 %	9 %
1167122	1832	76 %	0 %	3 %
1167123	2451	69 %	5 %	8 %
1167131	589	64 %	51 %	42 %
1167132	1474	87 %	0 %	0 %
1167133	1145	100 %	0 %	7 %
1167135	1106	54 %	0 %	2 %
1167191	1679	87 %	3 %	2 %
1167194	2185	77 %	0 %	4 %
1167203	1430	34 %	7 %	5 %
1167212	1820	65 %	4 %	3 %
Average		61 %	13 %	19 %

Liquor License Map: SAFEWAY #1201

4005 E CHANDLER BLVD



Date: 5/3/2021





Liquor License - Safeway #1515

Request for a liquor license. Arizona State License Application 09070386 & 09070386S.

Summary

Applicant

Nicholas Guttilla, Agent

License Type

Series 9 & 9S - Liquor Store with Sampling Privileges

Location

810 E. Glendale Ave.

Zoning Classification: C-2

Council District: 6

This request is for an ownership and location transfer of a liquor license for a grocery store. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is June 28, 2021.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because: "Safeway is committed to upholding the highest standards for alcohol sales and service. Its managers and staff are trained in responsible liquor sales and service, along with other restricted sales items. Safeway is a national grocery store chain which takes its responsibility regarding liquor sales very seriously and it has a stellar compliance record in Arizona."

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

"Placing this license at Safeway #1515 will have no adverse effect on the neighborhood or customers. There is already an existing liquor license at Safeway #1201 and the second license will eventually be moved from this location. Only one series 9 liquor license will be active at a time."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Safeway #1515

Liquor License Map - Safeway #1515

Responsible Department

This item is submitted by Deputy City Manager Toni MacCarone and the City Clerk Department.

Liquor License Data: SAFEWAY #1515

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	2	1
Beer and Wine Bar	7	2	1
Liquor Store	9	3	1
Beer and Wine Store	10	8	2
Restaurant	12	16	4
Club	14	2	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	44.37	56.68	58.59
Violent Crimes	8.14	5.67	4.35

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

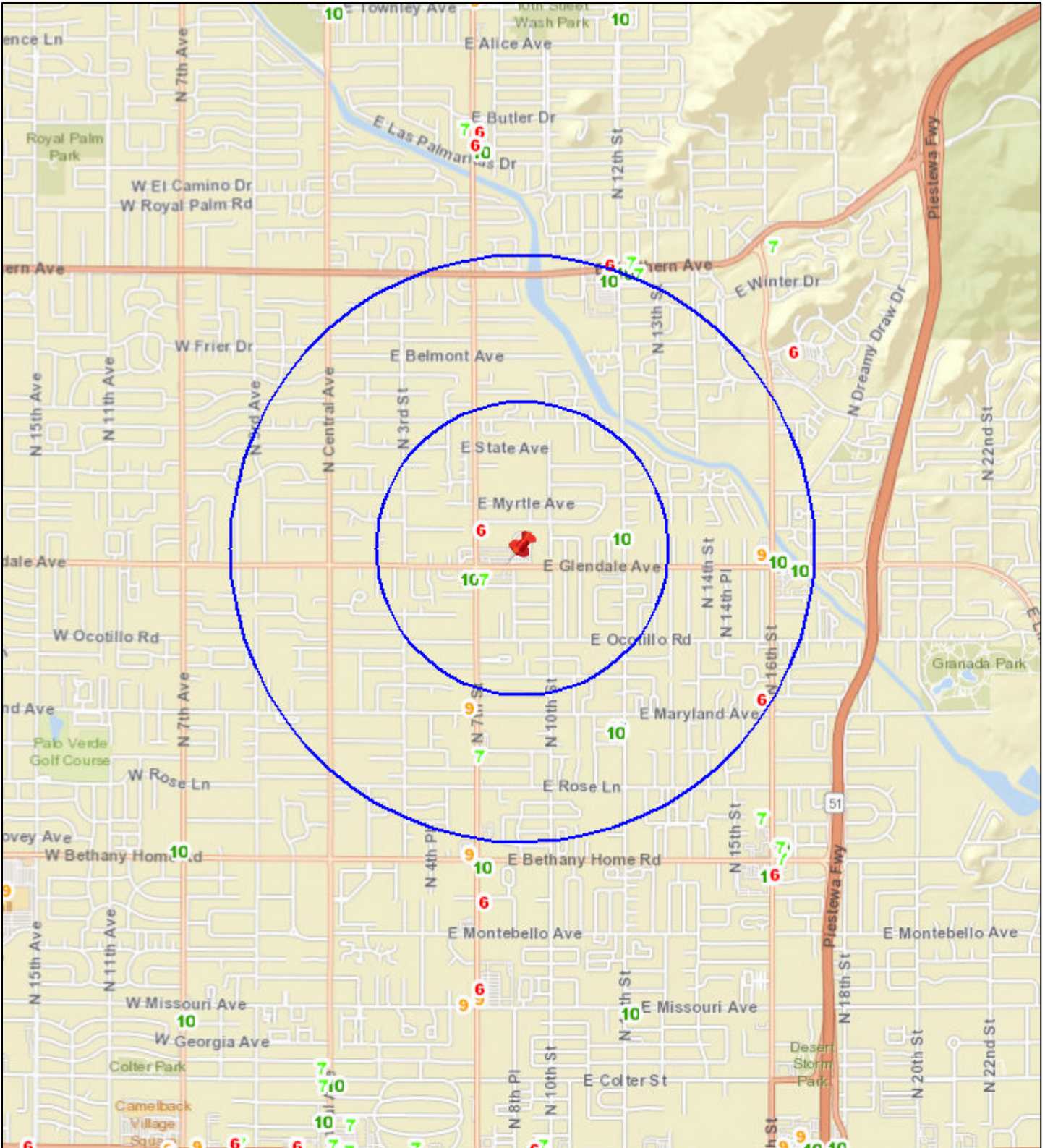
Description	Average	1/2 Mile Average
Parcels w/Violations	55	51
Total Violations	89	79

Census 2010 Data 1/2 Mile Radius

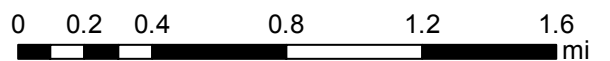
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1062002	1751	97 %	6 %	1 %
1063002	1099	67 %	24 %	17 %
1063003	1910	50 %	11 %	42 %
1063004	1060	59 %	22 %	20 %
1065011	1458	63 %	8 %	10 %
1065022	1027	85 %	14 %	4 %
1066002	2064	83 %	7 %	5 %
Average		61 %	13 %	19 %

Liquor License Map: SAFEWAY #1515

810 E GLENDALE AVE



Date: 5/3/2021





PAYMENT ORDINANCE (Ordinance S-47658) (Items 12-27)

Ordinance S-47658 is a request to authorize the City Controller to disburse funds, up to amounts indicated below, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requests continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 42-13.

12 Tata Consultancy Services Limited

For \$50,000.00 in additional payment authority for Contract 122332 for professional services for the Information Technology Services Department. The Tax Mantra system holds historical taxpayer information used by the Tax Division in Finance for research and reporting. The City Clerk Department relies on Tax Mantra to manage all regulatory license services for citizens and businesses. The additional funds are needed to perform the migration of the application to new supportable and secure hardware platform.

13 United States Conference of Mayors

For \$91,138.00 in payment authority for Fiscal Years 2020-21 and 2021-22 annual membership dues for the City of Phoenix. The United States Conference of Mayors (USCM) is the official non-partisan organization of cities with populations of 30,000 or more. Mayors contribute to development of national urban policy by serving on one or more of the conference's standing committees. USCM develops policy positions adopted by the nation's mayors that are distributed to the President of the United States and Congress. Task forces are also assembled to examine and act on issues like civic innovation, exports, hunger and homelessness. The membership ensures that Phoenix's interests are being represented by the USCM.

14 **Lumen Technologies, Inc. doing business as Lumen Technologies Service Group, LLC.**

For \$23,420.00 in additional payment authority for project ST85100341 for the relocation and rework of fiber and conduit for the Street Transportation Department. The additional funds are needed for the placement of Roosevelt Irrigation District pipeline which is required for construction for the City of Phoenix on 27th Avenue, from Lower Buckeye to Buckeye roads.

15 **AZ Locators, LLC**

For \$9,500.00 in additional payment authority for Contract 151225 for locator equipment and associated testing, calibration, maintenance and repairs to various locators for the Water Services Department. The locators are used to locate water pipes, cables and utilities. The cost of the contract increased due to higher utilization than anticipated.

16 **EPCOR Water USA, Inc.**

For \$1,508,000.00 for annual payment authority for Contract 93040 to provide water and wastewater treatment services for the West Anthem service area for the Water Services Department.

17 **Goldman Sachs Renewable Power Operating Company LLC doing business as Solar Star Arizona III, LLC**

For \$1,410,000.00 for annual payment authority for Contract 132993 to provide solar power services to the Lake Pleasant Water Treatment Plant for the Water Services Department. The 7.5-megawatt solar facility produces approximately 75 percent of the plant's power needs.

18 **ANSI National Accreditation Board, LLC.**

For \$9,000.00 in payment authority to pay fees necessary for the Water Services Department to become an accredited Field Sampling and Measurement Organization through the American National Standards Institute American Society for Quality National Accreditation Board. Accreditation requires the environmental and drinking water field sampling procedures meet standards adopted by the National Environmental Laboratory Accreditation Conference Institute's National Environmental Field Accreditation Program and provides additional checks to ensure

effective quality field sampling systems.

19 **State of Arizona Department of Environmental Quality**

For \$250,000.00 in annual payment authority for Fiscal Year 2021-22 permit fees and permit renewal fees for the Water Services Department. The funds will be used for annual operating permits, hazardous waste permits, quarterly disposal fees for all Water Services Department wastewater and water facilities, fees for acceptance and review of required compliance reports, fees for inspection of facilities for compliance with regulations, and fees for document review of paperwork necessary to make changes to permits.

20 **Roosevelt Irrigation District**

For \$1,100,000.00 in annual payment authority for Contract 54170 for Fiscal Year 2021-22 water rights settlement claim costs for the Water Services Department. In 1998, the City of Phoenix entered into a comprehensive settlement agreement with Salt River Pima Maricopa Indian Community, and others, to settle Salt River Pima Maricopa Indian Community water rights claims. Part of that settlement included an ongoing three-way water exchange among the City of Phoenix, Salt River Project and the Roosevelt Irrigation District. The City of Phoenix is responsible to pay a portion of costs associated with the ongoing annual exchange.

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

For \$300,000.00 in annual payment authority for Contract 63846 for Fiscal Year 2021-22 for operation and maintenance costs for the Granite Reef Underground Storage Project for the Water Services Department. The Granite Reef Underground Storage Project operates under an Intergovernmental Agreement between Salt River Project and the cities of Chandler, Gilbert, Phoenix, Mesa, Scottsdale, and Tempe. Phoenix owns 25.755 percent of the underground water storage capacity of Granite Reef Underground Storage Project and pays its proportional share of Granite Reef Underground Storage Project costs.

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

For \$130,000.00 in annual payment authority for Contract 53453 for operation and maintenance of the Central Arizona Project Salt River Project interconnection facility for the Water Services Department. The Intergovernmental Agreement between the Salt River Valley Water Users' Association, the Salt River Project Agricultural Improvement and Power District, and the cities of Chandler, Gilbert, Glendale, Mesa, Peoria, Phoenix, Scottsdale, and Tempe allows the City of Phoenix to transport water from the Central Arizona Project aqueduct to the Granite Reef Dam. The department is responsible for 38.425 percent of the operating and maintenance expenses for Fiscal Year 2021-22.

23 Salt River Valley Water Users' Association

For \$4,600,000.00 in annual payment authority for Contract 100353 for Fiscal Year 2021-22 for water delivery and use agreement to provide wholesale water within the Salt River Reservoir District for resale by the Water Services Department. The water delivered to the City by the Association from the Salt and Verde rivers represents approximately 60 percent of the City's water supply.

24 Salt River Valley Water Users' Association

For \$120,000.00 in annual payment authority for Agreement 107647 for delivery, ordering, accounting, and reporting of the Peninsula - Horowitz Water Entitlement for Fiscal Year 2021-22 for the Water Services Department. Peninsula, Horowitz, and Champion Irrigation Districts are located on the southwest portion of the City of Phoenix and are in the initial stages of conversion from farmland to urban usage. Under the agreement, the City receives water from the Salt River Valley Water Users' Association, treats it and delivers to urban customers within these irrigation districts.

25 Salt River Valley Water Users' Association - Water Transportation Agreement

For \$2,500,000.00 in annual payment authority for Contract 59580 to transfer water from the Salt River Valley Water Users' Association to the City, and for the delivery of water from the Salt and Verde rivers pursuant to water rights held by the City, for Fiscal Year 2021-22 for the Water Services Department. The department treats and delivers water for lands within the Salt River Reservoir District which have rights to the water

stored and developed by the Salt River Valley Water Users' Association.

26 **Water Research Foundation - Annual Payment Authority**

For \$265,090.00 in payment authority to the Water Research Foundation for the Water Services Department. The Foundation sponsors research to assist water utilities in providing safe and affordable drinking water. Having a membership with the organization allows Water Services staff access to the latest research and technical information used to address drinking water, wastewater, and water reclamation issues.

27 **Multimedia Holdings Corporation doing business as KPNX-TV, Channel 12, 12 News, Tegna Inc, KPNX.com**

For \$40,000.00 in payment authority for a new contract, entered into on or about June 16, 2021, for a one-year term to conduct recruitment advertising for the Human Resources Department. The advertising campaign is expected to begin the Fall of 2021 for critical and hard-to-fill positions such as 911 Operators, Solid Waste Equipment Operators, Street Maintenance Workers and other hard-to-fill positions. Several advertising stations were contacted and 12 News was selected because it was the lowest priced, caters to all demographics, can begin the campaign the Fall of 2021 and has successfully completed advertising campaigns for the City of Phoenix. The campaign includes broadcast news, streaming content, internet sites, and community outreach.



(CONTINUED FROM JUNE 2, 2021) - Fort McDowell Yavapai Nation Gaming Grants (Ordinance S-47649)

Request to authorize the City Manager, or his designee, to apply, accept, and if awarded, enter into related agreements for up to \$836,200 in new funding from Fort McDowell Yavapai Nation under the 2021 funding cycle. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, funds by Fort McDowell Yavapai Nation in connection with these grants.

Summary

If awarded, these monies would be applied, as directed by Fort McDowell Yavapai Nation towards the following:

City Applications

- Community and Economic Development Department: \$50,000 for the Reinvest Maryvale Campaign, which will attract meaningful investment and development interest in the Maryvale Village, that will provide education, recreational and economic opportunity to the residents and visitors of Maryvale.
- Housing Department: \$27,460 for the PHXHousing Connect Tech Ambassador Program, which will develop a new program for up to 800 senior residents at the city's public housing properties who recently received a device and free internet service. Funding will be used to develop a Tech Ambassador program to provide continued support to the city's senior public housing residents by supporting one year of peer-to-peer digital literacy skill training and isolation-reducing social activities.
- Human Services Department: \$149,479 for the Phoenix Youth R.I.S.E. program, which will provide youth of Phoenix, ages 16 to 24, an opportunity to participate in a paid, four-week work experience/internship with a community business during the summer months. Funding will allow for 107 more youth to be served and in turn support the economic and community development needs in Phoenix.
- Office of Environmental Programs and Community and Economic Development Department: \$289,000 (over two years) for the Phoenix Urban Agriculture, Climate Resilience, and Entrepreneurship (ACRE) program, which will strengthen the food production step of the local food system by helping farms increase climate

resilience, growing new farm entrepreneurs and worker cooperatives, and training the next generation of growers through a fellowship program that embeds fellows with farms and other entrepreneurs.

- Phoenix Fire Department: \$84,361 for the Phoenix Fire Department Regional Paramedic Training Unit Vehicle, funding will be used to acquire a dedicated paramedic training vehicle that will provide a consistent and reliable apparatus for paramedic students to respond to EMS incidents to practice response, apply knowledge and perform skills necessary to effectively provide medical treatment in a pre-hospital setting prior to certification.

Nonprofit Applications

- Aunt Rita's Foundation: \$10,000 for the Ending the HIV Epidemic: Prevention, Education, Testing, and Outreach program, which would educate individuals about HIV, prevent HIV transmission, promote HIV testing, provide resources to access health care, medications, housing, substance use treatment, legal aid, etc., and heighten the awareness of HIV through virtual and in-person community events.
- Arizona Educational Foundation: \$25,000 for the Our World: Educators for Indigenous Students program, which will provide training for teachers and administrators serving Indigenous students throughout the City of Phoenix and Maricopa County.
- Arizona Foundation for Women: \$25,000 for the SHE Leads! Leadership Development for Women program, which seeks to amplify its impact by creating a cohort of SHE Leads! participants from BIPOC communities who have often been marginalized by past leadership programs.
- Arizona Helping Hands: \$10,000 for the Basic Needs program, which will provide beds and other essential items for children in foster care so they can lead healthy and safe lives.
- Arizona Humane Society: \$8,000 for the Humane Teens for a Humane Future program, which will benefit the Humane Teens program during the 2022-2023 school year, allowing Arizona Humane Society to enroll up to 40 teens in their STEM-related internship program.
- Camp Colley: \$27,900 for the Phoenix Youth to Camp Colley 2021 program, which will fund undeserved Phoenix children to attend Camp Colley in 2021 for their positive learning and growth in nature. Program objectives include increasing social-emotional skills and environmental education/learning.
- Esperanca, Inc.: \$10,000 for the Health Literacy Education for Low-Income Latino Children, Adults and Seniors program, which will support Esperanca's delivery of evidence-based health literacy programs regarding nutrition, physical activity, chronic disease self-management, such as diabetes, and oral health to reduce the prevalence of obesity, diabetes and poor oral health that disproportionately affect

low-income Latino children, adults, and seniors. Esperanca also delivers meals and food items to Latino seniors in the programs to reduce food insecurity and promote healthy eating.

- Foundation for Senior Living (FSL): \$15,000 for the FSL Nutrition Program for Low-Income Seniors program, which will support FSL's efforts to reduce food insecurity and improve the health outcomes of an estimated 1,000 unduplicated low-income seniors and homebound adults with disabilities through the provision of 70,000 hot, nutritious meals in Fiscal Year 2022.
- New Pathways for Youth: \$50,000 for the Holistic Youth Transformation Program, which will provide a comprehensive, evidence-based programming to improve the educational outcome of at-risk students attending Title I schools in Maricopa County. Funding will serve more than 600 new Title I students over the next five years, more than doubling their organizational impact.
- Ronald McDonald House Charities of Central and Northern Arizona: \$25,000 for the Keeping Families Together program, which will offer families a welcoming and safe place to stay, meals, and a support system of other families who are also experiencing a difficult time. Funding would fund 234 nights of rest for families and would allow them to stay close to their ill or injured children receiving specialized care at a Phoenix-area hospital.
- Valley of the Sun YMCA: \$20,000 for the Childcare, Preschool, and Meal Programs for low-income Phoenix children program, which will provide childcare, preschool, and meals to children from low-income Phoenix families at no cost.
- Year Up Arizona: \$10,000 for the Closing the Opportunity Divide in Phoenix: Support for Year Up Arizona's Workforce Development Program, which support Year Up Arizona's Gateway Community College location. They will enroll up to 160 young adults in the program preparing them to compete for careers and thrive in a rapidly evolving economy.

The gaming compact entered into by the State of Arizona and various tribes calls for 12 percent of gaming revenue to be contributed to cities, towns, and counties for government services that benefit the public including education, public safety, health, environment, economic and community development. The Fort McDowell Yavapai Nation will notify the City, by resolution of the Tribal Council, if it desires to convey to the City a portion of its annual 12 percent local-revenue-sharing contribution.

Financial Impact

There is no budgetary impact to the City of Phoenix and no General Fund dollars are required. Entities that receive gaming grants are responsible for the management of those funds.

Responsible Department

This item is submitted by City Manager Ed Zuercher and the Office of Government Relations.



(CONTINUED FROM JUNE 2, 2021) - Gila River Indian Community Gaming Grants (Ordinance S-47639)

Request to authorize the City Manager, or his designee, to apply, accept, and if awarded, enter into related agreements for up to \$6,870,730.76 in new funding from the Gila River Indian Community (GRIC) under the 2021 funding cycle. Further request authorization for the City Treasurer to accept and the City Controller to disburse funds as directed by GRIC in connection with these grants.

Summary

If awarded, these monies would be applied, as directed by GRIC, towards the following:

City Applications

- Housing Department: \$65,450 for the Phoenix Housing Connect Digital Literacy Training, which will develop a digital literacy training program for residents who recently received a device and two years of free internet service. Additionally, training will be provided to onsite residents interested in becoming Tech Ambassadors to assist their neighbors who need individual assistance.
- Neighborhood Services Department: \$203,600 (over three years) for the Love Your Block Project, which will heighten neighborhood, business and community engagement.
- Office of Environmental Programs: \$298,356 (over three years) for the Seeding Abundance and Growing Our Future project, which will provide equipment and training for consumers located in food deserts to grow their own food and develops new urban farmers resulting in improved health, reduced food insecurity and increased economic opportunities.
- Office of Sustainability: \$192,000 (over three years) for the Cool Kids Cool Corridors - A Children's Health Project, which will implement cooling strategies and vegetation to improve the public health of students.
- Parks and Recreation Department: \$20,100 for the Pueblo Grande Museum Outdoor Exhibits Renovation, which will renovate two outdoor exhibit areas, the reconstructed pit houses and the demonstration archeological dig site on the grounds of Pueblo Grande Museum.

- Phoenix Fire Department: \$76,189.42 for the Special Events Emergency Response Vehicle program, which will enhance emergency medical response capabilities within the footprint of special events with limited vehicle access due to crowd congestion or space restriction.
- Phoenix Police Department: \$269,043.34 for the Officer Safety Package, which will provide additional night vision goggles and protective equipment needed to effectively protect officers and citizens within the Phoenix Metropolitan area.
- Public Transit Department: \$85,000 for the 302 N. 1st Avenue Parking Garage Electric Vehicle (EV) Charging Stations project, funding will be used to purchase and install six EV charging stations in the Public Transit owned 302 N. 1st Avenue (Public Transit headquarters) parking garage.
- Public Transit Department: \$299,850 (over two years) for the Transit Bus Shelter Safety Lighting Program, which will expedite and improve lighting systems for transit bus shelters to provide and improve customer experience and increased public safety for the transit-dependent populations in Phoenix.
- Public Works Department: \$9,920 for the Virtual Compost Facility Tour in the Solid Waste Section, which will fund an educational tour of a compost facility to be posted online to the public.

Non-Profit Applications

- 19North Community Alliance: \$237,000 for the Accelerating Economic Development through Transit Oriented Development, which will implement the recommendations outlined by the City of Phoenix in the 19North Transit Oriented Development Policy Plan.
- A New Leaf, Inc.: \$100,000 for A New Leaf's Workforce Development Services, which will expand service capacity through a Workforce Central program office location in Phoenix to promote and assist with employment, job readiness, and economic security for community members.
- Arizona Center for Nature Conservation/Phoenix Zoo: \$150,000 (over three years) for The Pride Campaign-Predator Passage, the Predator Passage, the Africa Trail Expansion will be the Zoo's largest capital project to date, spanning six acres and resulting in an immersive experience for guests featuring new, up-close animal viewing of lions, hyenas, leopards, meerkats, wart hogs, fennec fox and more. To include educational components and conservation, species survival efforts.
- Amanda Hope Rainbow Angels: \$25,000 for the Moms Mentoring Program, which will provide mentoring for moms whose children are battling cancer and other life-threatening diseases.
- Arizona Foundation for Women: \$25,000 for the SHE Leads program, a Women's Leadership Development Certificate Program.

- Assistance League of Phoenix: \$50,000 for the Operation School Bell Wardrobes for Children in Poverty program, which will provide new school wardrobes, including a hygiene kit and new book to very low-income grade K-8 children attending over 90 Phoenix Metro Area high-poverty, Title 1 schools.
- Arizona Helping Hands: \$100,000 (over two years) for the Basic Needs Program, a signature program of Arizona Helping Hands by providing beds and other essential items for children in foster care so they can lead healthy and safe lives.
- Arizona Humane Society: \$500,000 (over two years) for Arizona Humane Society's Campaign to Transform Animal Welfare, which will transform Maricopa County from the second-worst place to be a homeless pet in the nation to the best, the Arizona Humane Society (AHS) proposes a replacement of its deteriorating Sunnyslope Campus with the Central Campus & Animal Medical Center. Working as a comprehensive system of care with the Nina Mason Pulliam Campus for Compassion, the Central Campus & Animal Medical Center will enhance AHS' life-saving abilities.
- Arizona Science Center: \$50,000 for the STEM Education Programs for Under Served Youth program, which will help deliver essential STEM education programs including Focused Field Trips and Science on Wheels to children from Title I schools in 2022.
- Arizona Sustainability Alliance: \$47,499 for the Sow It Forward: Vertical Garden Program, which will mitigate food insecurity by improving access to fresh, healthy produce and provide food and farmers market education to students in low-income and Title I K-12 schools.
- Arizona Autism United: \$120,000 (over two years) for the Bilingual Family Support Specialist to serve more local families affected by developmental disabilities and to strengthen access to critical service among under served communities.
- Ballet Arizona: \$30,000 (over three years) for the DanceAZ Program, which will deliver high-quality arts education during the next three school years, annually engaging approximately 100 low-income, under served students (grades 3-5) attending Maricopa County Title I elementary schools.
- Banner Health Foundation: \$500,000 (over three years) for the Center for Clinician Resiliency program, which will seek to build resiliency and reduce burnout in clinicians across their health care system. This project will reduce the stigma of mental/behavioral health concerns and build wellness into regular routines and work flows through education and training of resiliency champions, retreats, respite opportunities and counseling.
- Barrow Neurological Foundation: \$50,000 for The Barrow Concussion & Brain Injury Center Domestic Violence Program, which will provide medical treatment and community outreach support, in the form of cognitive retraining and education, for the victims of domestic violence, living in shelters, in Maricopa County.

- Big Brothers Big Sisters of Central Arizona: \$30,000 for the Making More Matches: Getting Youth off the Wait List program, which will provide youth mentoring.
- Boys & Girls Club of the Valley (BGCAZ): \$100,000 for the Safe, Healthy and Successful Kids Program, which will help to improve the academic success, life skills, safety, health and well-being of at least 10,000 youth attending BGCAZ's 24 Clubs throughout the Valley.
- Boys Hope Girls Hope of Arizona: \$35,000 for the Scholar Success program, which will help high achieving students living in poverty get to and through college.
- Children's Museum of Phoenix: \$300,000 (over three years) for the Children's Museum of Phoenix's Free First Friday Nights and Innovation Fund Initiatives. This initiative opens the museum to the public for ten free nights per year serving 25,000 people, as well their Innovation Fund, which enables the museum to routinely create and update imaginative and research-based exhibits, activities and programs.
- Cihuapactli Collective: \$300,000 (over three years) for the Nurturing Community Wellness through Comadrisimo program, which will provide capacity building and general support aimed at promoting health and wellness among urban Indigenous Peoples.
- Civitan Foundation, Inc.: \$125,884 for the MIDTOWN: Employment and Life-Skills Opportunities for Developmentally Disabled Arizonans, which will address the disproportionate challenges and barriers to employment, displacement from quality programs due to the pandemic, and barriers to life-skills development that intellectually and developmentally disabled Arizonans face. Funding will support a large capital project at MIDTOWN that will transform the Northeastern corner of the Coronado Neighborhood, and provide major economic development for disabled Arizonans.
- Duet: Partners in Health & Aging: \$30,000 for the Support for Non-English-Speaking Kinship Families. Funding will help secure a full-time bilingual social worker to meet the increased demand of Duet's non-English speaking kinship families in crisis who need a coordinated approach to navigating the holistic needs of their families and provide case management to grand families in crisis.
- Educare Arizona: \$50,000 for the Child Development Association Certificate: A Two-Generation Anti-Poverty Program, which will enable low-income individuals, primarily mothers, to begin new careers while improving early childhood education for thousands of young children in Arizona.
- Elevate Phoenix: \$30,000 for the Improving the Lives and Futures of Low-Income Urban Youth and Families program, which will help Elevate Phoenix improve the academic success, life skills, literacy skills, health, well-being and future outcomes for low-income, at risk, urban youth and their families.
- Esperanca, Inc.: \$10,000 for the Health Literacy Education for Low-Income Latino

Children, Adults, and Seniors program, which will support the delivery of health literacy programs regarding nutrition, physical activity, chronic disease self-management, such as diabetes, and oral health to reduce the prevalence of obesity, diabetes, and poor oral health that disproportionately affect low-income Latino children, adults, and seniors.

- Foundation for Senior Living (FSL): \$25,000 for the FSL Nutrition Program for Low-Income Seniors, which will support FSL's efforts to reduce food insecurity and improve the health outcomes of an estimated 1,000 unduplicated low-income seniors, adults with disabilities, and homebound adults through the provision of 70,000 hot, nutritious meals.
- Furnishing Dignity: \$20,000 for the Essential Home Furnishings program, which will provide complete home furnishings for low-income children, youth, adults and families successfully transitioning out of homelessness or foster care into self-reliance. Everyone deserves the comforts of home. Through in-kind donations of gently used home furnishings and community support, Furnishing Dignity's Essential Home Furnishings program makes this a reality for those on their pathway to self-sufficiency and success.
- Girl-Scouts-Arizona Cactus-Pine Council: \$25,000 for the Girl Scout Program, which will support Girl Scout programming that promotes academic achievement, mental wellness, and overall positive life outcomes for girls in Maricopa County.
- Greater Phoenix Chamber Foundation: \$100,000 (over two years) for the Workforce Collaboratives program, which will strengthen the alignment between education and businesses, addressing the talent shortage for high wage, high demand careers and improving the economic prospects of 2,000 individuals.
- Greater Phoenix Urban League, Inc.: \$300,000 (over three years) for the Summer Youth Empowerment Program, which will support funding for a five-year program.
- Hope Community Services: \$25,000 for the Horses Healing Kids Equine Therapy Program, which will expand HCS's successful equine therapy for children who have experienced extreme trauma including severe violence, neglect and/or sexual, physical and emotional abuse.
- Hushabye Nursery: \$28,228 for the Healthy Families, Healthy Communities program, which will provide neonatal abstinence syndrome (NAS) infant and caregiver treatment for five families.
- Justa Center: \$30,000 for the Improving the Health of Homeless Seniors program which will hire a full-time nurse for Justa Center's on-site clinic to provide needed services for homeless seniors in Phoenix.
- Life More Abundantly: \$15,000 for the Family Health and Wellness STD Testing Program, which will support staffing, STD testing kits and processing, supplies, and brochures for STD testing in the South Phoenix Community where the rates are highest and the health care resources are scarce and costly.

- Lights Camera Discover: \$195,000 (over three years) for the Lights Camera Discover Youth STEAM Workshops, which will allow them to purchase much needed supplies to facilitate their youth programs and assist with program implementation.
- Live and Learn Program: \$20,000 for the COVID-19 Relief Program, which will provide funding to continue the COVID-19 Relief Program, the program offers women in poverty a path back to stability and employment, and demand remains high.
- Los Ninos Hospital Inc., DBA Innovative Home Health Nursing Services: \$64,348 (over two years) for the Home Health Nursing Technology Services, which will create efficiency and improve patient care by converting patient paper processes to patient electronic processes.
- Lost Boys Center for Leadership Development: \$205,500 (over three years) for the Youth Education & Leadership Development for Second-Generation Sudanese Refugees program, which will provide a breadth of educational, social, and leadership opportunities for second-generation Sudanese refugees so they may thrive within their families, schools, and Arizona communities.
- Maggie's Place, Inc.: \$40,000 for the Family Success Center for Homeless Pregnant Women program, which will provide supportive services to more than 250 mothers and children.
- MentorKids USA: \$20,000 for the iLEAD Program, which will help youth (9th - 12th grade) become leaders in their lives, their families, and their neighborhoods.
- Million Dollar Teacher Project: \$90,000 (over three years) for the Title 1 Tech program, which funding will be used to purchase and distribute computers, laptops, hotspots to disadvantaged students in the Phoenix metro area to facilitate their distance learning.
- Native American Connections: \$25,000 for the Phoenix Indian School Visitor Center, which will provide funding for the Phoenix Indian School Visitor Center, whose purpose is to tell the untold story of the Phoenix Indian School and its alumni to a wide community audience and to show how this story relates to larger history of American Indian Boarding schools and Indian history in the Southwest and nationally.
- OCJ Kids: \$25,000 for the Cuddle Bags Distribution program, which will reduce children's trauma after they are removed from abusive homes and as they transition into foster care.
- Phoenix AKArama Foundation: \$193,048 (over four years) for the Ultimate Technology Extra-Curricular Education Programs, which will provide extra-curricular educational programs for under-served communities with an emphasis on STEM education.
- Phoenix Public Library Foundation: \$100,000 for the Investing in Literacy, Learning

and Creativity program, which will support Phoenix Public Library Foundation's Capital Campaign to bring exceptional preschool learning environments to our libraries. Funding would be used to improve and enhance Children's Place at Burton Barr Central Library. The first five years is a critical time in a child's life; 90 percent of a child's brain development happens by age five. Providing free, stimulating, and interactive environments for children is key to supporting school readiness skills. This funding would enhance and update the Storybook Garden at Burton Barr Central Library.

- ResilientME, Inc.: \$40,000 (over two years) for the R's of Resilient Me program, which will provide prevention programming rooted in evidence-based practices for developing resiliency to youth transitioning from foster care, a population particularly vulnerable to homelessness and incarceration.
- Rosie's House: \$100,000 (over four years) for the \$5 million More than Music Campaign, which will support the purchase, renovation and equipping of a permanent facility that will help Rosie's House increase enrollment and create relevant programs that encourage young people from low-income neighborhoods to think critically, solve problems in inventive ways, collaborate, and ultimately become the well-rounded intellectual talent needed to ensure Arizona's future.
- Southern Arizona Association for the Visually Impaired (SAAVI): \$35,000 for the Real Empowerment through Achievement and Learning (REAL) Program for Blind Children program, which will continue to expand educational programming for blind children throughout Phoenix.
- SEED SPOT: \$103,875 for the Accelerating Economic Recovery through Entrepreneurship program, which will ensure that entrepreneurs and small business owners in the Phoenix metro area can access the support they need to accelerate an equitable economic recovery.
- SOUNDS Academy: \$40,000 (over two years) for the Comprehensive Music Education program, which will extend high quality music education programming to 395 youth traditionally under-represented in classical music and under-served through music education opportunities in school.
- St. Joseph the Worker: \$15,000 for the Employment Without Barriers program, which will provide quality employment opportunities to individuals experiencing homelessness and those facing extreme poverty across Maricopa County.
- St. Mary's Food Bank: \$100,000 for the St. Mary's Food Bank Skills Center, which will improve the lives of homeless, formerly incarcerated, and other vulnerable people by training them for jobs in the food industry or a warehouse and helping with job placement.
- Televerde Foundation: \$100,000 (over two years) for the Prepare Achieve and Transform for Healthy Success (PATHS) program, a workforce development program for currently and formerly incarcerated women focusing on personal

wellness, workplace readiness, employment strategies financial literacy, lifelong learning and mentoring.

- The Opportunity Tree: \$25,000 for the Youth Transition Program - Self Sufficiency for Youth with Intellectual and Developmental Disabilities (IDD) program, which will continue to expand the program and provide employment training for youth with IDD.
- The Sagrado: \$60,840 for the Conscious Development program, which will activate and replicate an outdoor meditation space created to connect community members with nature, each other, and themselves through healing arts.
- Upward for Children and Families: \$30,000 for the Lifting Children Upward Nursing Program, which will provide medically vulnerable children, and potentially adults, who have disabilities with on-site nursing care so they can attend Upward's Special Education School, Child Care program and Adult Day Treatment program.
- USO Arizona: \$90,000 (over three years) for USO Youth Programs and USO Phoenix Military Entrance Processing Station (MEPS), which will strengthen and connect military service members and their families through programs and services that boost morale, provide a sense of community, and build resiliency among children and families. Funding will support USO Arizona's youth programming including Kids Camp programs (arts, recreation, and educational programs) and services for military service members through their Phoenix MEPS location.
- Valley of the Sun YMCA: \$50,000 (over two years) for the Childcare, Preschool, and Meal Programs for low-income Phoenix children program, which will provide childcare, preschool, and meals to children from low-income Phoenix families.
- Year Up Arizona: \$20,000 for the Supporting Youth Employment and Economic Mobility: Year Up Arizona's Workforce Development Program, which will support Year Up Arizona's core Academics, Program, and Student Services program elements to prepare their students to compete for careers and thrive in a rapidly evolving economy.

The gaming compact entered into the State of Arizona and various tribes calls for 12 percent of gaming revenue to be contributed to cities, towns and counties for government services that benefit the general public including public safety, mitigation of impacts of gaming and promotion of commerce, and economic development. The Gila River Indian Community will notify the City, by resolution, of the Tribal Council, if it desires to convey to the City a portion of its annual 12 percent local revenue-sharing contribution.

Financial Impact

There is no budgetary impact to the City of Phoenix and no general purpose funds are required. Entities that receive gaming grants are responsible for the management of those funds.

Responsible Department

This item is submitted by City Manager Ed Zuercher and the Office of Government Relations.



Ak-Chin Indian Community Gaming Grants (Ordinance S-47716)

Request to authorize the City Manager, or his designee, to apply, accept, and if awarded, enter into related agreements for up to \$637,944 in new funding from the Ak-Chin Indian Community under the 2021 funding cycle. Further request authorization for the City Treasurer to accept and the City Controller to disburse funds as directed by the Ak-Chin Indian Community in connection with these grants.

Summary

If awarded, these monies would be applied, as directed by the Ak-Chin Indian Community, towards the following:

City Applications

- Community and Economic Development Department: \$50,000 for the Reinvest Maryvale Marketing Campaign, which will attract investment and development interest in the Maryvale Village, with the project goal to attract meaningful investment and development that will provide education, recreational and economic opportunity to the residents and visitors of Maryvale.
- Housing Department: \$40,000 for the Digital Literacy Program, which will allow for the development of a custom digital literacy program for residents who recently received a device and two years of free internet service. Residents will receive access to device-specific training and social activities to reduce social isolation, increase access to tele-medicine and online access to services. Additionally, funding will be provided to onside residents interested in becoming Tech Ambassadors to assist their neighbors who need individual assistance.
- Human Services Department: \$30,000 for the Men All Need to be Caring, Actively-Engaged, Vested and Encouraged (M.A.N. C.A.V.E.) Fatherhood Program, which will fund the curriculum, workshops, participation support costs and the annual Helping Boys Thrive/Fatherhood Summit. Additionally, funding will support the partnership with the Native American Fathers and Families Program to provide educational information and training to support engaging fathers.
- Parks and Recreation Department: \$5,000 for the FitPHX Yoga and Hike program, which will fund the opportunity to host a monthly, free, FitPHX Yoga and Hike program for the community of Phoenix, Ak-Chin Indian community and surrounding communities at the South Mountain Preserve. This program will provide a pre-hike

yoga class led by a contracted certified yoga teacher, followed by an instructor led interpretative hike through South Mountain Preserve that is suitable for all levels. Participants will get a well-rounded approach to health and wellness through the benefits of the yoga class and hike. After completion of the hike, participants will have the opportunity to win raffle prizes and interact with instructors and fellow participants.

- Parks and Recreation Department: \$47,800 for the Collaborating for Cultural Continuity: A New Plan for Permanent Exhibits at Pueblo Grande Museum, which will fund the creation of an interpretive plan and conceptual design plan for a complete redo of the permanent exhibit galleries at Pueblo Grande Museum. The plan will include the goals of 1) ensuring that the perspectives of descendant communities is clearly evident and central to exhibit interpretation; 2) delivering a holistic presentation of ancestral culture to include environmental contexts and implications for 21st Century desert life and 3) redesigning the physical gallery spaces to meet current environmental standards, improve traffic flow and better accommodate visitor groups.
- Phoenix Police Department: \$300,000 for The Great Outdoors - A Positive Relationship Between Police and Community program, which aims to provide a structure for children of Santa Maria Middle School and Western Valley Middle School that will help achieve greater physical and mental health. The Phoenix Police Department and the Fowler School District are hoping to partner in providing an after-school and summer program for students at Santa Maria Middle School and Western Middle School. This program will seek to use the outdoors in as many of the activities as possible to promote physical, emotional, and mental health. During each activity, a planned "fireside discussion" will be led by one of the officers. These fireside discussions will focus on relevant topics to children that will focus on their emotional, mental, and physical health.

Non-Profit Applications

- American Indian Veterans Memorial Organization: \$100,000 for the American Indian Veterans Memorial, which will be built at Steele Indian School Park in Phoenix.
- Arizona Helping Hands: \$10,000 for the Basic Needs Program, a signature program of Arizona Helping Hands, which will provide beds and other essential items for children in foster care so they can lead healthy and safe lives.
- Creighton Community Foundation: \$30,000 for the Fresh in the Neighborhood program, as part of the Creighton Community Gardens Program, which seeks to transform the local food system to bring inclusive, equitable, and participatory food access to the most vulnerable communities. The program aims to build capacity and create healthy connections around food and nutrition throughout school-centered neighborhoods who suffer from a variety of systemic inequalities.

- River of Dreams DBA Daring Adventures: \$25,144 for the Daring Adventures: Helping People with Disabilities Reach Their Everest program, which will improve the health and wellness of individuals with disabilities. Funds will be used to increase participation for #OurEverest programming including but not limited to Glen Canyon, kayaking, hiking, cycling and camping.

The gaming compact entered into by the State of Arizona and various tribes calls for 12 percent of gaming revenue to be contributed to cities, towns, and counties for government services that benefit the general public including public safety, mitigation of impacts of gaming, and promotion of commerce and economic development. The Ak-Chin Indian Community will notify the City, by resolution, of the Tribal Council, if it desires to convey to the City a portion of its annual 12 percent local revenue-sharing contribution.

Financial Impact

There is no budgetary impact to the City of Phoenix and no general purpose funds are required. Entities that receive gaming grants are responsible for the management of those funds.

Responsible Department

This item is submitted by City Manager Ed Zuercher and the Office of Government Relations.



Public Hearing on Proposed Property Tax Levy, Truth in Taxation and Adoption of the Final 2021-22 Annual Budget

As required by State statute, this item requests the City Council hold a public hearing on the City's proposed Property Tax Levy and Truth in Taxation and the adoption of the final 2021-22 City of Phoenix Annual Budget (see **Attachment A** for State Budget Forms).

Responsible Department

This item is submitted by City Manager Ed Zuercher, Assistant City Manager Jeff Barton and the Budget and Research Department.

Attachment A - State Forms A through G

CITY OF PHOENIX, ARIZONA Summary Schedule of Estimated Revenues and Expenditures/Expenses Fiscal Year 2021-22 (In Thousands)

Fiscal Year	S c h	FUNDS										Total All Funds	
		General Fund	Special Revenue Fund	Debt Service Fund	Capital Projects Fund	Enterprise Funds Available	Reappropriation Funds						
2021	E	1,476,913	1,727,285	129,497	2,599,180	1,686,765	2,213,434						9,833,074
2021	E	1,377,249	1,431,408	128,846	979,440	1,410,629	1,435,601						6,763,173
2022		244,765	567,054	100	633,566	739,279	2,341,651						4,526,415
2022	B	191,294											191,294
2022	B			119,289									119,289
2022	C	194,252	2,897,357	4,397	467,229	1,363,608							4,926,843
2022	D	1,000	1,074	650	700,000	5,431							708,155
2022	D	1,117,024	595,203	5,379	20,285	137,684							1,875,575
2022	D	140,717	1,571,947		44,611	117,708							1,874,983
2022													
2022													
2022													
2022													
2022		1,607,618	2,488,741	129,815	1,776,469	2,128,294	2,341,651						10,472,588
2022	E	1,607,618	2,206,494	129,714	1,157,566	1,682,695	2,341,651						9,125,738

EXPENDITURE LIMITATION COMPARISON

	2021	2022
1. Budgeted expenditures/expenses	\$ 7,619,640	\$ 6,784,087
2. Add/subtract: estimated net reconciling items	(1,447,661)	1,451,623
3. Budgeted expenditures/expenses adjusted for reconciling items	6,171,979	8,235,710
4. Less: estimated exclusions		
5. Amount subject to the expenditure limitation	\$ 6,171,979	\$ 8,235,710
6. EEC expenditure limitation	\$ 9,833,074	\$ 9,125,738

* Includes Expenditure/Expense Adjustments Approved in the current year from Schedule E.
 ** Includes actual amounts as of the date the proposed budget was prepared, adjusted for estimated activity for the remainder of the fiscal year.
 *** Amounts on this line represent Fund Balance/Net Position amounts except for amounts not in spendable form (e.g., prepaids and inventories) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

CITY OF PHOENIX, ARIZONA
Tax Levy and Tax Rate Information
Fiscal Year 2021-22
(In Thousands)

	2020-21	2021-22
1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A)	\$ <u>185,429</u>	\$ <u>193,314</u>
2. Amount received from primary property taxation in the current year in excess of the sum of that year's maximum allowable primary property tax levy. A.R.S. §42-17102(A)(18)	\$ _____	
3. Property tax levy amounts		
A. Primary property taxes	\$ <u>181,767</u>	\$ <u>193,225</u>
B. Secondary property taxes	<u>114,741</u>	<u>120,494</u>
C. Total property tax levy amounts	<u>\$ 296,508</u>	<u>\$ 313,719</u>
4. Property taxes collected*		
A. Primary property taxes		
(1) Current year's levy	\$ <u>179,950</u>	
(2) Prior years' levies	<u>1,261</u>	
(3) Total primary property taxes	<u>\$ 181,211</u>	
B. Secondary property taxes		
(1) Current year's levy	\$ <u>113,594</u>	
(2) Prior years' levies	<u>868</u>	
(3) Total secondary property taxes	<u>\$ 114,462</u>	
C. Total property taxes collected	<u>\$ 295,673</u>	
5. Property tax rates		
A. City/Town tax rate		
(1) Primary property tax rate	<u>1.3055</u>	<u>1.3055</u>
(2) Secondary property tax rate	<u>0.8241</u>	<u>0.8141</u>
(3) Total city/town tax rate	<u>2.1296</u>	<u>2.1196</u>
B. Special assessment district tax rates		
Secondary property tax rates - As of the date the proposed budget was prepared, the city/town was operating <u>zero</u> special assessment districts for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city/town.		

* The 2021-22 planned primary and secondary levies are \$193,225,455 and \$120,493,943, respectively. Historically, actual property tax collections have been slightly lower than the amount levied. For 2021-22, actual collections for primary and secondary property taxes are estimated to be \$191,294,000 and \$119,289,000, or 99% of the levy amount.

** Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

CITY OF PHOENIX, ARIZONA
Revenues Other Than Property Taxes
Fiscal Year 2021-22
(In Thousands)

SOURCE OF REVENUES	ESTIMATED REVENUES 2020-21	ACTUAL REVENUES * 2020-21	ESTIMATED REVENUES 2021-22
GENERAL FUND			
Intergovernmental			
County Vehicle License Tax	\$ 71,743	\$ 75,200	\$ 79,100
Charges for services			
Fire Emergency Transportation Services	\$ 37,875	\$ 30,371	\$ 33,500
Hazardous Materials Inspection Fee	1,400	1,400	1,500
Planning	1,808	1,387	1,497
Police	15,481	12,975	13,108
Street Transportation	6,684	6,145	6,481
Other Service Charges	20,365	18,484	21,644
Fines and forfeits			
Moving Violations	\$ 6,133	\$ 5,949	\$ 5,949
Parking Violations	758	427	467
Driving While Intoxicated	771	450	450
Defensive Driving Program	2,512	1,375	1,375
Other Receipts	2,670	1,933	2,166
Interest on investments			
Interest on investments	\$ 9,420	\$ 5,410	\$ 5,550
Contributions			
SRP In-Lieu Taxes	\$ 1,987	\$ 2,010	\$ 2,010
Coronavirus Relief Fund			
	\$ -	\$ 109,225	\$ -
Miscellaneous			
Miscellaneous	\$ 6,899	\$ 5,674	\$ 5,279
Parks and Recreation	7,559	3,461	4,093
Libraries	768	204	483
Cable Communications	10,120	9,600	9,600
Total General Fund	\$ 204,953	\$ 291,680	\$ 194,252
SPECIAL REVENUE FUNDS			
Highway User Revenue Fund			
Incorporated Cities Share	\$ 115,980	\$ 113,312	\$ 118,834
300,000 Population Share	29,144	28,807	30,126
Interest/Other	1,160	760	755
	\$ 146,284	\$ 142,879	\$ 149,715

CITY OF PHOENIX, ARIZONA
Revenues Other Than Property Taxes
Fiscal Year 2021-22
(In Thousands)

SOURCE OF REVENUES	ESTIMATED REVENUES 2020-21	ACTUAL REVENUES * 2020-21	ESTIMATED REVENUES 2021-22
Excise Tax Fund			
Local Taxes	\$ 503,367	\$ 525,063	\$ 547,397
Stormwater	5,040	5,037	5,087
Jet Fuel	769	741	744
License & Permits	6,010	5,302	5,571
State Sales Tax	174,072	189,898	197,945
State Income Tax	241,167	240,237	219,316
Neighborhood Protection	36,539	38,258	40,214
2007 Public Safety Expansion	73,083	76,517	80,428
Public Safety Enhancement	22,789	26,808	24,706
Parks and Preserves	36,539	38,259	40,214
Transportation 2050	249,230	261,183	274,395
Capital Construction	8,239	7,790	7,370
Sports Facilities	20,558	10,877	15,578
Convention Center	60,050	50,420	57,196
	\$ 1,437,452	\$ 1,476,390	\$ 1,516,161
Other Special Revenue Funds			
Neighborhood Protection	\$ 637	\$ 3,433	\$ 405
2007 Public Safety Expansion	607	8,146	321
Parks and Preserves	2,242	1,627	1,852
Transportation 2050	43,468	15,855	27,973
Capital Construction	300	45	222
Sports Facilities	4,412	4,313	4,240
Development Services	72,140	69,500	71,428
Regional Transit	41,124	27,828	38,945
Community Reinvestment	5,987	5,938	5,863
Impact Fee Administration	625	515	525
Regional Wireless Cooperative	5,167	5,543	5,515
Golf	6,274	8,439	6,794
Court Awards	5,760	5,608	5,296
	\$ 188,743	\$ 156,790	\$ 169,379
Other Restricted Funds			
Court Special Fees	\$ 1,328	\$ 868	\$ 851
Vehicle Impound Program	1,293	1,270	1,270
Other Restricted Funds	33,317	21,822	22,427
Affordable Housing Program	6,590	(4,455)	6,550
	\$ 42,528	\$ 19,505	\$ 31,098
Federal Funds			
Public Housing	\$ 108,895	\$ 109,733	\$ 105,745
Human Services	58,963	96,447	86,581
Federal Transit Administration	180,911	142,349	240,756
Community Development	53,375	41,795	70,581
Criminal Justice/Public Safety	10,936	14,769	18,876
Other Federal & State Grants	331,269	135,989	508,465
	\$ 744,349	\$ 541,082	\$ 1,031,004
Total Special Revenue Funds	\$ 2,559,356	\$ 2,336,646	\$ 2,897,357

CITY OF PHOENIX, ARIZONA
Revenues Other Than Property Taxes
Fiscal Year 2021-22
(In Thousands)

SOURCE OF REVENUES	ESTIMATED REVENUES 2020-21	ACTUAL REVENUES * 2020-21	ESTIMATED REVENUES 2021-22
DEBT SERVICE FUNDS			
Secondary Property Tax	\$ 4,611	\$ 4,621	\$ 4,397
Total Debt Service Funds	\$ 4,611	\$ 4,621	\$ 4,397
CAPITAL PROJECTS FUNDS			
Capital Grants	\$ 701,709	\$ 244,522	\$ 189,542
Joint Ventures	27,763	33,899	34,721
Passenger Facility Charges	88,061	45,086	77,959
Customer Facility Charges	51,198	27,595	46,246
Federal, State and Other Participation **	-	82,429	118,761
Other Capital Funds	63,700	35,970	-
Total Capital Projects Funds	\$ 932,431	\$ 469,501	\$ 467,229
ENTERPRISE FUNDS			
Convention Center	\$ 27,331	\$ 3,557	\$ 18,800
Solid Waste	175,132	182,178	189,869
Aviation	425,915	426,477	412,547
Water System	479,782	502,979	487,696
Wastewater System	249,814	253,208	254,696
Total Enterprise Funds	\$ 1,357,974	\$ 1,368,399	\$ 1,363,608
TOTAL ALL FUNDS	\$ 5,059,325	\$ 4,470,847	\$ 4,926,843

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

** Previously reported as "Other Capital Funds".

CITY OF PHOENIX, ARIZONA
Other Financing Sources/<Uses> and Interfund Transfers
Fiscal Year 2021-22
(In Thousands)

FUND	OTHER FINANCING 2021-22		INTERFUND TRANSFERS 2021-22	
	SOURCES	<USES>	IN	<OUT>
GENERAL FUND				
General Fund	\$ 1,000	\$	\$ 1,021,547	\$ 131,740
Parks and Recreation			93,358	
Library			2,119	2,546
Cable Communications				6,431
Total General Fund	\$ 1,000	\$	\$ 1,117,024	\$ 140,717
SPECIAL REVENUE FUNDS				
Excise	\$	\$	\$	\$ 1,516,161
City Improvement			71,447	1,026
Neighborhood Protection			40,214	753
2007 Public Safety Expansion			80,428	1,423
Public Safety Enhancement			24,706	416
Parks and Preserves			40,369	193
Capital Construction	236		7,370	
Court Awards	2			
Transportation 2050			274,396	21,192
Development Services	14			4,440
Highway User Revenue	691			892
Sports Facilities	1		16,604	15,415
Regional Transit	14			
Regional Wireless Cooperative	9			
Other Restricted	32		34,824	7,541
Community Reinvestment	1		4,845	2,221
Grant Funds	74			274
Total Special Revenue Funds	\$ 1,074	\$	\$ 595,203	\$ 1,571,947
DEBT SERVICE FUNDS				
Secondary Property Tax	\$ 650	\$	\$ 5,379	\$
Total Debt Service Funds	\$ 650	\$	\$ 5,379	\$
CAPITAL PROJECTS FUNDS				
Aviation Bonds	\$	\$	\$	\$ 14,975
Capital Reserves			19,259	9
Water Bonds	200,000			
Other Bonds			1,026	1,026
Transportation 2050 Bonds	500,000			
Customer Facility Charges				28,601
Total Capital Projects Funds	\$ 700,000	\$	\$ 20,285	\$ 44,611
ENTERPRISE FUNDS				
Aviation	\$ 1,781	\$	\$ 32,747	\$ 10,290
Water	2,099		17,737	46,103
Wastewater	1,222		30,004	47,712
Solid Waste	268			9,802
Convention Center	61		57,196	3,801
Total Enterprise Funds	\$ 5,431	\$	\$ 137,684	\$ 117,708
TOTAL ALL FUNDS	\$ 708,155	\$	\$ 1,875,575	\$ 1,874,983

CITY OF PHOENIX, ARIZONA
Expenditures/Expenses by Fund
Fiscal Year 2021-22
(In Thousands)

FUND/DEPARTMENT	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020-21	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020-21	ACTUAL EXPENDITURES/ EXPENSES* 2020-21	BUDGETED EXPENDITURES/ EXPENSES 2021-22
GENERAL FUND				
<i>General:</i>	\$	\$	\$	\$
General Government	150,096	30,000	161,835	168,223
Criminal Justice	37,540	(200)	36,684	39,858
Public Safety	944,681	(5,200)	920,821	999,730
Transportation	20,762	2,800	23,186	23,476
Community Development	24,761	400	25,056	29,344
Community Enrichment	26,837		26,744	29,069
Environmental Services	18,799	3,200	21,670	24,482
Contingencies	55,596			123,219
Unassigned Vacancy Savings	(18,600)	10,000	(8,677)	(11,000)
Capital Budget	18,688	10,300	27,551	24,052
Parks and Recreation				
Operating	101,808	(3,200)	95,701	108,229
Contingencies				945
Capital		3,200	3,000	
Library				
Operating	40,896		40,026	43,865
Capital	955		955	955
Cable Communications	2,794		2,696	3,169
Total General Fund	\$ 1,425,613	\$ 51,300	\$ 1,377,249	\$ 1,607,618
SPECIAL REVENUE FUNDS				
	\$	\$	\$	\$
Arizona Highway User Revenue				
Operating	81,659	1,700	81,714	89,856
Capital	87,484	(1,700)	71,585	85,482
Capital Construction				
Operating	167		140	140
Capital	21,570		9,253	20,380
City Improvement	74,837		58,706	70,421
Community Reinvestment				
Operating	1,931	300	2,181	2,128
Capital	6,604	(300)	2,470	7,734
Court Awards				
Operating	5,760		4,393	5,464
Capital				
Development Services				
Operating	67,555		66,475	74,906
Contingencies	5,000			7,000
Capital	14,862		11,713	4,451
Federal Community Development				
Operating	42,697		40,890	58,187
Capital	10,678		1,978	12,394
Federal & State Grants				
Operating	327,486	(124,700)	148,089	502,000
Capital		100	69	10,225
Federal Transit				

CITY OF PHOENIX, ARIZONA
Expenditures/Expenses by Fund
Fiscal Year 2021-22
(In Thousands)

FUND/DEPARTMENT	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020-21	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020-21	ACTUAL EXPENDITURES/ EXPENSES* 2020-21	BUDGETED EXPENDITURES/ EXPENSES 2021-22
Operating	98,178	4,300	100,458	161,955
Capital	82,732	(4,300)	41,891	78,801
Golf Course				
Operating	5,604	2,000	7,364	6,224
Capital	593	1,300	1,793	
HOPE VI Grant				
Operating	4,975		4,388	5,370
Capital	9,745			9,745
Human Services Grants	58,963	39,500	96,447	86,581
Neighborhood Protection				
Operating	40,707		39,700	45,671
Capital				
Other Restricted Funds				
Fees and Contributions	61,948		52,701	66,468
Capital	15,747		7,708	12,718
Parks and Preserves				
Operating	6,251		5,929	6,479
Capital	68,566		28,178	66,212
Public Housing				
Operating	105,249		101,045	98,858
Capital	14,969		5,198	13,894
Public Safety Enhancement				
Operating	30,294		28,896	30,482
Capital				
Public Safety Expansion				
Operating	81,177	900	82,043	96,706
Capital				
Public Transit (RPTA)				
Operating	15,364	300	15,364	24,998
Capital	18,710	(300)	8,997	13,961
Regional Wireless Cooperative	5,118	900	5,947	5,485
Sports Facilities				
Operating	3,173		3,120	2,690
Contingencies	20,000			20,000
Capital	7,060	400	7,060	2,393
Transportation 2050				
Operating	163,905	(40,000)	120,323	87,311
Contingencies	4,000			4,000
Capital	107,267	68,300	167,201	308,724
	\$	\$	\$	\$
Total Special Revenue Funds	\$ 1,778,585	\$ (51,300)	\$ 1,431,408	\$ 2,206,494
DEBT SERVICE FUNDS				
	\$	\$	\$	\$
Secondary Property Tax and G.O.	129,497		128,846	129,714
Total Debt Service Funds	\$ 129,497	\$	\$ 128,846	\$ 129,714
CAPITAL PROJECTS FUNDS				

CITY OF PHOENIX, ARIZONA
Expenditures/Expenses by Fund
Fiscal Year 2021-22
(In Thousands)

FUND/DEPARTMENT	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020-21	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020-21	ACTUAL EXPENDITURES/ EXPENSES* 2020-21	BUDGETED EXPENDITURES/ EXPENSES 2021-22
Arts and Cultural Facilities	903			902
Aviation	312,790		115,714	222,906
Economic Development	122,000		95,659	
Facilities Management	27,340		1,676	9,197
Finance				8,000
Fire Protection	20,271		4,647	25,870
Housing	12,116		1,207	11,949
Human Services	600			600
Information Technology	13,395		7,218	9,651
Libraries	8,530			4,666
Neighborhood Services	53			
Non-Departmental Capital	102,792		63,678	103,118
Parks, Recreation and Mtn Preserves	17,573		530	15,676
Phoenix Convention Center	1,780		1,780	
Police Protection	11,016			24,412
Public Art Program	5,736		1,236	4,455
Public Transit	976,241		80,204	70,579
Regional Wireless Cooperative	7,325		1,325	6,001
Solid Waste Disposal	21,553		1,051	21,611
Street Transportation and Drainage	144,125		134,169	163,821
Wastewater	281,408		47,686	179,044
Water	511,633		421,660	275,108
Total Capital Projects Funds	2,599,180		979,440	1,157,566
ENTERPRISE FUNDS				
Aviation				
Operating	557,457		479,478	440,249
Contingencies	20,000			20,000
Capital	126,151		30,820	126,993
Convention Center				
Operating	80,325		69,642	66,643
Contingencies	3,000			3,000
Capital	14,706		5,344	15,480
Solid Waste				
Operating	176,097		173,946	185,874
Contingencies	1,000			1,000
Capital	9,833		8,138	11,278
Wastewater				
Operating	187,595		183,026	187,351
Contingencies	3,500			12,500
Capital	32,262		32,039	71,659
Water				
Operating	373,106		366,701	403,313
Contingencies	12,000			12,000
Capital	89,733		61,496	125,355
Total Enterprise Funds	1,686,765		1,410,629	1,682,695
REAPPROPRIATION FUNDS				
General				
General Government	13,262		8,712	25,379

CITY OF PHOENIX, ARIZONA
Expenditures/Expenses by Fund
Fiscal Year 2021-22
(In Thousands)

FUND/DEPARTMENT	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020-21	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020-21	ACTUAL EXPENDITURES/ EXPENSES* 2020-21	BUDGETED EXPENDITURES/ EXPENSES 2021-22
Criminal Justice	840		538	1,261
Public Safety	26,407		17,049	32,634
Transportation	1,522		355	5,336
Environmental Services	32,093		17,343	21,400
Community Development	652		489	1,069
Community Enrichment	1,918		1,406	2,266
Capital Improvements	2,095	2,273	4,367	5,643
Library				
Community Enrichment	5,654		2,339	5,886
Parks and Recreation				
Community Enrichment	15,918		4,338	15,654
Cable Communications				
General Government	280		62	177
Arizona Highway User Revenue				
Street and Highway purposes	87,387		55,334	79,595
Aviation				
Transportation	186,378		112,281	99,990
Capital Construction				
Capital Improvements	7,473		3,046	8,874
City Improvement Operating				
Debt Service	32			260
Community Reinvestment				
Community Development	2,112		142	3,444
Court Awards				
Criminal Justice	1,385		551	1,557
Development Services				
Community Development	29,023		17,185	28,318
Federal and State Grants				
Operating grants	15,292		13,683	8,801
Federal Community Development				
Community Development	16,978		1,570	27,722
Federal Transit				
Transportation	69,589		47,020	26,289
Golf				
Community Enrichment	535		216	2,345
HOPE Grant				
Community Development	2,733		549	2,711
Human Services				
Community Enrichment	10,947		923	34,086
Neighborhood Protection				
Public Safety	1,678		921	2,472
Other Restricted				
Community Development	38,555		4,478	37,184
Parks and Preserves				
Capital Improvements	45,819		34,121	33,415
Phoenix Convention Center				
Community Enrichment	21,434		4,639	15,506
Public Housing				
Community Development	17,907		663	22,138
Public Safety Enhancement Funds				
Public Safety	1,275		801	59
Public Safety Expansion Funds				
Public Safety	2,902		911	282
Regional Transit Authority				
Transportation	11,516		5,244	45,499
Regional Wireless Cooperative				
General Government	2,510		202	3,508
Solid Waste				
Environmental Services	45,343		24,720	49,739
Sports Facilities				

CITY OF PHOENIX, ARIZONA
Expenditures/Expenses by Fund
Fiscal Year 2021-22
(In Thousands)

FUND/DEPARTMENT	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020-21	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020-21	ACTUAL EXPENDITURES/ EXPENSES* 2020-21	BUDGETED EXPENDITURES/ EXPENSES 2021-22
Community Enrichment	7,349		6,021	5,785
Transit 2000				
Transportation	623			
Transportation 2050				
Transportation	127,383	(2,273)	34,974	282,597
Wastewater				
Environmental Services	75,670		42,277	89,437
Water				
Environmental Services	115,874		72,488	117,200
Capital				
1988 Parks, Recreation, Facilities, Library Bonds	3,963		3,527	5,322
2001 Educational, Youth and Cultural Facility Bonds	68		9	15
2001 Neighborhood Protection & Senior Center Bonds	371		48	34
2006 Affordable Housing & Neighborhood Bonds	207		153	131
2006 Library, Senior & Cultural Center Bonds	5			
2006 Parks & Recreation Bonds	3,294		3,294	5,240
2006 Police and Fire Protection Bonds	110		69	32
2006 Police, Fire and Computer Technology Bonds	557		2	
2006 Street & Storm Sewer Improvement Bonds	7		5	
Aviation Capital	476,041		366,889	318,481
Capital Reserves	692		425	800
City Improvement	56,721		29,849	105,059
CPBC - Senior Lien Excise Tax	18,720		9,658	7,050
Development Impact Fees	20,906		17,874	34,822
Multi-City Wastewater Capital	32,039		30,023	43,204
Public Housing Capital	148			109
Regional Wireless Cooperative Capital	6,002			362
Solid Waste Capital	2,240		1,369	364
Streets Capital	16,036		8,438	53,418
Transit Capital	65,473		48,721	
Wastewater Capital	139,979		115,823	100,448
Water Capital	323,512		257,467	521,242
Total Reappropriation Funds	\$ 2,213,434	\$	\$ 1,435,601	\$ 2,341,651
TOTAL ALL FUNDS	\$ 9,833,074	\$	\$ 6,763,173	\$ 9,125,738

* Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

CITY OF PHOENIX, ARIZONA
Expenditures/Expenses by Department
Fiscal Year 2021-22
(In Thousands)

DEPARTMENT/FUND	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020-21	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020-21	ACTUAL EXPENDITURES/ EXPENSES* 2020-21	BUDGETED EXPENDITURES/ EXPENSES 2021-22
Community Development:	\$	\$	\$	\$
Arizona Highway Users Revenue	15			15
Aviation	75		75	75
Community Development	50,843	(3,630)	36,748	68,938
Community Reinvestment	8,535		4,651	9,862
Convention Center	588		532	504
Development Services	82,053	(800)	77,325	78,554
Federal and State Grants	8,988	27,000	35,880	21,302
General	24,761	10,800	35,556	29,344
Hope VI	14,594		4,280	14,989
Neighborhood Protection	400		237	261
Other Restricted	14,521		10,921	13,904
Public Housing	120,128	(10)	106,144	112,652
Sports Facilities	2,786	400	2,765	677
Water	31		31	31
Department Total	\$ 328,318	\$ 33,760	\$ 315,146	\$ 351,109
Community Enrichment:	\$	\$	\$	\$
Arizona Highway Users Revenue	2,562		1,918	617
Aviation	157		3	6
Capital Construction				40
Community Development	2,301	3,600	5,866	1,370
Convention Center	72,290	(10)	53,745	60,788
Federal and State Grants	18,825	24,600	43,424	37,758
General	27,181		27,087	29,296
Golf Course	6,197	3,300	9,157	6,224
HOPE VI	126		108	126
Human Services Grants	58,963	39,500	96,447	86,581
Library	41,851		40,981	44,820
Other Restricted	5,695		2,871	3,907
Parks and Preserves	74,817		34,107	72,691
Parks and Recreation	101,808		98,701	108,229
Public Housing	89	10	98	100
Sports Facilities	5,205		5,205	2,563
Transportation 2050	783		248	494
Wastewater	155		155	155
Water	225		225	470
Department Total	\$ 419,230	\$ 71,000	\$ 420,348	\$ 456,235
Criminal Justice:	\$	\$	\$	\$
Federal and State Grants		130	110	
General	37,541	(200)	36,684	39,858
Other Restricted	2,975		2,956	3,265
Department Total	\$ 40,516	\$ (70)	\$ 39,749	\$ 43,123
Contingencies:	\$	\$	\$	\$
Aviation	20,000			20,000
Convention Center	3,000			3,000
Development Services	5,000			7,000

CITY OF PHOENIX, ARIZONA
Expenditures/Expenses by Department
Fiscal Year 2021-22
(In Thousands)

DEPARTMENT/FUND	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020-21	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020-21	ACTUAL EXPENDITURES/ EXPENSES* 2020-21	BUDGETED EXPENDITURES/ EXPENSES 2021-22
General	55,596			123,219
Parks and Recreation				945
Solid Waste	1,000			1,000
Sports Facilities	20,000			20,000
Transportation 2050	4,000			4,000
Wastewater	3,500			12,500
Water	12,000			12,000
Department Total	\$ 124,096	\$	\$	\$ 203,664
Environmental Services:	\$	\$	\$	\$
Aviation		10	5	
Capital Construction	70		70	70
Convention Center		10	2	
Development Services	23	800	734	480
Federal and State Grants	491	4,740	5,222	362
General	32,574	3,200	34,272	39,429
Other Restricted	4,128	350	4,468	4,149
Solid Waste	168,462		166,760	181,431
Transportation 2050		200	11	
Wastewater	147,070	(10)	142,350	186,566
Water	314,329		289,561	372,626
Department Total	\$ 667,147	\$ 9,300	\$ 643,455	\$ 785,114
General Government:	\$	\$	\$	\$
Arizona Highway Users Revenue	236		163	252
Aviation	1,180		831	1,186
Cable	2,794		2,696	3,169
Community Development	231	30	254	273
Convention Center	82		68	68
Court Awards	165		86	58
Development Services	342		129	323
Federal and State Grants	1,879	28,600	30,470	2,550
General	136,065	30,000	165,920	175,521
Other Restricted	2,483		2,419	2,424
Regional Wireless Cooperative	5,118	900	5,947	5,485
Solid Waste	473		346	493
Sports Facilities	639		606	159
Transportation 2050	331		77	290
Wastewater	858		776	900
Water	1,508		1,471	1,921
Department Total	\$ 154,384	\$ 59,530	\$ 212,261	\$ 195,071
Public Safety:	\$	\$	\$	\$
Court Awards	5,594		4,307	5,406
Federal and State Grants	25,281	7,630	32,883	34,222
General	944,681	(5,300)	920,841	1,001,310
Neighborhood Protection	40,308		39,463	45,410
Other Restricted	40,283	(350)	31,626	45,701

CITY OF PHOENIX, ARIZONA
Expenditures/Expenses by Department
Fiscal Year 2021-22
(In Thousands)

DEPARTMENT/FUND	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020-21	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020-21	ACTUAL EXPENDITURES/ EXPENSES* 2020-21	BUDGETED EXPENDITURES/ EXPENSES 2021-22
Public Safety Enhancement	30,293		28,896	30,482
Public Safety Expansion	81,177	900	82,043	96,706
Sports Facilities	1,604		1,604	1,685
Department Total	\$ 1,169,221	\$ 2,880	\$ 1,141,663	\$ 1,260,923
Transportation:	\$	\$		\$
Arizona Highway Users Revenue	166,330		151,218	174,453
Aviation	593,590	(40,010)	382,936	478,694
Capital Construction	21,667		9,323	20,410
Federal and State Grants	72	100	170	30
Federal Transit Authority	180,661		142,349	240,756
General	20,762	2,800	23,186	23,476
Other Restricted	7,108		5,149	5,836
Transit - RPTA	34,075		24,362	38,959
Transportation 2050	270,057	28,100	287,188	395,252
Department Total	\$ 1,294,322	\$ (9,010)	\$ 1,025,880	\$ 1,377,867
Debt:	\$	\$		
Aviation	87,856	40,000	126,449	87,281
City Improvement	74,837		58,706	70,421
Convention Center	21,070		20,639	20,763
Secondary Property Tax	129,497		128,846	129,714
Solid Waste	16,745		14,977	15,227
Wastewater	71,775	10	71,783	71,389
Water	146,446		136,908	153,620
Department Total	\$ 548,226	\$ 40,010	\$ 558,308	\$ 548,415
Non-Departmental	\$	\$		
Aviation	750			
Convention Center	1,000			
Federal and State Grants	271,950	(217,400)		416,000
Federal Transit Authority	250			
General**		10,000	(8,677)	(11,000)
Other Restricted	500			
Solid Waste	250			
Water	300			
Department Total	\$ 275,000	\$ (207,400)	\$ (8,677)	\$ 405,000
Capital:	\$ 2,599,180	\$	\$ 979,440	\$ 1,157,566
Department Total	\$ 2,599,180	\$	\$ 979,440	\$ 1,157,566
Reappropriation:	\$ 2,213,434	\$	\$ 1,435,601	\$ 2,341,651

CITY OF PHOENIX, ARIZONA
Expenditures/Expenses by Department
Fiscal Year 2021-22
(In Thousands)

DEPARTMENT/FUND	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020-21	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020-21	ACTUAL EXPENDITURES/ EXPENSES* 2020-21	BUDGETED EXPENDITURES/ EXPENSES 2021-22
Department Total	\$ <u>2,213,434</u>	\$ <u> </u>	\$ <u>1,435,601</u>	\$ <u>2,341,651</u>
Total All Departments	\$ <u>9,833,074</u>	\$ <u> </u>	\$ <u>6,763,173</u>	\$ <u>9,125,738</u>

- * Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.
- ** In prior years, Unassigned Vacancy Savings were included in General Government General Funds.

CITY OF PHOENIX, ARIZONA
Full-Time Employees and Personnel Compensation
Fiscal Year 2021-22
(In Thousands)

FUND	Full-Time Equivalent (FTE) 2021-22	Employee Salaries and Hourly Costs 2021-22	Retirement Costs 2021-22	Healthcare Costs 2021-22	Other Benefit Costs 2021-22	Total Estimated Personnel Compensation 2021-22
GENERAL FUND						
General	7,457	\$ 664,737	\$ 324,008	\$ 98,005	\$ 102,697	= 1,189,447
Library	389	19,582	4,222	2,332	3,360	29,495
Parks and Recreation	931	42,357	10,199	7,039	7,344	66,940
Cable Communications	19	1,732	514	199	347	2,793
Total General Fund	8,796	\$ 728,409	\$ 338,944	\$ 107,575	\$ 113,748	= 1,288,675
SPECIAL REVENUE FUNDS						
Arizona Highway User Revenue	683	\$ 39,951	\$ 14,168	\$ 8,536	\$ 8,382	= 71,037
Community Reinvestment	3	350	106	28	62	546
Development Services	440	34,223	10,575	5,719	6,082	56,598
Federal Community Development	78	5,889	1,778	1,013	1,143	9,823
Federal and State Grants	197	10,617	4,455	1,984	1,933	18,989
Golf Course	32	1,398	226	98	207	1,930
HOPE VI	15	710	151	147	199	1,207
Human Services	173	8,733	2,837	1,904	1,787	15,261
Neighborhood Protection	283	19,910	13,574	2,731	2,702	38,918
Other Restricted	119	9,235	2,881	1,504	1,802	15,422
Parks and Preserves	78	3,700	911	601	717	5,929
Public Safety Enhancement	266	17,633	8,800	2,554	2,752	31,740
Public Safety Expansion	687	54,917	34,689	7,609	7,179	104,394
Public Housing	70	4,969	1,507	890	916	8,283
Regional Wireless Cooperative	4	349	93	48	78	569
Transportation 2050	121	9,760	3,202	1,445	1,998	16,404
Total Special Revenue Funds	3,248	\$ 222,344	\$ 99,953	\$ 36,812	\$ 37,941	= 397,051
ENTERPRISE FUNDS						
Aviation	892	\$ 55,007	\$ 89,864	\$ 11,660	\$ 12,140	= 168,671
Convention Center	218	11,584	3,472	1,902	2,450	19,408
Solid Waste	635	37,542	11,920	8,314	6,581	64,356
Wastewater	339	21,822	2,818	4,507	4,326	33,472
Water	1,151	73,345	24,399	14,595	15,094	127,433
Total Enterprise Funds	3,235	\$ 199,300	\$ 132,471	\$ 40,978	\$ 40,591	= 413,341
TOTAL ALL FUNDS	15,278	\$ 1,150,053	\$ 571,368	\$ 185,365	\$ 192,281	= 2,099,067

City Council Formal Meeting



City of Phoenix

Report

Agenda Date: 6/16/2021, Item No. 32

Convening of Special Meeting of the City Council

In accordance with State statute, this item requests the City Council formally convene a special meeting for the purpose of considering adoption of the final 2021-22 budget.

Responsible Department

This item is submitted by City Manager Ed Zuercher, Assistant City Manager Jeff Barton and the Budget and Research Department.



Adoption of the Final 2021-22 Operating Funds Budget (Ordinance S-47661)

In compliance with requirements of the City Charter and Code and State statutes, request to adopt an ordinance (**Attachment A**) determining and adopting final estimates of proposed expenditures by the City of Phoenix for the fiscal year beginning July 1, 2021 and ending June 30, 2022 declaring that such shall constitute a budget of the City of Phoenix for such fiscal year.

Summary

The final operating funds budget ordinance reflects extensive public review through phone, email, information posted on the City website and actions taken by the Council on the budget at the May 18, 2021 Policy meeting and at the June 2, 2021 Formal meeting to adopt the tentative 2021-22 operating budget ordinance.

Responsible Department

This item is submitted by City Manager Ed Zuercher, Assistant City Manager Jeff Barton and the Budget and Research Department.

Attachment A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE S-

AN ORDINANCE DETERMINING AND ADOPTING FINAL ESTIMATES OF PROPOSED EXPENDITURES BY THE CITY OF PHOENIX FOR THE FISCAL YEAR BEGINNING JULY 1, 2021, AND ENDING JUNE 30, 2022; DECLARING THAT SUCH SHALL CONSTITUTE A BUDGET FOR THE CITY OF PHOENIX FOR SUCH FISCAL YEAR.

WHEREAS, pursuant to the provisions of the laws of Arizona, the Charter and Ordinances of the City of Phoenix, the City Council is required to adopt a budget for the fiscal year beginning July 1, 2021, and ending June 30, 2022; and

WHEREAS, by the provisions of the City Charter and in compliance with the provisions of A.R.S. §§ 42-17101, 17102, 17103, 17104, 17105, 17106, 17107, and 17108, the City Council did on the 2nd day of June, 2021, adopt and file with the City Clerk its tentative budget including an estimate of the different amounts required to meet the public expense for the ensuing year, also an estimate of revenues from sources other than direct taxation, and the amount to be raised by taxation upon real and personal property within the City of Phoenix; and

WHEREAS, due notice has been given by the City Clerk as required by law, the said tentative budget is on file and open to inspection by anyone interested; and

WHEREAS, in accordance with law and following due public notice the Council met on the 16th day of June, 2021, at which meeting any taxpayer was privileged to appear and be heard in favor of or against any of the proposed expenditures or tax levies; and

WHEREAS, publication has been duly made as required by law, of said estimates together with a notice that the City Council will meet on the 1st day of July, 2021, at the hour of 10:00 a.m. in the City Council Chambers of the City of Phoenix, 200 West Jefferson St., Phoenix, Arizona for the purpose of making tax levies as set forth in said estimates; and

WHEREAS, the sums to be raised by primary taxation, as specified herein, do not in the aggregate amount exceed that amount as computed pursuant to A.R.S. § 42-17102;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. The City Council has determined and adopted the following estimates of the proposed expenditures therein named and set forth for the conduct of the business of the City government of the City of Phoenix for the fiscal year beginning July 1, 2021, and ending June 30, 2022, and that the same shall constitute the official annual budget of the City for said fiscal year.

CITY OF PHOENIX, ARIZONA
PURPOSES OF PROPOSED PUBLIC EXPENSE

<u>Purpose</u>	<u>Amount of Appropriation</u> <u>2021-2022</u>
<u>GENERAL FUNDS</u>	
General Government	\$168,222,524
Public Safety	999,730,206
Criminal Justice	39,858,267
Transportation	23,476,431
Community Development	29,344,401
Community Enrichment	29,069,292
Environmental Services	24,481,917
Contingencies	123,219,420
Unassigned Vacancy Savings	(11,000,000)
Capital Improvements	24,052,012
<u>Total General Funds</u>	<u>\$1,450,454,470</u>
 <u>PARKS AND RECREATION FUNDS</u>	
Parks and Recreation Operations and Maintenance.	\$108,229,050
Contingencies	<u>945,000</u>
<u>Total Parks and Recreation Funds</u>	<u>\$109,174,050</u>
 <u>LIBRARY FUNDS</u>	
Library Operations and Maintenance, and Capital Improvements.	<u>\$44,820,358</u>
 <u>CABLE COMMUNICATION FUNDS</u>	
Cable Communication Operations and Maintenance.	<u>\$3,168,877</u>
 <u>ARIZONA HIGHWAY USER REVENUE FUNDS</u>	
Street Maintenance, Major Street Improvements, Traffic Improvements and other Street Improvements.	<u>\$175,337,671</u>
 <u>AVIATION FUNDS</u>	
Aviation Operations and Maintenance, Debt Service and Capital Improvement Expenditures.	\$567,241,921

<u>Purpose</u>	<u>Amount of Appropriation</u> <u>2021-2022</u>
Contingencies	<u>20,000,000</u>
Total Aviation Funds	<u>\$587,241,921</u>
 <u>CAPITAL CONSTRUCTION FUNDS</u>	
Capital Improvements in the Street Transportation and Environmental Programs, and related Operations and Maintenance.	<u>\$20,519,777</u>
 <u>CITY IMPROVEMENT FUND</u>	
Debt Service Payments for Transit Facilities and Improvements; Vehicles; Downtown Arena; Municipal Court Building; IGC/TGen Facility; City Hall; Public Safety Communication Systems; Property Acquisitions; Security Access Control; Adams Street and Other Garages; LED Streetlight Conversion; Telephone System and Data Network Replacement; Street Improvements; Amphitheater; Personnel Building; Elevator Rehabilitation; ASU College of Nursing; Police Training Academy and Precincts; City Technology Upgrades; Local Alcohol Rehabilitation Center; Miscellaneous Redevelopment Projects; Other Equipment, Office, Service and Training Facilities and Improvements.	<u>\$70,420,934</u>
 <u>COMMUNITY REINVESTMENT FUNDS</u>	
Community Reinvestment Operations and Maintenance, and Capital Improvement Expenditures.	<u>\$9,862,269</u>
 <u>COURT AWARD FUNDS</u>	
Criminal Justice Programs.	<u>\$5,463,755</u>
 <u>DEVELOPMENT SERVICES FUNDS</u>	
Development Services Operations and Maintenance, and Capital Improvement Expenditures.	<u>\$79,357,250</u>
Contingencies	<u>7,000,000</u>
Total Development Services Funds	<u>\$86,357,250</u>

<u>Purpose</u>	<u>Amount of Appropriation</u> <u>2021-2022</u>
<u>FEDERAL COMMUNITY DEVELOPMENT FUNDS</u> Community Development Program.	<u>\$70,581,150</u>
<u>FEDERAL OPERATING TRUST FUNDS</u> Federal and State Grant Programs.	<u>\$512,224,775</u>
<u>FEDERAL TRANSIT FUND</u> Transit Operations and Maintenance, and Capital Improvement Expenditures.	<u>\$240,755,810</u>
<u>GOLF COURSE FUNDS</u> Golf Course Operations and Maintenance, and Capital Improvement Expenditures.	<u>\$6,223,650</u>
<u>HOPE VI FEDERAL GRANT FUNDS</u>	<u>\$15,115,075</u>
<u>HUMAN SERVICES FEDERAL TRUST FUNDS</u> Human Services Program.	<u>\$86,581,471</u>
<u>NEIGHBORHOOD PROTECTION FUNDS</u> Eligible Police, Fire, and Block Watch Operations and Maintenance Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance G-3696.	<u>\$45,671,187</u>
<u>OTHER RESTRICTED FUNDS</u> Other Restricted Funds Operations and Maintenance, and Capital Improvement Expenditures.	<u>\$79,185,939</u>
<u>PARKS AND PRESERVES FUNDS</u> Parks and Preserves Operations and Maintenance, and Capital Improvement Expenditures Funded with Privilege License and Excise Taxes in accordance with the Phoenix Parks and Preserves initiative approved by the Phoenix voters in a ballot measure on May 20, 2008.	<u>\$72,691,141</u>
<u>PHOENIX CONVENTION CENTER FUNDS</u> Phoenix Convention Center Operations and Maintenance, Debt Service, and Capital Improvement Expenditures.	<u>\$82,123,372</u>

<u>Purpose</u>	<u>Amount of Appropriation</u> <u>2021-2022</u>
Contingencies	<u>3,000,000</u>
Total Phoenix Convention Center Funds	<u>\$85,123,372</u>
 <u>PUBLIC HOUSING FUNDS</u>	
Public Housing Operations and Maintenance, and Capital Improvement Expenditures.	<u>\$112,751,559</u>
 <u>PUBLIC SAFETY ENHANCEMENT FUNDS</u>	
Police, Fire, and Emergency Management Operations and Maintenance Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance S-31877.	<u>\$30,481,955</u>
 <u>PUBLIC SAFETY EXPANSION FUNDS</u>	
Police and Fire Personnel and Service Expansion Funded with Privilege License and Excise Taxes in accordance with Ordinance G-4987.	<u>\$96,706,039</u>
 <u>REGIONAL TRANSIT FUNDS</u>	
Regional Transportation Operations and Maintenance, and Capital Improvement Expenditures.	<u>\$38,959,335</u>
 <u>REGIONAL WIRELESS COOPERATIVE FUNDS</u>	
Operations and Maintenance of the Regional Wireless Cooperative.	<u>\$5,484,955</u>
 <u>SECONDARY PROPERTY TAX FUNDS</u>	
Debt Service on and Early Redemption of Outstanding Bonds and Long-Term Obligations.	<u>\$129,714,319</u>
 <u>SOLID WASTE FUNDS</u>	
Solid Waste Operations and Maintenance, Debt Service and Capital Improvement Expenditures.	<u>\$197,151,493</u>
Contingencies	<u>1,000,000</u>
Total Solid Waste Funds	<u>\$198,151,493</u>

<u>Purpose</u>	<u>Amount of Appropriation</u> <u>2021-2022</u>
<u>SPORTS FACILITIES FUNDS</u>	
Sports Facilities Operations and Maintenance, and Capital Improvement Expenditures	\$5,082,877
Contingencies	<u>20,000,000</u>
Total Sports Facilities Funds	<u>\$25,082,877</u>
<u>TRANSPORTATION 2050 FUNDS</u>	
Transit and Streets Operations and Maintenance, and Capital Improvement Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance G-6051.	\$396,035,691
Contingencies	<u>4,000,000</u>
Total Transportation 2050 Funds	<u>\$400,035,691</u>
<u>WASTEWATER SYSTEM FUNDS</u>	
Wastewater System Operations and Maintenance, Debt Service and Capital Improvement Expenditures.	\$259,010,031
Contingencies	<u>12,500,000</u>
Total Wastewater Funds	<u>\$271,510,031</u>
<u>WATER FUNDS</u>	
Water System Operations and Maintenance, Debt Service and Capital Improvement Expenditures.	\$528,668,231
Contingencies	<u>12,000,000</u>
Total Water Funds	<u>\$540,668,231</u>
<u>TOTAL APPROPRIATIONS 2021-2022</u>	<u>\$5,626,521,387</u>

SECTION 2. Upon the approval of the City Manager, funds may be transferred within purposes set forth in Section 1, or within the purposes of separately adopted portions of this budget.

SECTION 3. Upon recommendation by the City Manager and with the approval of the City Council, expenditures may be made from the appropriation for contingencies.

SECTION 4. In the case of an emergency, the City Council may authorize the transfer of funds between purposes set forth in Section 1, if funds are available and the transfer does not conflict with the limitations provided by law (A.R.S. § 42-17106).

SECTION 5. The City Council may authorize appropriation increases, if funds are available, for purpose of expenditures that are exempt from the limitation provided in Article IX, Section 20, Constitution of Arizona.

SECTION 6. Money from any fund may be used for any of these purposes set forth in Section 1, except money specifically restricted by State law or by City Charter or City ordinances and resolutions.

PASSED by the Council of the City of Phoenix on this 16th day of June, 2021.

M A Y O R

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

_____, Acting City Attorney

REVIEWED BY:

_____, City Manager



Adoption of the Final 2021-22 Capital Funds Budget (Ordinance S-47690)

In compliance with requirements of the City Charter and Code and State statutes, request to adopt an ordinance (**Attachment A**) adopting the final Capital Funds Budget for the City of Phoenix for the fiscal year 2021-22.

This adopts the final 2021-22 Capital Funds Budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022. This capital funds appropriation will be funded by property tax and revenue supported bond proceeds, federal and state participation funds, passenger facility charges, customer facility charges, participation by other governmental entities in certain projects, development impact fees, capital grants, capital reserves, solid waste remediation funds and other capital funding sources.

Concurrence/Previous Council Action

The final Capital Funds Budget ordinance reflects actions taken by Council at the June 2, 2021 Formal meeting to adopt the tentative budget ordinances and is consistent with the Five-Year Capital Improvement Program resolution approved by Council at the June 2, 2021 Formal meeting.

Responsible Department

This item is submitted by City Manager Ed Zuercher, Assistant City Manager Jeff Barton and the Budget and Research Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE

ORDINANCE S-#####

AN ORDINANCE ADOPTING THE FINAL CAPITAL FUNDS BUDGET FOR THE CITY OF PHOENIX FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022; DECLARING THAT SUCH SHALL CONSTITUTE THE CAPITAL FUNDS BUDGET FOR THE CITY OF PHOENIX FOR SUCH FISCAL YEAR.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. The schedule set forth as Section 2 below is hereby adopted as the final 2021-22 Capital Funds Budget for capital improvements to be made from authorized property tax and revenue supported bond proceeds, nonprofit corporation bond financing, federal and state participation funds, passenger facility charges, customer facility charges, participation by other governmental entities in certain projects, development impact fees, capital grants, capital reserves, solid waste remediation funds and other capital funding sources, for the year beginning July 1, 2021 and ending June 30, 2022.

SECTION 2. This Council has determined and adopted the following estimates of proposed Capital expenditure improvements for the various purposes therein named for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

Purpose	Appropriation Amount 2021-22
<u>ARTS AND CULTURAL FACILITIES</u>	
2001 General Obligation Bonds	<u>\$902,484</u>
<u>AVIATION</u>	
Aviation Bonds, Capital Grants, Passenger Facility Charges	<u>\$222,906,187</u>
<u>FACILITIES MANAGEMENT</u>	
Other Bonds, Other Capital	<u>\$9,197,423</u>
<u>FINANCE</u>	
Other Bonds	<u>\$8,000,000</u>
<u>FIRE PROTECTION</u>	
Impact Fees, Other Bonds	<u>\$25,869,988</u>
<u>HOUSING</u>	
Capital Grants	<u>\$11,949,126</u>
<u>HUMAN SERVICES</u>	
2006 General Obligation Bonds	<u>\$600,000</u>
<u>INFORMATION TECHNOLOGY</u>	
Other Bonds	<u>\$9,650,699</u>
<u>LIBRARIES</u>	
Impact Fees	<u>\$4,666,283</u>

Purpose	Appropriation Amount 2021-22
<u>NON-DEPARTMENTAL CAPITAL</u>	
Customer Facility Charges, Federal, State and Other Participation, Passenger Facility Charges, Transportation 2050 Bonds, Water Bonds	<u>\$103,117,628</u>
<u>PARKS, RECREATION & MOUNTAIN PRESERVES</u>	
Capital Grants, Capital Reserves, Impact Fees	<u>\$15,675,874</u>
<u>POLICE PROTECTION</u>	
2006 General Obligation Bonds, Capital Reserves, Impact Fees	<u>\$24,412,000</u>
<u>PUBLIC ART PROGRAM</u>	
Aviation Bonds, Passenger Facility Charges, Solid Waste Bonds, Wastewater Bonds, Water Bonds	<u>\$4,455,255</u>
<u>PUBLIC TRANSIT</u>	
Capital Grants, Transportation 2050 Bonds	<u>\$70,578,680</u>
<u>REGIONAL WIRELESS COOPERATIVE</u>	
Other Cities' Share in Joint Ventures	<u>\$6,001,000</u>
<u>SOLID WASTE DISPOSAL</u>	
Capital Reserves, Solid Waste Bonds, Solid Waste Remediation	<u>\$21,610,760</u>

Purpose	Appropriation Amount 2021-22
<u>STREET TRANSPORTATION & DRAINAGE</u>	
2006 General Obligation Bonds, Federal, State and Other Participation, Impact Fees, Transportation 2050 Bonds	<u>\$163,820,559</u>
<u>WASTEWATER</u>	
Impact Fees, Other Cities' Share in Joint Ventures, Wastewater Bonds	<u>\$179,044,203</u>
<u>WATER</u>	
Impact Fees, Other Cities' Share in Joint Ventures, Water Bonds	<u>\$275,107,856</u>
TOTAL	<u>\$1,157,566,005</u>

SECTION 3. Upon the approval of the City Manager, funds may be transferred within purposes set forth in Section 2.

SECTION 4. The City Council may authorize appropriation increases, if funds are available, for purpose of expenditures that are exempt from the limitation provided in Article IX, Section 20, Constitution of Arizona.

PASSED by the Council of the City of Phoenix this 16th day of June,
2021.

M A Y O R

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ Acting City Attorney

REVIEWED BY:

_____ City Manager



Adoption of the Final 2021-22 Reappropriated Funds Budget (Ordinance S-47662)

In compliance with requirements of the City Charter and Code and State statutes, request to adopt an ordinance (**Attachment A**) adopting the final reappropriation budget for items of expenditure previously adopted as part of the 2020-21 fiscal year operating and capital fund budgets of the City of Phoenix but remaining as unexpended funds as of June 30, 2021.

Concurrence/Previous Council Action

The reappropriated funds budget ordinance reflects the action taken at the June 2, 2021 Formal meeting to adopt the tentative 2021-22 reappropriated funds budget ordinance.

Responsible Department

This item is submitted by City Manager Ed Zuercher, Assistant City Manager Jeff Barton and the Budget and Research Department.

Attachment A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE S-

AN ORDINANCE ADOPTING THE FINAL REAPPROPRIATION BUDGET FOR ITEMS OF EXPENDITURE PREVIOUSLY ADOPTED AS PART OF THE 2020-2021 FISCAL YEAR OPERATING AND CAPITAL FUND BUDGETS OF THE CITY OF PHOENIX BUT REMAINING AS UNEXPENDED FUNDS AS OF JUNE 30, 2021.

WHEREAS, the City of Phoenix adopts, pursuant to state law, an annual budget consisting of operating funds and capital funds for expenditure in each fiscal year, and did so for the fiscal year 2020-2021; and

WHEREAS, the requirements of planning and contracting for the acquisition of goods and services requires in many instances that the contracts for such goods and services cannot be immediately executed; and

WHEREAS, there remains from said items budgeted for the fiscal year 2020-2021 substantial amounts represented by executed but unfulfilled contracts; and

WHEREAS, the City Charter directs that amounts may be expended by the City only for goods and services actually received, and may not be expended in advance of the acquisition of such goods and services; and

WHEREAS, State Budget Law, A.R.S. § 42-17106, and as interpreted by the Attorney General, demands that no expenditures be made for a purpose not included in the budget, and no expenditure be made for any debt, obligation or liability incurred or created in any fiscal year in excess of the amount specified for each purpose in the budget for such fiscal year as finally adopted; and

WHEREAS, it has become necessary to adopt a reappropriation and supplemental budget for sums to be expended in the fiscal year 2021-2022 from funds budgeted for the fiscal year 2020-2021 but remaining unexpended as of the close of the fiscal year on June 30, 2021.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. This Council has determined and adopted the following estimates of proposed capital and operating fund expenditures as hereinafter set forth presenting a reappropriation of items previously budgeted for the fiscal year 2020-2021 but remaining unexpended at the close of said fiscal year, and representing amounts encumbered by means of outstanding contracts as of the close of said fiscal year. That said amounts and the purposes therefore are set forth in the schedule below as follows:

2021-2022 REAPPROPRIATED FUNDS

Fund	Amount
<u>OPERATING FUNDS:</u>	
<u>General Funds</u>	
General Government	\$25,379,000
Criminal Justice	1,261,000
Public Safety	32,634,000
Transportation	5,336,000
Environmental Services	21,400,000
Community Development	1,069,000
Community Enrichment	2,266,000
Capital Improvements	<u>5,643,000</u>
Total General Funds	<u>\$94,988,000</u>
<u>Parks and Recreation Funds</u>	
Parks and Recreation Operations and Maintenance, and Capital Improvements.	<u>\$15,654,000</u>
<u>Library Funds</u>	
Library Operations and Maintenance, and Capital Improvements.	<u>\$5,886,000</u>
<u>Cable Communication Funds</u>	
Cable Communication Operations and Maintenance.	<u>\$177,000</u>
<u>Arizona Highway User Revenue Funds</u>	
Street Maintenance, Major Street Improvements, Traffic Improvements and Other Street Improvements.	<u>\$79,595,000</u>

Fund	Amount
<u>Aviation Funds</u>	
Aviation Operations and Maintenance, and Capital Improvements.	<u>\$99,990,000</u>
<u>Capital Construction Funds</u>	
Capital Improvements in Street Transportation and Drainage.	<u>\$8,874,000</u>
<u>City Improvement Operating Funds</u>	
Debt Service Related Costs associated with City Improvement.	<u>\$260,000</u>
<u>Community Reinvestment Funds</u>	
Community Reinvestment Program.	<u>\$3,444,000</u>
<u>Court Award Funds</u>	
Criminal Justice Program.	<u>\$1,557,000</u>
<u>Development Services Funds</u>	
Development Services Operations and Maintenance, and Capital Improvements.	<u>\$28,318,000</u>
<u>Federal Community Development Funds</u>	
Community Development Program.	<u>\$27,722,000</u>
<u>Federal Operating Trust Funds</u>	
Federal and State Grants.	<u>\$8,801,000</u>

Fund	Amount
<u>Federal Transit Funds</u>	
Federal Transit Grant Program.	<u>\$26,289,000</u>
<u>Golf Course Funds</u>	
Golf Course Operations and Maintenance, and Capital Improvements.	<u>\$2,345,000</u>
<u>HOPE VI Federal Grant Funds</u>	
HOPE VI Program.	<u>\$2,711,000</u>
<u>Human Services Federal Trust Funds</u>	
Human Services Program.	<u>\$34,086,000</u>
<u>Neighborhood Protection Funds</u>	
Eligible Police, Fire and Blockwatch Operations and Maintenance Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance G-3696.	<u>\$2,472,000</u>
<u>Other Restricted Funds</u>	
Other Restricted Funds Operations and Maintenance, and Capital Improvements.	<u>\$37,184,000</u>
<u>Parks and Preserves Funds</u>	
Parks and Preserves Operations and Maintenance, and Capital Improvement Expenditures Funded with Privilege License and Excise Taxes in accordance with the Phoenix Parks and Preserves initiative approved by the Phoenix voters in a ballot measure on May 20, 2008.	<u>\$33,415,000</u>

Fund	Amount
<u>Phoenix Convention Center Funds</u>	
Phoenix Convention Center Operations and Maintenance, and Capital Improvements.	<u>\$15,506,000</u>
<u>Public Housing Funds</u>	
Public Housing Operations and Maintenance, and Capital Improvements.	<u>\$22,138,000</u>
<u>Public Safety Enhancement Funds</u>	
Police, Fire, and Emergency Management Operations and Maintenance Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance S-31877.	<u>\$59,000</u>
<u>Public Safety Expansion Funds</u>	
Police and Fire Personnel and Service Expansion Funded with Privilege License and Excise Taxes in accordance with Ordinance G-4987.	<u>\$282,000</u>
<u>Regional Transit Authority Funds</u>	
Regional Transit Operations and Maintenance, and Capital Improvements.	<u>\$45,499,000</u>
<u>Regional Wireless Cooperative Funds</u>	
Regional Wireless Cooperative Operations and Maintenance.	<u>\$3,508,000</u>
<u>Solid Waste Funds</u>	
Solid Waste Operations and Maintenance, and Capital Improvements.	<u>\$49,739,000</u>

Fund	Amount
<u>Sports Facilities Funds</u>	
Sports Facilities Operations and Maintenance, and Capital Improvements.	<u>\$5,785,000</u>
<u>Transportation 2050 Funds</u>	
Transit and Streets Operations and Maintenance, and Capital Improvement Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance G-6051.	<u>\$282,597,000</u>
<u>Wastewater System and Multi-City Wastewater Funds</u>	
Wastewater System Operations and Maintenance, and Capital Improvements.	<u>\$89,437,000</u>
<u>Water Funds</u>	
Water System Operations and Maintenance, and Capital Improvements.	<u>\$117,200,000</u>
<u>CAPITAL PROJECTS FUNDS:</u>	
<u>1988 Parks, Recreation, Facilities, Library Bonds</u>	<u>\$5,322,000</u>
<u>2001 Educational, Youth and Cultural Facilities Bonds Funds</u>	<u>\$15,000</u>
<u>2001 Neighborhood Protection and Senior Center Bond Funds</u>	<u>\$34,000</u>
<u>2006 Affordable Housing & Neighborhood Bond Funds</u>	<u>\$131,000</u>
<u>2006 Parks & Recreation Bond Funds</u>	<u>\$5,240,000</u>
<u>2006 Police and Fire Protection Bond Funds</u>	<u>\$32,000</u>

Fund	Amount
<u>Aviation Capital Funds</u>	<u>\$318,481,000</u>
<u>Capital Reserve Funds</u>	<u>\$800,000</u>
<u>City Improvement Capital Funds</u>	<u>\$105,059,000</u>
<u>Civic Plaza Building Corporation Funds</u>	<u>\$7,050,000</u>
<u>Development Impact Fee Funds</u>	<u>\$34,822,000</u>
<u>Multi-City Wastewater Capital Funds</u>	<u>\$43,204,000</u>
<u>Public Housing Capital Funds</u>	<u>\$109,000</u>
<u>Regional Wireless Cooperative Capital Funds</u>	<u>\$362,000</u>
<u>Solid Waste Capital Funds</u>	<u>\$364,000</u>
<u>Streets Capital Funds</u>	<u>\$53,418,000</u>
<u>Wastewater Capital Funds</u>	<u>\$100,448,000</u>
<u>Water Capital Funds</u>	<u>\$521,242,000</u>
TOTAL	<u>\$2,341,651,000</u>

SECTION 2. In case of an emergency, the City Council may authorize the transfer of funds between the purposes set forth in Section 1 above if the funds are available and the transfer does not conflict with the limitations provided by law under A.R.S. § 42-17106.

SECTION 3. Money from any fund may be used for any of these

purposes set forth hereinabove, except money specifically restricted by state law or by City Charter or City ordinances and resolutions.

PASSED by the Council of the City of Phoenix this 16th day of June 2021.

MAYOR

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

_____, Acting City Attorney

REVIEWED BY:

_____ City Manager



Amend Ordinance S-46715 Adopting the 2020-21 Annual Budget for Operating Funds (Ordinance S-47663)

An ordinance (**Attachment A**) amending Ordinance S-46715 adopting the 2020-21 Annual Budget to authorize reallocating appropriations among lawfully available appropriations to ensure the continued operation of the City of Phoenix in the payment of necessary expenses.

Summary

This legally required amendment to the 2020-21 Operating Budget will allow the City to close out the current fiscal year's budgetary accounts and proceed with the annual independent audit. This is a standard end-of-year process required to close the books.

State law precludes any expenditure not included in the budget even if additional funds become available. This means all expenditures require an appropriation. An appropriation is the formal recognition in the City's official accounting records that the City Council has approved spending authority. State law allows the City Council to transfer spending authority between line items in the adopted budget. This does not represent an actual transfer of funds, but rather, only transfers of spending authority between specific areas. As a result, the total bottom line budget amount for 2020-21 does not change.

To make sure all planned expenditures have appropriate spending authority, each year the Budget and Research Department brings to the City Council a request to amend the original budget amounts between specific areas at the end of each fiscal year. This is a normal part of the annual budget close-out process. Variances between estimated and actual expenditures that trigger the need to do these reallocated appropriations are usually caused by timing differences, such as expenditures originally planned for the early part of the 2021-22 fiscal year that actually occurred during the 2020-21 fiscal year. These timing variances can be quite large, especially when dealing with construction contracts. Allowing for these timing differences in our request for year-end budget amendments allows for bid awards and payments to vendors to proceed.

The amendments to the 2020-21 Operating Budget require City Council approval to move spending authority from areas where excess authority is available to other areas

where insufficient authority was originally provided due to normal changes during the year.

Decreases in 2020-21 appropriation authority are requested in the following:

- General Fund Criminal Justice Funds due to minor budgetary savings.
- General Fund Public Safety Funds due primarily to vacancy savings from sworn positions.
- Federal and State Grant Funds due primarily to the \$143.3 million in Coronavirus Relief Funds not programmed in the budget that were used to offset General Funded Public Safety salaries as permitted by the Federal guidelines.

Increases in 2020-21 appropriation authority are requested in the following:

- General Fund General Government Funds due to an increase in General Fund resources resulting from a portion of Coronavirus Relief Funds that was used to offset Public Safety salaries, as permitted by the Federal guidelines, and which were used to carry out the City Council adopted plan in response to the COVID-19 pandemic. These increased resources allowed for unplanned spending on technology projects including distance learning, WiFi access, telework, and e-government projects as well as both community and employee COVID-19 testing, resident assistance with City service bills, and PPE supplies for employees.
- General Fund Transportation Funds due to an increase in General Fund resources resulting from a portion of Coronavirus Relief Funds that was used to offset Public Safety salaries, as permitted by the Federal guidelines, and which were used to carry out the City Council adopted plan in response to the COVID-19 pandemic. These increased resources allowed for unplanned spending on the retrofit of the City's bus fleet to provide a safety barrier between drivers and passengers.
- General Fund Environmental Services due to an increase in General Fund resources resulting from a portion of Coronavirus Relief Funds that was used to offset Public Safety salaries, as permitted by the Federal guidelines, and which were used to carry out the City Council adopted plan in response to the COVID-19 pandemic. These increased resources allowed for unplanned spending on public facility retrofit projects.
- General Fund Unassigned Vacancy Savings to account for the assignment of vacancy savings from Unassigned to General Fund specific programs.
- General Fund Capital Improvement Funds as a result of an unbudgeted acquisition of property for at-risk veterans' housing utilizing Coronavirus Relief Funds.

- Golf Course Funds due to unbudgeted maintenance needs.
- Human Services Grant Funds due to the receipt of Coronavirus Relief Funds in response to the pandemic that were not included in the original budget.
- Public Safety Expansion Funds due to higher than estimated personal service costs.
- Regional Wireless Cooperative Funds due to a reduction in credits received from RWC members.
- Transportation 2050 Funds due to the use of available pay-as-you-go funds in place of bond funds, as originally planned, allowing issuance of debt to be delayed.
- The following funds to provide for minor year-end variances: General Fund Community Development and Sports Facilities Funds.

These are balancing measures with a net impact of \$0. The total appropriation remains unchanged.

Responsible Department

This item is submitted by City Manager Ed Zuercher, Assistant City Manager Jeff Barton and the Budget and Research Department.

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE S-

AN ORDINANCE AMENDING ORDINANCE NO. S-46715 DETERMINING AND ADOPTING ESTIMATES AND PROPOSED EXPENDITURES BY THE CITY OF PHOENIX FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021, BY REALLOCATING CERTAIN EXPENDITURES AND APPROPRIATIONS.

WHEREAS, during the fiscal year 2020-2021, the resources in certain funds will be more than originally anticipated in the 2020-2021 budget, and

WHEREAS, further reallocations of certain expenditures from available funds are required to ensure the continuing operation of the City of Phoenix and the payment of necessary expenses;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1: That pursuant to the provisions of Section 4 and Section 6 of Ordinance No. S-46715 the City Manager is hereby authorized and empowered to allocate, and there is hereby appropriated and authorized to be expended, from other lawfully available funds of the City of Phoenix, the following sums to be included in the appropriations of the following listed funds by increasing or decreasing the amount

previously appropriated from said funds as follows:

- (a) Reallocating and increasing the appropriation for General Fund General Government Funds from \$150,096,053 to \$180,096,053;
- (b) Reallocating and decreasing the appropriation for General Fund Criminal Justice Funds from \$37,540,550 to \$37,340,550;
- (c) Reallocating and decreasing the appropriation for General Fund Public Safety Funds from \$944,680,555 to \$939,480,555;
- (d) Reallocating and increasing the appropriation for General Fund Transportation Funds from \$20,762,291 to \$23,562,291;
- (e) Reallocating and increasing the appropriation for General Fund Community Development Funds from \$24,760,742 to \$25,160,742;
- (f) Reallocating and increasing the appropriation for General Fund Environmental Services Funds from \$18,798,890 to \$21,998,890;
- (g) Reallocating and increasing the appropriation for General Fund Unassigned Vacancy Savings Funds from (\$18,600,000) to (\$8,600,000);
- (h) Reallocating and increasing the appropriation for General Fund Capital Improvement Funds from \$18,687,712 to \$28,987,712;
- (i) Reallocating and decreasing the appropriation for Federal Operating Trust Funds from \$327,485,851 to \$202,885,851;
- (j) Reallocating and increasing the appropriation for Golf Course Funds from \$6,196,936 to \$9,496,936;
- (k) Reallocating and increasing the appropriation for Human Services Federal Trust Funds from \$58,963,098 to \$98,463,098;

(l) Reallocating and increasing the appropriation for Public Safety Expansion Funds from \$81,176,992 to \$82,076,992;

(m) Reallocating and increasing the appropriation for Regional Wireless Cooperative Funds from \$5,117,948 to \$6,017,948;

(n) Reallocating and increasing the appropriation for Sports Facilities Funds from \$30,233,498 to \$30,633,498;

(o) Reallocating and increasing the appropriation for Transportation 2050 Funds from \$275,171,152 to \$303,471,152;

(p) Leaving the total appropriation adopted for 2020-2021 unchanged at \$5,020,460,241.

PASSED by the Council of the City of Phoenix this 16th day of June 2021.

M A Y O R

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

_____, Acting City Attorney

REVIEWED BY:

_____, City Manager



Amend Ordinance S-46716 Adopting the 2020-21 Final Reappropriation Budget (Ordinance S-47664)

An ordinance (**Attachment A**) amending Ordinance S-46716 adopting the 2020-21 Final Reappropriation Budget to authorize reallocating appropriations among lawfully available appropriations to ensure the continued operation of the City of Phoenix in the payment of necessary expenses.

Summary

This amendment to the 2020-21 Final Reappropriation Budget will allow the City to close out the current fiscal year's budgetary accounts and proceed with the annual independent audit. This is part of the standard year-end process required to close the books.

Requested changes to the 2020-21 Reappropriated Funds Budget allow for year-end timing differences and allow for updated contract payment schedules. The 2020-21 Reappropriated Funds Budget ordinance was required to rebudget funds that were contractually committed in the prior fiscal year (2019-20) but not yet fully expended in that fiscal year. Since budget appropriations expire on June 30 of each fiscal year, the 2020-21 Reappropriated Funds Budget ordinance reestablished the appropriations for payment of vendors as goods and services were received.

These requested reallocations do not represent an actual transfer of funds, but rather, only a transfer of spending authority. Also, these reallocations do not increase or decrease the total budget.

Responsible Department

This item is submitted by City Manager Ed Zuercher, Assistant City Manager Jeff Barton and the Budget and Research Department.

Attachment A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE S-

AN ORDINANCE AMENDING ORDINANCE NO. S-46716 ADOPTING THE FINAL 2020-2021 REAPPROPRIATION BUDGET FOR ITEMS OF EXPENDITURE PREVIOUSLY ADOPTED AS PART OF THE OPERATING AND CAPITAL FUND BUDGETS OF THE CITY OF PHOENIX BUT REMAINING AS UNEXPENDED AS OF JUNE 30, 2020, BY REALLOCATING CERTAIN EXPENDITURES AND REAPPROPRIATIONS.

WHEREAS, during the fiscal year 2020-2021, the resources in certain funds will be more than originally anticipated in the 2020-2021 budget; and

WHEREAS, further reallocations of certain expenditures from available funds are required to ensure the continuing operation of the City of Phoenix and the payment of necessary expenses;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That pursuant to the provisions of Ordinance No. S-46716, the City Manager is hereby authorized and empowered to allocate, and there is hereby appropriated and authorized to be expended, from other lawfully available funds of the

City of Phoenix, the following sums to be included in the reappropriations of the following listed funds by increasing or decreasing the amount previously reappropriated from said funds as follows:

(a) Reallocating and increasing the reappropriation for General Fund Capital Improvement Funds from \$2,095,000 to \$4,368,000;

(c) Reallocating and decreasing the reappropriation for Transportation 2050 Funds from \$127,383,000 to \$125,110,000;

(d) Leaving the total for the 2020-2021 reappropriation budget unchanged at \$2,213,434,000.

PASSED by the Council of the City of Phoenix this 16th day of June 2021.

M A Y O R

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

_____, Acting City Attorney

REVIEWED BY:

_____, City Manager



Authorization to Adopt Proposed Update to Pension Plans Funding Policy (Ordinance S-47723)

Request to adopt a Pension Funding Policy applicable to City of Phoenix Employee Retirement System (COPERS) and Public Safety Personnel Retirement System (PSPRS). A Pension Funding Policy to clearly communicate the City's funding objectives is a requirement adopted by the State Legislature in 2018 as A.R.S. 38-863.01 (**Attachment A**) to be implemented on an annual basis by June 30. While the State law only applies to PSPRS, for the third year in a row City staff recommends also adopting a COPERS funding policy as a transparent sound financial practice. This report further requests the Council to adopt a policy for the utilization of recreational marijuana revenues and a policy on the issuance of Pension Obligation Bonds.

Summary

The State law requires the City to:

- 1) Annually adopt a Pension Funding Policy.
- 2) Formally accept the Employer's share of the assets and liabilities under each pension system based on the actuarial valuation report.
- 3) Post the Policy on the City's website.

For review and discussion purposes, a proposed Pension Funding Policy for both PSPRS and COPERS can be found in **Attachments B and C**. A final City Pension Funding Policy must be adopted and posted on the City's website by July 1 each year.

Over the last several years the Phoenix City Council and voters have taken responsible actions to ensure the pension plans are financially stable while maintaining services to the public. Increase in net pension liabilities (**Attachment D**) and annual costs (**Attachment E**) have placed significant budgetary constraints on the City's ability to provide employee wage and non-pension benefit increases, public services and infrastructure maintenance. While currently manageable, this pressure will continue into the foreseeable future. Further, credit rating agencies and lenders place strong consideration on the funding plan and funding levels of the City's pension

systems when determining their view of the overall financial health of the City.

The Phoenix City Council has requested staff provide various pension funding options, which has resulted in the following actions:

- 1) Maintained our legal commitment to employees and retirees to pay at least 100% of the actuarially required contribution (ARC) to each plan.
- 2) Adopted a balanced budget based on a 25-year amortization schedule for PSPRS, which is more aggressive than the 30-year amortization adopted through State Law. However, the 25-year amortization schedule allow budgetary capacity to continue providing quality services and fair compensation for employees.
- 3) Established a Pension Reserve Fund to stabilize annual PSPRS payments.
- 4) Advanced \$70 million in Wastewater enterprise funds to pay down the COPERS liability in FY18.
- 5) Ongoing coordination with the Aviation Department for advance paydowns of \$100 million and \$70 million in FY21 and FY22, respectively.

These actions are in addition to the COPERS pension reform that the City Council and voters have implemented since 2013 and the statewide PSPRS pension reform passed by the voters in 2016. These actions have resulted in savings of more than \$1 billion over 25 years for the City.

Results to Date

Implementation of the City Council's direction has resulted in improvements to the funded position and stabilization of the plans, including an increase in the funded ratio for COPERS to 60.74 percent for fiscal year ending 2020, up from 60.43 percent in fiscal year ending 2019 (**Attachment F**). The funded ratio for PSPRS was 39.81 percent for fiscal year ending 2020 and was 40.24 percent for fiscal year 2019 (**Attachment F**). However, the City's total Net Pension Liability increased to \$5.4 billion. This is an indication that ongoing attention to the funded position of the plans and strategies to increase payments over a sustained period is necessary in conjunction with balancing the current needs of the community and employees.

Future Considerations

In accordance with State law, the City Council must formally accept the assets,

liabilities, and current funding ratio of the City's pension funds as stated in the annual actuarial valuations for the City of Phoenix (**Attachments G and H**) and must approve funding goals (**Attachments B and C**) by July 1, 2021.

While the pension systems are not currently fully funded, the strategy to pay the ARC and pay down the liability over a set period (20 years remaining for PSPRS and 18 years remaining for COPERS) allows flexibility in providing services to the public while spreading the liability to our residents over a period of time.

Under current actuarial calculations and amortization periods, PSPRS will be 100% funded by June 30, 2042 (**Attachment I**) and COPERS will be 100% funded by June 30, 2039 (**Attachment I**). Under the leadership of the City Council, the City can continue to take steps to ensure the current actuarial determined funding expectations are achieved on this schedule, or even reach 100% funded within a shorter timeframe.

Next steps to address the City's pension liability could include:

- 1) Continuing to balance the budget and pay the annual contribution required by actuaries.
- 2) Using any excess cash, including any savings from the refinancing of long-term debt obligations, to fund the pension reserve fund or directly pay down the liability.
- 3) Allocating budgetary resources of revenues from recreational (non-medical) marijuana sales to directly pay down the liability for PSPRS through accelerated pension payments.
- 4) Seeking opportunities to advance payments from enterprise and/or special revenue funds.
- 5) Continue evaluating the feasibility of funding the pensions through Pension Obligation Bonds under the proposed policy if established by the City Council.
- 6) Reviewing investment rate or returns on pension assets, actuary assumptions and to forecast future annual required contributions.
- 7) Compiling sensitivity and scenario analyses on proposed changes to the pension plans.

Recreational (non-medical) Marijuana Revenues

In November 2020 voters approved Proposition 207 legalizing the sale of recreational marijuana in the State of Arizona. This proposition also created a new fund for the revenues collected from the sale of recreational marijuana which will be distributed through several allocation streams.

The City of Phoenix will receive recreational marijuana revenues from four sources, including:

- 1) City of Phoenix regular general fund sales tax.
- 2) Public Safety proportional allocation based on PSPRS membership.
- 3) HURF proportional allocation.
- 4) State-shared sales tax revenue.

Staff recommends the City Council adopt a policy to annually direct revenues from 1 and 2 above (the City's sales tax of recreational marijuana and the City's Public Safety allocation) to paying down PSPRS pension liability. Staff estimates applying the additional revenues to PSPRS would result in reaching 100% funded a year earlier than projected without doing so.

Pension Obligation Bonds (POBs)

Pension Obligation Bonds are bonds issued to pay pension plan liabilities. The City Council previously directed staff to study and evaluate the possibility of issuing Pension Obligation Bonds. With City Council's direction, staff research and determined a set of conditions required for issuing Pension Obligation Bonds.

Staff recommends the City Council adopt a policy for issuing Pension Obligations Bonds only if the following conditions exist:

- 1) Bond Interest rates are under 3.5 percent.
- 2) The City applies all savings from issuing POBs to PSPRS for the unfunded liability.
- 3) Rating indications are neutral.

Furthermore, additional City Council authorization would be required for issuance of Pension Obligation Bonds. Staff estimates issuing Pension Obligations Bonds would result in PSPRS reaching 100% three years earlier.

Responsible Department

This item is submitted by City Manager Ed Zuercher and Chief Financial Officer Denise Olson.

38-863.01. Pension funding policies; employers

A. Beginning on or before July 1, 2019, each governing body of an employer shall annually:

1. Adopt a pension funding policy for the system for employees who were hired before July 1, 2017. The pension funding policy shall include funding objectives that address at least the following:

(a) How to maintain stability of the governing body's contributions to the system.

(b) How and when the governing body's funding requirements of the system will be met.

(c) Defining the governing body's funded ratio target under the system and the timeline for reaching the targeted funded ratio.

2. Formally accept the employer's share of the assets and liabilities under the system based on the system's actuarial valuation report.

B. The governing body shall post the pension funding policy on the governing body's public website.

Attachment B City of Phoenix Public Safety Personnel Retirement System Pension Funding Policy

The intent of this policy is to clearly communicate the Council's pension funding objectives and its commitment to our employees and the sound financial management of the City and to comply with statutory requirements of Laws 2018, Chapter 112.

Several terms are used throughout this policy:

Unfunded Actuarial Accrued Liability (UAAL) – Is the difference between trust assets and the estimated future cost of pensions earned by employees. This UAAL results from actual results (interest earnings, member mortality, disability rates, etc.) being different from the assumptions used in previous actuarial valuations.

Annual Required Contribution (ARC) – Is the annual amount required to pay into the pension funds, as determined through annual actuarial valuations. It is comprised of two primary components: normal pension cost – which is the estimated cost of pension benefits earned by employees in the current year; and, amortization of UAAL – which is the cost needed to cover the unfunded portion of pensions earned by employees in previous years. The UAAL is collected over a period of time referred to as the amortization period. The ARC is a percentage of the current payroll.

Funded Ratio – Is a ratio of fund assets to actuarial accrued liability. The higher the ratio the better funded the pension is with 100% being fully funded.

The City's police and fire employees who are regularly assigned hazardous duty participate in the Public Safety Personnel Retirement System (PSPRS).

Public Safety Personnel Retirement System (PSPRS)

PSPRS is administered as an agent multiple-employer pension plan. An agent multiple-employer plan has two main functions: 1) to comingle assets of all plans under its administration, thus achieving economy of scale for more cost-efficient investments and invest those assets for the benefit of all members under its administration and 2) serve as the statewide uniform administrator for the distribution of benefits.

Under an agent multiple-employer plan each agency participating in the plan has an individual trust fund reflecting that agencies' assets and liabilities. Under this plan all contributions are deposited to and distributions are made from that fund's assets, each fund has its own funded ratio and contribution rate, and each fund has a unique annual actuarial valuation. The City of Phoenix has two trust funds, one for police employees and one for fire employees.

Council formally accepts the assets, liabilities, and current funding ratio of the City's PSPRS trust funds from the June 30, 2020 actuarial valuation, which are detailed below.

Trust Fund	Assets	Accrued Liability	Unfunded Actuarial Accrued Liability	Funded Ratio
Phoenix Police	1,368,290,122	3,492,835,270	2,124,545,148	39.17%
Phoenix Fire	765,370,023	1,867,271,442	1,101,901,419	40.99%
City of Phoenix Totals	2,133,660,145	5,360,106,712	3,226,446,567	39.81%

For comparative purposes, the City of Phoenix total Unfunded Actuarial Accrued Liability for the prior fiscal year ending June 30, 2019 was \$3.03 billion and the funded ratio was 40.34%.

PSPRS Funding Goal

Fully funded pension plans are the best way to achieve taxpayer equity. However, most funds in PSPRS are significantly underfunded due to historical low returns on plan assets, people in general living longer and decreases in governmental workforces. As shown above, the UAAL for the City is \$3.2 billion which should be paid over time to avoid a huge burden to current taxpayers by either significantly decreasing services or an increase in taxes. This taxpayer burden must be balanced with being fiscally responsible and committed in providing pensions to retirees.

The Council's PSPRS funding ratio goal is 100% (fully funded) by June 30, 2042.

Council has taken the following actions to achieve the June 30, 2042 goal:

- Maintain ARC payment from operating revenues – Council is committed to maintaining the full ARC payment (normal cost and UAAL amortization) from operating funds.
- Additional payments above the ARC
 - City Council has approved paying the ARC based on a 20-year remaining amortization schedule. The budget for the ARC for FY 21 is \$283.6 million, which is \$39.7 million more than the actuarial amount.
 - Established the Pension Reserve Fund to ensure annual payment during downturns in the economy. Currently, there is \$41 million in the reserve fund.

To achieve this goal, the City may utilize the following strategies:

1. Maintaining the City's legal commitment to employees and retirees by paying at least 100% of the annual required contribution.
2. Evaluating prior year budget compared to actual expenditures and make an excess payment to either the Pension Reserve Fund or directly to PSPRS to accelerate pension payments to directly pay down the liability
3. Allocating budgetary resources of revenues from recreational (non-medical) marijuana sales to directly pay down the PSPRS liability through accelerated pension payments. Specific marijuana categories would only include direct revenues from the City's general fund sales tax of recreational marijuana and the City's Public Safety allocation to paying down PSRPS pension liability.

4. Authorizing City staff to develop a financing plan issuing Pension Obligation Bonds if bond interest rates are under 3.5 percent, the City applies all savings from issuing POBs to PSPRS and rating indications from rating agencies are neutral.
5. Reviewing investment rate of returns on pension assets, actuary assumptions and to forecast future annual required contributions.
6. Compiling sensitivity and scenario analyses on proposed changes to the pension plan.

Attachment C

City of Phoenix

City of Phoenix Employee Retirement System Pension Funding Policy

The intent of this policy is to clearly communicate the Council’s pension funding objectives and its commitment to our employees and the sound financial management of the City and to comply with statutory requirements of Laws 2018, Chapter 112.

Several terms are used throughout this policy:

Unfunded Actuarial Accrued Liability (UAAL) – Is the difference between trust assets and the estimated future cost of pensions earned by employees. This UAAL results from actual results (interest earnings, member mortality, disability rates, etc.) being different from the assumptions used in previous actuarial valuations.

Annual Required Contribution (ARC) – Is the annual amount required to pay into the pension funds, as determined through annual actuarial valuations. It is comprised of two primary components: normal pension cost – which is the estimated cost of pension benefits earned by employees in the current year; and, amortization of UAAL – which is the cost needed to cover the unfunded portion of pensions earned by employees in previous years. The UAAL is collected over a period of time referred to as the amortization period. The ARC is a percentage of the current payroll.

Funded Ratio – Is a ratio of fund assets to actuarial accrued liability. The higher the ratio the better funded the pension is with 100% being fully funded.

CITY OF PHOENIX EMPLOYEE RETIREMENT SYSTEM (COPERS)

COPERS is a single-employer defined benefit pension plan, covering all full-time general employees of the City except sworn police and fire employees. COPERS is governed by a separate Board, established in the City Charter.

Council formally accepts the assets, liabilities, and current funding ratio of the City’s COPERS trust funds from the June 30, 2020 actuarial valuation, which are detailed below.

Trust Fund	Assets	Accrued Liability	Unfunded Net Pension Liability	Funded Ratio
Phoenix	<u>2,681,173,000</u>	<u>4,414,114,000</u>	<u>1,732,941,000</u>	<u>60.74%</u>

For comparative purposes, the City of Phoenix total Unfunded Actuarial Accrued Liability for the prior fiscal year ending June 30, 2019 was \$1.74 billion and the funded ratio was 60.43%.

COPERS Funding Goal

Fully funded pension plans are the best way to achieve taxpayer equity. However, COPERS is currently underfunded due to historical low returns on plan assets, people in general living longer and decreases in governmental workforces. As shown above, the UAAL for the City is \$1.7 billion which should be paid over time to avoid a huge burden to current taxpayers by either significantly decreasing services or an increase in taxes. This taxpayer burden must be balanced with being fiscally responsible and committed in providing pensions to retirees.

The Council's COPERS funding ratio goal is 100% (fully funded) by June 30, 2039.

Council has taken the following actions to achieve the June 30, 2039 goal:

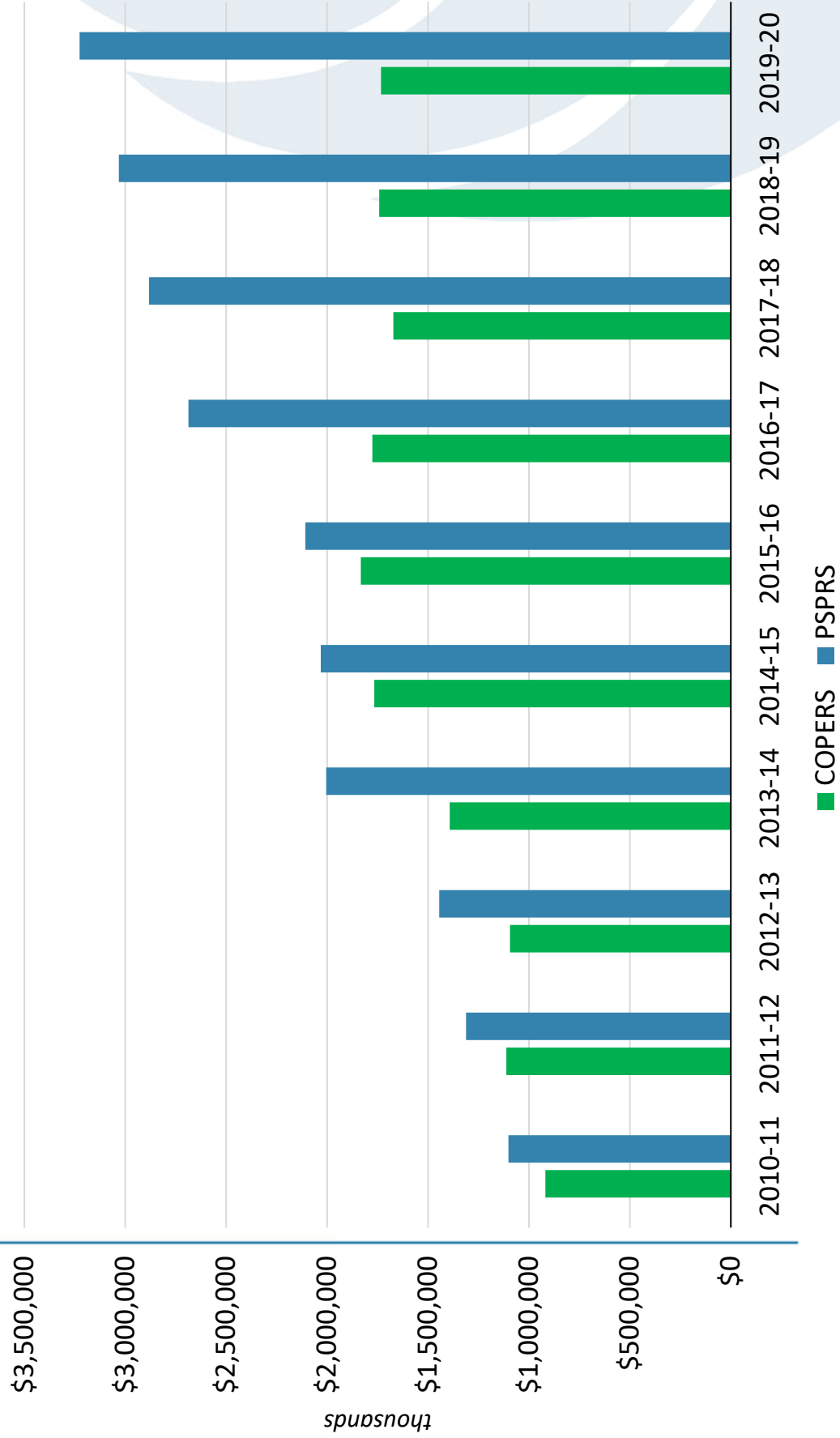
- Maintain ARC payment from operating revenues – Council is committed to maintaining the full ARC payment (normal cost and UAAL amortization) from operating funds. The budget for the ARC for FY 21 is \$202.3 million.

To achieve this goal, the City may utilize the following strategies:

1. Maintaining the City's legal commitment to employees and retirees by paying at least 100% of the annual required contribution.
2. Evaluating prior year budget compared to actual expenditures and make an excess payment directly to COPERS to accelerate pension payments to directly pay down the liability.
3. Continuing to seek opportunities to advance payments from either enterprise and/or special revenue funds. Aviation is currently preparing advance payments of \$100 million and \$70 million in FY21 and FY22, respectively.
4. Reviewing investment rate of returns on pension assets, actuary assumptions and to forecast future annual required contributions.
5. Compiling sensitivity and scenario analyses on proposed changes to the pension plan.

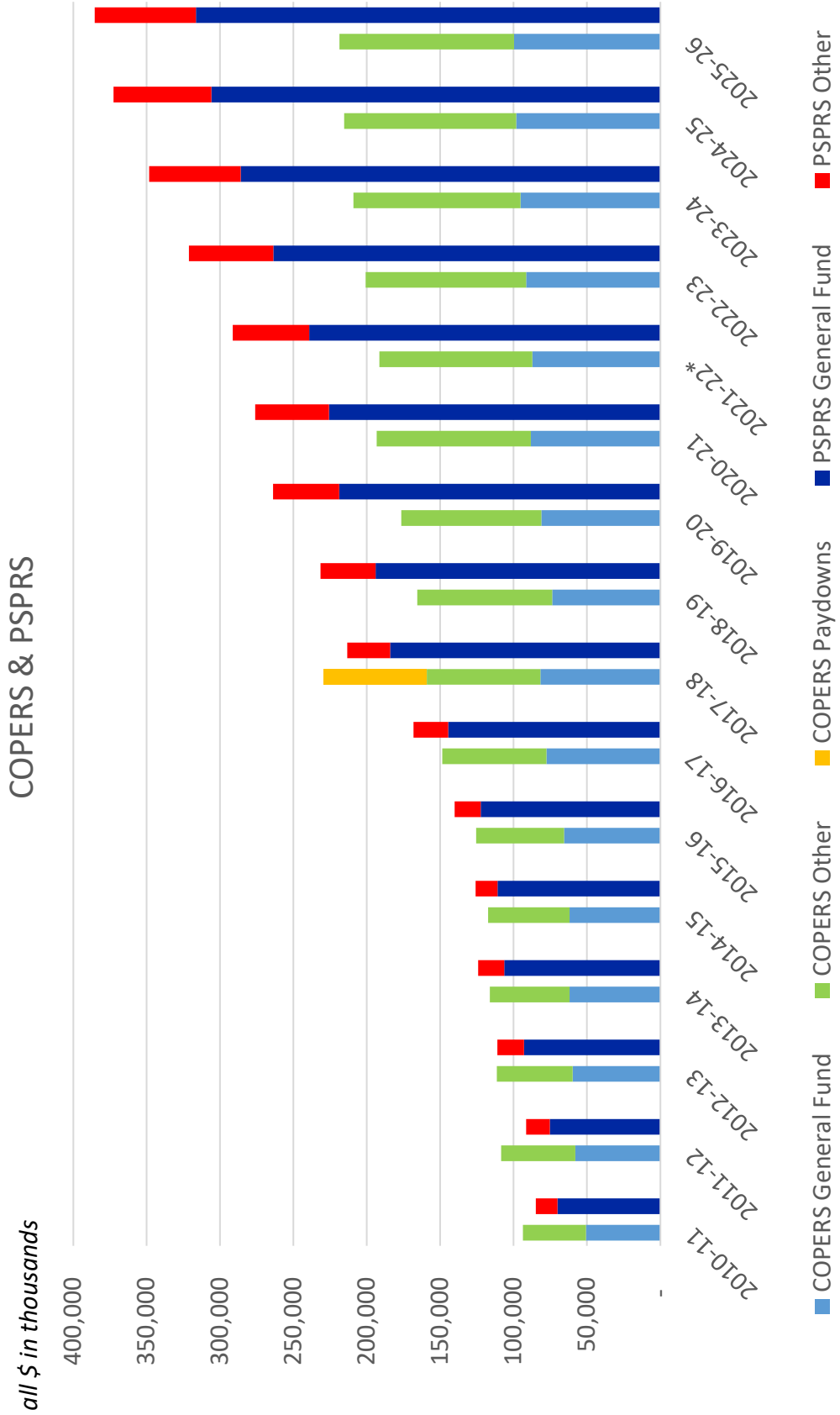


Attachment D: Total Unfunded Net Pension Liability





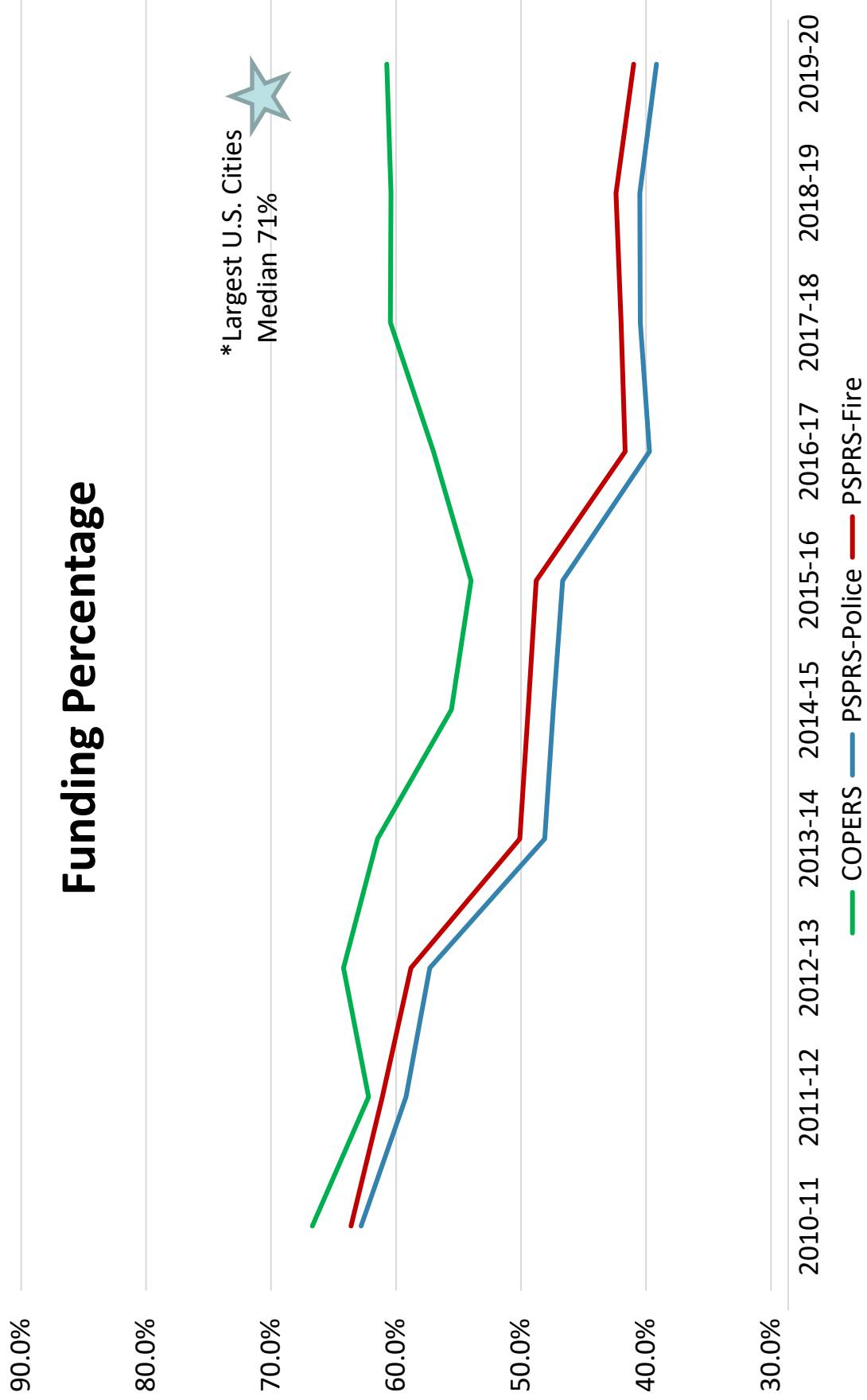
Attachment E: Total Pension Annual Required Contribution by Plan & Payment Source



*Does not reflect possible COPERS paydown utilizing Aviation funds in 2021-22 for \$184 million



Attachment F: Historical Total Funding Percentage of Pension Plans



*S&P Global Ratings – "Mounting Pressures Threaten Stability of 20 Largest U.S. Cities' Pension Funding," October 26, 2020.

ATTACHMENT G

**ARIZONA PUBLIC SAFETY PERSONNEL
RETIREMENT SYSTEM**

PHOENIX POLICE DEPT. (022)

GASB STATEMENT NO. 68

EMPLOYER REPORTING ACCOUNTING SCHEDULES
MEASUREMENT DATE JUNE 30, 2019



FOSTER & FOSTER
ACTUARIES AND CONSULTANTS

I. FINANCIAL STATEMENTS

Schedule of Changes in Net Pension Liability

GASB 68 Reporting Period Ending	06/30/2020	06/30/2019
Measurement Date	06/30/2019	06/30/2018
Total Pension Liability		
Service Cost	52,681,184	49,600,950
Interest	241,526,271	231,824,249
Change of Benefit Terms	0	0
Difference between Expected and Actual Experience	21,414,639	(905,937)
Changes of Assumptions	58,976,382	0
Benefit Payments, including Refund of Employee Contributions	(185,901,097)	(168,681,938)
Net Change in Total Pension Liability	188,697,379	111,837,324
Total Pension Liability – Beginning	3,304,137,891	3,192,300,567
Total Pension Liability – Ending (a)	\$3,492,835,270	\$3,304,137,891
Plan Fiduciary Net Position		
Contributions - Employer	149,441,956	124,618,256
Contributions - Employee	18,525,386	22,727,856
Hall / Parker Settlement	0	(42,201,317)
Net Investment Income	71,707,018	89,411,383
Benefit Payments, including Refund of Employee Contributions	(185,901,097)	(168,681,938)
Administrative Expense	(1,247,557)	(1,363,529)
Other ¹	89,435	(442,686)
Net Change in Plan Fiduciary Net Position	52,615,141	24,068,025
Plan Fiduciary Net Position – Beginning	1,315,680,266	1,291,612,241
Adjustment to Beginning of Year	(5,285)	0
Plan Fiduciary Net Position – Ending (b)	\$1,368,290,122	\$1,315,680,266
Net Pension Liability – Ending (a) – (b)	\$2,124,545,148	\$1,988,457,625
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	39.17%	39.82%
Covered Payroll ²	\$228,845,840	\$221,105,147
Net Pension Liability as a Percentage of Covered Payroll	928.37%	899.33%

¹ Other changes include adjustments for prior year GASB 68 and reserve transfer to/from employer and employee reserves.

² Does not necessarily represent Covered Payroll as defined in GASB Statement No. 82.

The June 30, 2019 results reflect the assumption changes noted in the assumptions section of this report.

Results from June 30, 2018 and prior years, both here and throughout this report, are as prepared by GRS Retirement Consulting.

**ARIZONA PUBLIC SAFETY PERSONNEL
RETIREMENT SYSTEM**

PHOENIX FIRE DEPT. (021)

GASB STATEMENT NO. 68

EMPLOYER REPORTING ACCOUNTING SCHEDULES
MEASUREMENT DATE JUNE 30, 2019



FOSTER & FOSTER
ACTUARIES AND CONSULTANTS

I. FINANCIAL STATEMENTS

Schedule of Changes in Net Pension Liability

GASB 68 Reporting Period Ending	06/30/2020	06/30/2019
Measurement Date	06/30/2019	06/30/2018
Total Pension Liability		
Service Cost	32,749,328	30,633,836
Interest	130,378,095	123,037,837
Change of Benefit Terms	0	0
Difference between Expected and Actual Experience	(7,563,080)	21,387,284
Changes of Assumptions	31,021,420	0
Benefit Payments, including Refund of Employee Contributions	(96,862,276)	(89,735,125)
Net Change in Total Pension Liability	89,723,487	85,323,832
Total Pension Liability – Beginning	1,777,547,955	1,692,224,123
Total Pension Liability – Ending (a)	\$1,867,271,442	\$1,777,547,955
Plan Fiduciary Net Position		
Contributions - Employer	77,142,323	73,287,988
Contributions - Employee	11,591,691	13,412,972
Hall / Parker Settlement	0	(21,839,946)
Net Investment Income	39,878,688	49,178,522
Benefit Payments, including Refund of Employee Contributions	(96,862,276)	(89,735,125)
Administrative Expense	(694,329)	(751,191)
Other ¹	0	250,919
Net Change in Plan Fiduciary Net Position	31,056,097	23,804,139
Plan Fiduciary Net Position – Beginning	734,315,272	710,511,133
Adjustment to Beginning of Year	(1,346)	0
Plan Fiduciary Net Position – Ending (b)	\$765,370,023	\$734,315,272
Net Pension Liability – Ending (a) – (b)	\$1,101,901,419	\$1,043,232,683
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	40.99%	41.31%
Covered Payroll ²	\$135,272,840	\$132,502,915
Net Pension Liability as a Percentage of Covered Payroll	814.58%	787.33%

¹ Other changes include adjustments for prior year GASB 68 and reserve transfer to/from employer and employee reserves.

² Does not necessarily represent Covered Payroll as defined in GASB Statement No. 82.

The June 30, 2019 results reflect the assumption changes noted in the assumptions section of this report.

Results from June 30, 2018 and prior years, both here and throughout this report, are as prepared by GRS Retirement Consulting.

City of Phoenix Employees' Retirement System

GASB Statement Nos. 67 and 68 Accounting and Financial
Reporting for Pensions
June 30, 2020



Executive Summary as of June 30, 2020

(Amounts in Thousands)

	2020
Actuarial Valuation Date	June 30, 2020
Measurement Date of the Net Pension Liability	June 30, 2020
Employer's Fiscal Year Ending Date (Reporting Date)	June 30, 2020

Membership

Number of	
- Retirees and Beneficiaries	7,502
- Inactive, Nonretired Members	1,033
- Active Members	8,027
- Total	16,562
Covered Payroll	\$ 568,089

Net Pension Liability

Total Pension Liability	\$ 4,414,114
Plan Fiduciary Net Position	2,681,173
Net Pension Liability	\$ 1,732,941
Plan Fiduciary Net Position as a Percentage of Total Pension Liability	60.74 %
Net Pension Liability as a Percentage of Covered Payroll	305.05 %

Development of the Single Discount Rate

Single Discount Rate	7.00 %
Long-Term Expected Rate of Investment Return	7.00 %
Long-Term Municipal Bond Rate*	2.45 %
Last year ending June 30 in the 2021 to 2120 projection period for which projected benefit payments are fully funded	2120

Total Pension Expense \$ 160,140

Deferred Outflows and Deferred Inflows of Resources by Source to be recognized in Future Pension Expenses

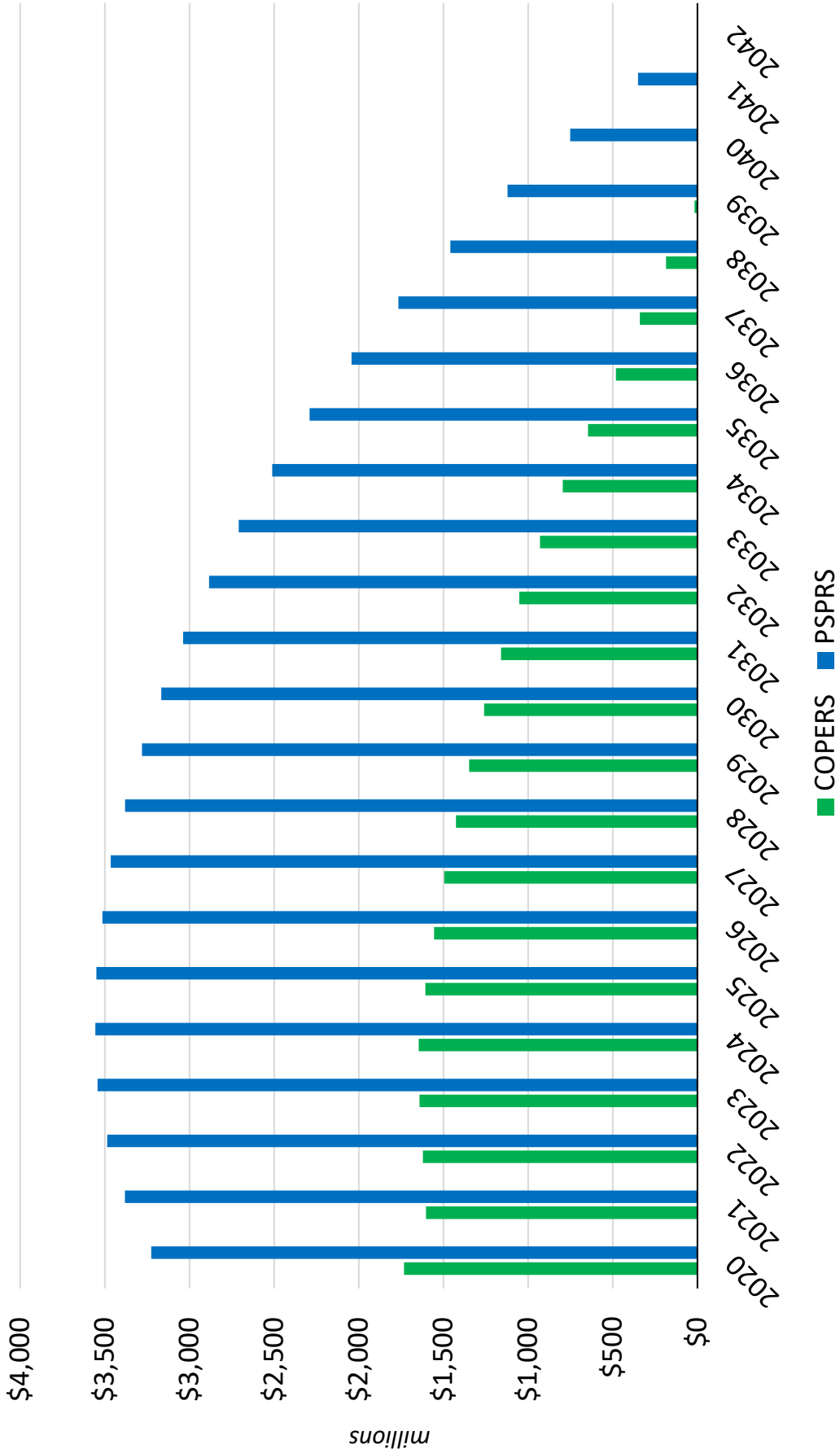
	Deferred Outflows of Resources	Deferred Inflows of Resources
Difference between expected and actual experience	\$ 23,707	\$ 79,272
Changes in assumptions	484	49,909
Net difference between projected and actual earnings on pension plan investments	139,823	16,673
Total	\$ 164,014	\$ 145,854

**Source: Fixed-income municipal bonds with 20 years to maturity that include only federally tax-exempt municipal bonds as reported in Fidelity Index's "20-Year Municipal GO AA Index" as of June 30, 2020. In describing this index, Fidelity notes that the municipal curves are constructed using option-adjusted analytics of a diverse population of over 10,000 tax exempt securities.*





Attachment I: Projected Paydown of Unfunded Net Pension Liability



Note: PSPRS fully funded amortization period has been adjusted based on revised information from the actuaries.



Proposed 19th Avenue and Parsons Road Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes section 9-471, on the proposed 19th Avenue and Parsons Road Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

Summary

This annexation was requested by Paul E. Gilbert, with Beus Gilbert McGroder, PLLC for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation. Additionally, the annexation is recommended for adoption per the attached Task Force Analysis Report (**Attachment A**).

Public Outreach

Notification of the public hearing was published in the *Arizona Business Gazette* newspaper, and was posted in at least three conspicuous places in the area proposed to be annexed. Also, notice via first-class mail was sent to each property owner within the proposed annexation area.

Location

The proposed annexation area includes parcels 210-10-020C, 210-10-020D, 210-10-031A, 210-10-027A and 210-10-010 and is located at 19th Avenue and Parsons Road (**Attachment B**). The annexation area is approximately 15.73 acres (0.0239 sq. mi.) and the population estimate is zero individuals.

Council District: 1

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department

ATTACHMENT A

CITY COUNCIL REPORT

TO: Mario Paniagua
Deputy City Manager

FROM: Alan Stephenson
Planning Director

SUBJECT: Request for Task Force Analysis: 19th Avenue and Parsons Road Annexation

This report recommends the **approval** of the proposed annexation of **15.73** acres located at **east of 19th Avenue and south of Parsons Road, Parcels: APN # 210-10-020C, 210-10-020D, 210-10-010, 210-10-031A, 210-10-027A**

THE REQUEST:

The applicant is requesting annexation to access city services and proposes to rezone the parcels to develop a multifamily residential rental complex.

OTHER INFORMATION:

Planning Village: Deer Valley

General Plan Designation: Traditional Lot, 3.5 to 5 dwelling units per acre

Current Zoning District: RU-43

Equivalent Zoning District: S-1

Current Conditions

Current Land-Use: Vacant

To the North: Single-family dwelling and ranch properties, zoned RU-43, Maricopa County jurisdiction

To the South: Undeveloped. Properties rezoned to Commercial Office/Major Office Option Restricted Commercial (C-O/M-O), City of Phoenix jurisdiction

To the West: Residential and mixed uses (Norterra), zoned Planned Unit Development (PUD), City of Phoenix jurisdiction

To the East: Single-family dwelling, zoned RU-43, Maricopa County jurisdiction

...Maricopa County Non-Conformities Present? None

Parcel (s) History: None

ALTERNATIVES:

- Option A - Annex the land as requested:

The city of Phoenix will control rezoning requests in this area to ensure conformance with the General Plan Land Use Map. The city of Phoenix will capture property tax, utility tax, state shared revenue, and impact fees.

- Option B - Deny the request for annexation:

If annexed later, this site would have been developed under County zoning and development standards that may not be consistent with the General Plan, Land Use Map, zoning, and development standards.

RECOMMENDATION:

Located adjacent to City of Phoenix lands, this annexation is supported by the 2015 General Plan, particularly the Land Use goal for land uses and development standards for unincorporated land, under Policies 1 and 2.

This annexation is recommended for approval. Approval of annexation does not constitute recommendation for future rezoning actions.

SUPPORTING INFORMATION:

I. Water and Sewer Service

Parcels currently fall within Water Pressure Zone Area 4A.

There are both water and sewer infrastructure within the area. There is a 12-inch DIP water distribution main within 19th Avenue, along with a 54-inch PCCP transmission water main. There is also a 24-inch DIP sewer force main within 19th Avenue.

The proposed parcels can likely be served by the City’s water and/or sewer system pending capacity review and approval. This review will be done at the time of preliminary site plan approval. Design and construction of any infrastructure will be the responsibility of the developer. Specifics regarding potential main extension requirements would be discussed and determined at a pre-app meeting after annexation.

II. Fire Protection

Servicing Station: Fire Station #5, 26700 N 27th Avenue

Station Capacity Level, Unknown

Station Capacity Level, After Annexation:Unknown

Current Response Time: 3 Min. 0 Sec.

City Average Response Time: 5 Min. 2 Sec.

Difference From Typical Response Time: -2 Min. 2 Sec.

Number Of Service Calls Expected: 21

Average Cost Per Service Call: \$466

Estimated Total Annual Fire Service Costs: **\$9,820**

III. Police Protection

Servicing Station: Black Mountain Precinct, 33355 North Cave Creek Rd

Number Of New Officers Required: 0.22

Number Of New Patrol Cars Required: 0.10

Estimated Total Annual Police Service Costs: **\$28,745**

IV. Refuse Collection

Number of New Containers Required: 0

Public refuse container costs not applicable for apartments and non-residential uses which require private refuse services or contractual agreements with the City that are not determined at this time.

Total Start-Up Costs For Refuse Collection: **\$0**

V. Street Maintenance

Average Cost Per Acre For Street Maintenance: \$85

Estimated Total Annual Street Maintenance Costs: **\$1,342**

VI. Public Transit

Servicing Routes: here are no servicing routes to the proposed annexation area.

VII. Parks and Recreation

Neighborhood Park Demand In Acres: 0.82

Community Park Demand In Acres: 0.44

District Park Demand In Acres: 0.44

Total Park Demand In Acres: 1.70

Cost Per Acre, Annual Maintenance: \$11,000

Total Annual Parks and Recreation Costs: **\$18,655**

VIII. Schools

Elementary School District: Deer Valley Unified

High School District: Deer Valley Unified

Total Expected Elementary School Students: 55

Total Expected High School Students: 32

Total Expected New Students: 87

IX. Revenues

This annexation is not in an Impact Fee area

Expected Total Impact Fees At Buildout: \$0

Tax Revenue, Year One

Property Tax Income: \$1,026

Utility Fee Income: \$9,831

State Shared Revenue: \$63,780

Solid Waste: \$32,542

Sales Tax Generated: \$0

Total Tax Related Income, Annually: **\$107,179**

Tax Revenue, Year Two and Beyond

Property Tax Income:	\$1,026
Utility Fee Income:	\$9,831
State Shared Revenue:	\$63,780
Solid Waste:	\$32,542
Sales Tax Generated:	<u>\$0</u>
Total Tax Related Income, Annually:	\$107,179

X. Total Costs

Revenue, First Year Only:	\$107,179
Revenue, Year Two and Beyond	\$107,179
Expenses, First Year Only:	\$58,563
Expenses, Year Two and Beyond:	\$58,563

XI. Total Annual Revenue

Total Annual Revenue, First Year Only:	\$48,616
Total Annual Revenue, Year Two and Beyond:	\$48,616

The above referenced **Property Tax Income** figures are based on vacant parcels only, it does not refer to future development which will vary depending on number of lots and individual square footage.

Total Tax Related Income and Total Annual Revenues will vary depending on project scope and size, the timing of permit issuance and build-out.

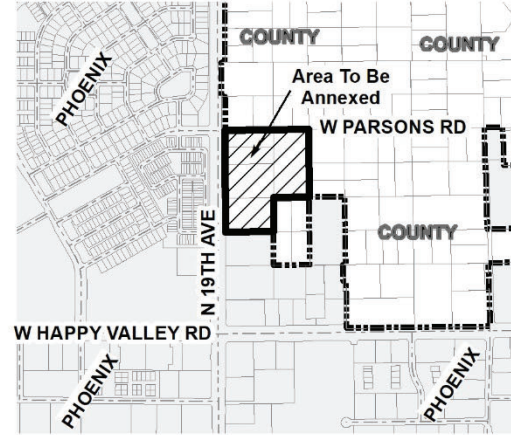
ANNEXATION MAP
19Th AVENUE & PARSONS ROAD



City of Phoenix

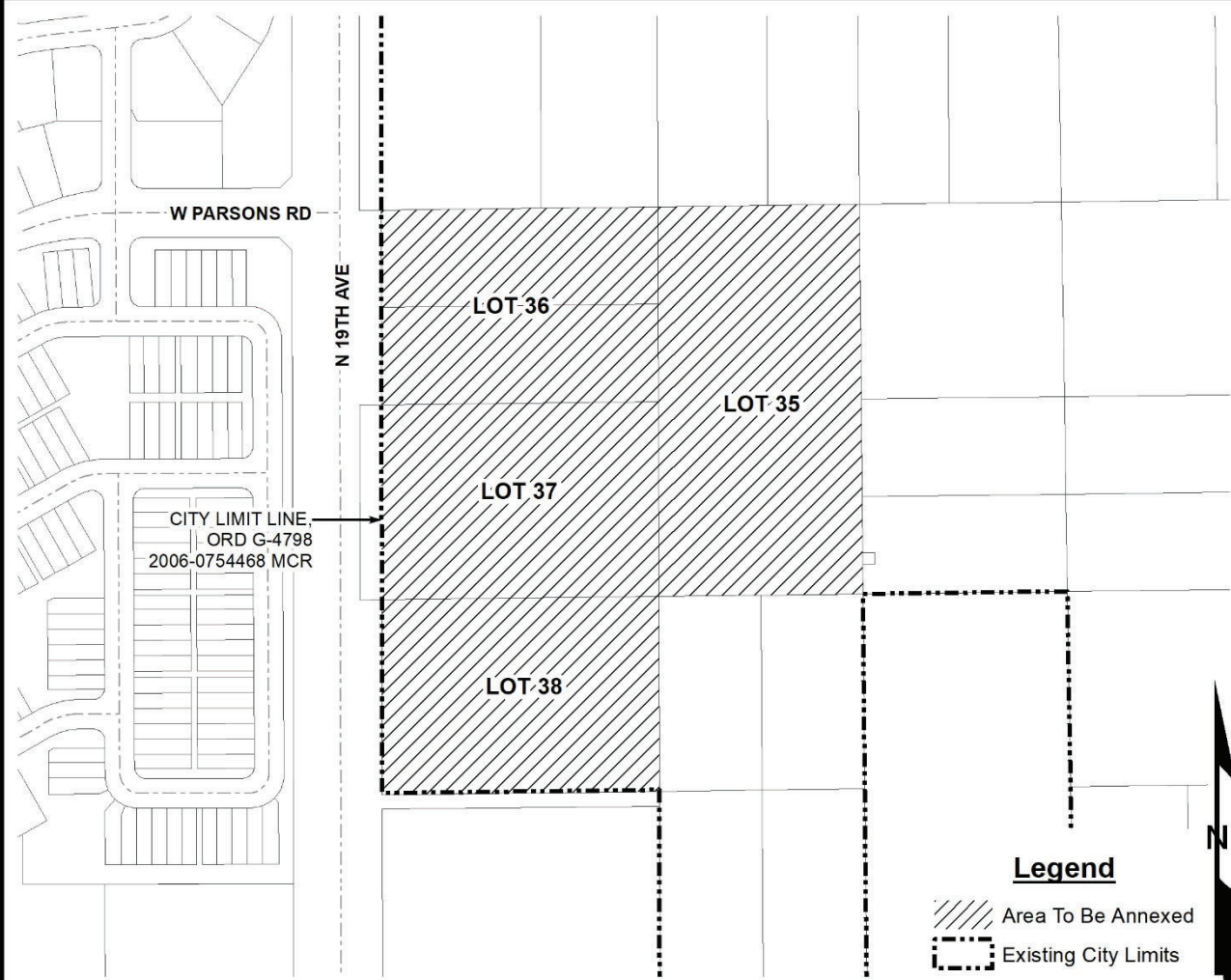
LEGAL DESCRIPTION
SECTION 6 T. 4 N., R. 3 E.,
G. & S. R. B. & M.

VICINITY MAP



ANNEXATION NUMBER: XXX

AREA IN SQUARE MILES
0.0239



Legend

-  Area To Be Annexed
-  Existing City Limits



Acceptance and Dedication of Deeds and Easements for Sidewalk, Roadway and Public Utility Purposes (Ordinance S-47676)

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

Summary

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

Easement (a)

Applicant: HumpyMelt, LLC, its successor and assigns

Purpose: Sidewalk

Location: 2932 & 2938 N. 7th Ave.

File: FN 210031

Council District: 4

Deed (b)

Applicant: CAAM House LLC, its successor and assigns

Purpose: Roadway

Location: 1908 W. Lawrence Road

File: FN 210033

Council District: 5

Easement (c)

Applicant: DOC-3311 North 44th Streets MOBs, LLC, its successor and assigns

Purpose: Public Utility

Location: 3333 N. 44th St.

File: FN 210030

Council District: 6

Deed (d)

Applicant: Choice Fund I, LLC, its successor and assigns

Purpose: Roadway

Location: 1533 E. Sierra St.
File: FN 210037
Council District: 6

Easement (e)

Applicant: Andrew Davidson and William Davidson, its successor and assigns
Purpose: Public Utility
Location: 4824 E. Willetta St.
File: FN 210016
Council District: 6

Easement (f)

Applicant: Andrew Davidson, Rachel Davidson and William Davidson, its successor and assigns
Purpose: Public Utility
Location: 4830 E. Willetta St.
File: FN 210016
Council District: 6

Easement (g)

Applicant: A5 Residential, LLC, its successor and assigns
Purpose: Public Utility
Location: 423 E. Wier Ave.
File: FN 210022
Council District: 7

Deed (h)

Applicant: Vita on McDowell, LLC, its successor and assigns
Purpose: Roadway
Location: 509 W. McDowell Road
File: FN 210028
Council District: 7

Easement (i)

Applicant: Estrella Vista Laveen Homeowners Association, its successor and assigns
Purpose: Sidewalk
Location: 8220 S. 63rd Ave.
File: FN 210040
Council District: 7

Easement (j)

Applicant: KBBS Development LLC, its successor and assigns

Purpose: Public Utility

Location: 2249 E. Desert Lane

File: FN 210027

Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development and Finance departments.



Authorization to Accept an Easement for Traffic Control Purposes Along West Van Buren Street, Near North 27th Drive (Ordinance S-47678)

Request to authorize the City Manager, or his designee, to accept an easement for traffic control purposes for the installation of a High-Intensity Activated Cross Walk signal located along West Van Buren Street, near North 27th Drive.

Summary

Mikael Rugi LLC, its successor and assigns, has agreed to donate an easement for the installation of a High-Intensity Activated Cross Walk (HAWK) signal and Americans with Disabilities Act pedestrian ramps to provide pedestrians a safe crossing along West Van Buren Street near North 27th Drive. The easement is approximately 64 square feet.

The parcel affected by this project and included in this request is identified by Maricopa County Assessor's parcel number 109-27-155 located at 2730 W. Van Buren St.

Location

West Van Buren Street, near North 27th Drive.
Council District: 4

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.



Grant of Easements to Salt River Project for Liberty 1A Within 23rd Avenue from Roeser Road to South of Hidalgo Avenue (Ordinance S-47675)

Request authorization for the City Manager, or his designee, to grant irrigation easements to Salt River Project within the 23rd Avenue and Roeser Road right-of-way, and the 23rd Avenue right-of-way, south of Hidalgo Avenue, for consideration in the amount of the appraised value and other consideration. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

The irrigation easements are required to connect to Salt River Project's existing irrigation lines along 23rd Avenue from Roeser Road to south of Hidalgo Avenue for irrigation flow to accommodate Liberty 1A by Lennar Communities Development, Inc. The easement at Roeser Road is approximately 431 square feet and the easement south of Hidalgo Avenue is approximately 92 square feet.

Financial Impact

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

Location

23rd Avenue, Roeser Road to south of Hidalgo Avenue.
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.



Easement Exchange Between City of Phoenix and USA Department of Interior for Relocation of Irrigation Facilities within Olney Avenue Right-of-Way (Ordinance S-47671)

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

Summary

An easement exchange is required to relocate irrigation facilities for development of the Estrella Crossings, Phases 1 and 2. The irrigation facilities are currently within the City of Phoenix's (City's) right-of-way along Olney Avenue between 55th and 59th avenues, and will be relocated to the south, partially in City right-of-way and partially on private property.

The City will convey approximately 5,663 square feet, Brookfield Holdings, LLC (Estrella Crossing) will convey approximately 74,923 square feet, and Isola Elliot, LLC will convey approximately 4,792 square feet in easements to the United States of America (USA) to accommodate the relocated irrigation facilities. In exchange, the USA will quitclaim to the City two easements within the right-of-way containing approximately 78,408 square feet.

Financial Impact

Revenue, if any, will be based on the value of the easement conveyed by the City.

Location

Along Olney Avenue, between 55th and 59th avenues.
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.



Grant of Public Utility Easement on City-owned Property for Construction of Well 310 (Ordinance S-47670)

Request City Council to grant a public utility easement, for consideration of \$1.00, for installation of electrical facilities and a switching cabinet on City-owned property in the Arizona Public Service area, and further ordering the Ordinance recorded. The public utility easement is required for the construction of Well 310.

Summary

This public utility easement is more fully described in the legal description within **Exhibit "A"** ("Easement Premises") to be recorded with the ordinance and will be granted to all public service corporations, and telecommunication corporations providing utility service to Well 310 (collectively "Grantee") in perpetuity, so long as Grantee uses the Easement Premises for the purposes herein specified; subject to the following terms and conditions:

- A. Grantee is hereby granted the right to construct, reconstruct, replace, repair, operate and maintain utility facilities together with appurtenant fixtures for use in connection therewith (collectively "Grantee Facilities") to, through, across and beyond Grantor's property within the Easement Premises. Subject to the notice requirements provided in paragraph "I," Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified. Grantee acknowledges and accepts that Grantee shall share the Easement Premises with other Grantees and shall use such Easement Premises with other Grantees in accordance with and consistent with industry standards and customs for shared use. Grantor agrees to coordinate the location of Grantee's Facilities within the Easement Premises and to pay costs for relocation of Grantee's Facilities as provided in paragraph "F."
- B. Grantor shall not locate, erect or construct, or permit to be located or erected or constructed, any building or structure within the limits of the Easement Premises. However, Grantor reserves all other rights, interests, and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of Easement

Premises without the prior written consent by the Grantee whose facilities will be affected by the change of elevation.

- C. Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate, or maintain the Grantee Facilities.
- D. Grantor shall maintain an appropriate three-foot clear area around all edges of all equipment pads for Grantee Facilities in addition to a clear operational area that extends 10 feet immediately in front of all transformer or switching cabinet openings, within the Easement Premises. No obstruction, trees, shrubs, fixtures, or permanent structures shall be placed or permitted by Grantor within said areas. Grantee is hereby granted the right to trim, prune, cut, and clear away trees, brush, shrubs, or other obstruction within said areas.
- E. Grantee shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon and agrees that following any work or use by Grantee within the Easement Premises, the affected area, including without limitation, all pavement, landscaping, concrete and other improvements permitted within the Easement Premises pursuant to this easement will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.
- F. Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's property; provided however, that: (1) Grantor pays the entire cost of redesigning and relocating existing Grantee Facilities to the new location; and (2) Grantor provides Grantee with a new and substantially similar public utility easement at no cost to Grantee. After relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement without cost or consequence to Grantor.
- G. Each public service corporation and telecommunication services corporation as a Grantee shall coordinate and work with other Grantees in the use of the Easement Premises. In the event that a third party or other Grantee requests the relocation of existing Grantee Facilities to a new location (whether or not) within the Easement Premises, the requesting party shall pay the entire cost of redesigning and relocating the existing Grantee Facilities.
- H. Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation, or other entity without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of any proposed transfer, conveyance or assignment of any

rights granted herein at address listed below.

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

Location

56th St. and Pinnacle Peak Road.
Council District: 2

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services and Finance departments.



Grant a Temporary Construction Easement to Lennar Communities Development, Inc. on City-owned Property at Lindo Park (Ordinance S-47681)

Request authorization for the City Manager, or his designee, to grant a temporary construction easement (TCE) to Lennar Communities Development, Inc. on City-owned property at Lindo Park.

Summary

An approximate 5,000-square-foot TCE is required for Lennar to construct a storm drainpipe and headwall. The storm drain improvements will allow off-site water runoff from the neighborhood to the south of the park and along S. 23rd Avenue into the existing detention basin located at Lindo Park. The permanent improvements will tie into the City's larger drainage system to mitigate flooding in this area.

Location

2230 W. Roeser Road, identified by Maricopa County Assessor parcel numbers 105-65-004D and 105-65-692.

Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Parks and Recreation and Finance departments.



Acquisition of Real Property for Roadway Improvements Along 48th Street Between the Pointe Parkway West Traffic Circle and Baseline Road (Ordinance S-47704)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain required for roadway improvements along 48th Street between the Pointe Parkway West traffic circle and Baseline Road. Further request to authorize dedication of land with roadway and/or public improvements to public use for right-of-way purposes via separate recording instrument. Additionally request to authorize the City Controller to disburse all funds related to this item.

Summary

The City entered into Development Agreement 143841 with Pointe South Mountain Business Park Association (Association) for the construction of public improvements including the build out of 48th Street as a public roadway. The Association worked with the City to secure dedications from existing owners and members of the Association. Acquisition of real property is required to obtain the property rights needed to begin construction.

The parcel affected by this project and included in this request is identified by Maricopa County Assessor's parcel numbers 301-15-142B, 301-15-143, 301-15-144 located along 48th Street and the Highline Canal and 301-14-043 located at 8201 S. 48th St.

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program budget.

Concurrence/Previous Council Action

The City Council approved:

- Development Agreement 143841 (Ordinance S-42241) on Jan. 6, 2016; and
- Acceptance and Dedication of Land (Ordinance S-47122) on Nov. 18, 2020.

Location

48th Street between the Pointe Parkway West traffic circle and Baseline Road.
Council District: 6

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.



Acquisition of Real Property for South Mountain Park Preserve at 23rd Avenue and Sunrise Drive (Ordinance S-47680)

Request to authorize the City Manager, or his designee, to acquire real property and related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain, for South Mountain Preserve to be designated as "Mountain Preserve" in accordance with the provisions of Chapter XXVI of the City Charter. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The acquisition of 39 acres will add land to South Mountain Preserve. The property includes scenic views, connections to the Preserve to the south of the property, multiple drainage washes and desert flora and fauna. The property to be acquired is identified by Maricopa County Assessor's parcel number (APN) 300-16-035G located at 2333 W. Sunrise Drive.

Financial Impact

Funding is available in the Parks and Recreation Department's Capital Improvement Program budget using PPPI funds.

Location

23rd Avenue and Sunrise Drive
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Parks and Recreation and Finance departments.



Acquisition of Real Property for Traffic Control Purposes Along 32nd Street, North of Palm Lane (Ordinance S-47673)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests required by donation, purchase within the City's appraised value, or by the power of eminent domain for the installation of a High-Intensity Activated Cross Walk (HAWK) signal located along 32nd Street, north of Palm Lane. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

Acquisition is required for the installation of a HAWK signal located along 32nd Street, north of Palm Lane. Improvements include a new pedestrian signal, pavement, curb, gutter and construction of an Americans with Disabilities Act accessible sidewalk.

The parcels affected by this project and included in this request are identified by Maricopa County Assessor's parcel number 120-21-105D located at 2012 N. 32nd St. and 120-21-102A located at 2002 N. 32nd St.

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program budget.

Location

32nd Street, north of Palm Lane.
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.



Communication Tower Inspection, Maintenance, and Repair - IFB 18-112A - Amendment (Ordinance S-47660)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 148450 with Arizona West Builders and Communications Inc. to provide additional funding for the purchase of Communication Tower inspection, maintenance, and repair services for the Information Technology Services Department in support of the Regional Wireless Cooperative. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures for services included in this amendment will not exceed \$1.5 million.

Summary

Arizona West Builders and Communications Inc. (AZW) provides tower maintenance, support and equipment that is needed for public safety radio communication sites throughout the valley. The Regional Wireless Cooperative (RWC) has two radio tower sites that need to be relocated. The first site relocation will require that AZW provide the shelter, generator, and labor services. The second site will require AZW to provide a new tower, shelter, generator, and engineered design build. The RWC is budgeting for these sites in the Fiscal Year 2022 budget.

Failure to maintain, replace, or relocate communication tower equipment would negatively impact the radio communications infrastructure which provides critical public safety communications throughout the region.

Contract Term

The agreements term will remain unchanged, ending on Aug. 31, 2023.

Financial Impact

The initial authorization for the Communication Tower Inspection, Maintenance and Repair agreement was for an expenditure not-to-exceed \$250,000. This amendment will increase the authorization for the agreement by an additional \$1.5 million, for a new total not-to-exceed agreement value of \$1.725 million.

Funding is available in the Information Technology Services Department's budget. The cost of services is recovered from RWC member organizations.

Concurrence/Previous Council Action

The City Council approved Agreement 148450 (Ordinance S-44996) on Sept. 19, 2018.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the Information Technology Services Department.

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF
THE FINAL, ADOPTED ORDINANCE**

ORDINANCE S-

AN ORDINANCE AUTHORIZING THE AMENDMENT OF AGREEMENT 148450 WITH ARIZONA WEST BUILDERS AND COMMUNICATIONS, INC. TO PROVIDE ADDITIONAL FUNDING FOR THE PURCHASE OF COMMUNICATION TOWER INSPECTION, MAINTENANCE, AND REPAIR SERVICES FOR THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT IN SUPPORT OF THE REGIONAL WIRELESS COOPERATIVE; FURTHER AUTHORIZING THE CITY CONTROLLER TO DISBURSE ALL FUNDS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. The City Manager or his designee is authorized to amend Agreement 148450 with Arizona West Builders and Communications, Inc. to provide additional funding for the purchase of communication tower inspection, maintenance, and repair services for the Information Technology Services Department in support of the Regional Wireless Cooperative. The Agreement's term will remain unchanged, ending on August 31, 2023. This amendment will increase the authorization for the agreement by an additional \$1.5 million dollars, for a new total not to exceed agreement value of \$1.725 million dollars.

SECTION 2. The City Controller is authorized to disburse all funds for the purposes of this Ordinance.

PASSED by the Council of the City of Phoenix this 16th day of June, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

BY: _____

DRL

REVIEWED BY:

Ed Zuercher, City Manager

DRL:rb:LF20-3127:6/16/21:2259912_1



CoStar Realty Information, Inc. - Three-Year Subscription (Ordinance S-47665)

Request to authorize the City Manager, or his designee, to enter into an agreement with CoStar Realty Information, Inc. to provide a three-year subscription for online access to real property market data. Further request to authorize the City Controller to disburse all funds related to this item. The agreement value will not exceed \$381,139.68, plus applicable taxes.

Summary

The CoStar Realty Information, Inc. database subscription renewals are for the Community and Economic Development, Aviation and Finance departments to provide online access to comprehensive market data, information and reports on commercial property sales, listings, and leases. The information is used extensively to research market data to support the disposal, acquisition and leasing of real property; provide the tools necessary to complete appraisals, appraisal reviews and valuation services; manage existing contracts and development of new business transactions for revenue contract services; and assist business developers, investors and companies interested in relocating to or investing in Phoenix. A three-year subscription provides for a two percent cost savings from the prior annual subscription.

Procurement Information

An exception to the procurement process was determined to select the vendor set forth in City of Phoenix Administrative Regulation 3.10. A direct selection was made because there is only one known capable supplier of goods or services due to the unique nature of the requirement.

Contract Term

The agreement will begin on or about June 16, 2021, for a three-year term.

Financial Impact

The fee for the initial year of the agreement is \$121,497.24 with 4.5 percent annual increases for a total amount not to exceed \$381,139.68, plus applicable taxes. Funding is available in the Community and Economic Development, Aviation and Finance departments' budgets.

Responsible Department

This item is submitted by Deputy City Managers Ginger Spencer and Mario Paniagua, and the Community and Economic Development, Aviation and Finance departments.



Panasonic Toughbooks, Tablets, Accessories, and Services - Requirements Contract - City of Tucson 12-0471A (Ordinance S-47667)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 146072 with Panasonic System Communications Company (PCS) Mobile and Mobile Concepts Technology LLC for the purchase of Panasonic toughbooks, tablets, accessories and services for citywide use. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$3,528,000.

Summary

These contracts provide Panasonic toughbooks, tablets, accessories and services to all City of Phoenix departments, primarily the Police, Fire and Water Services departments. The devices are used as public safety measures to help employees collect, organize and transfer data faster, more efficiently and in real-time. The devices allow police officers to run license plates, scan fingerprints, and check records car side, so they never leave a subject unattended. Purchases of replacement Toughbooks and equipment vehicle installations have increased in the last two years due to staffing level demands in all departments.

Contract Term

The contract term is Aug. 1, 2017 through July 31, 2022.

Financial Impact

Upon approval of \$3,528,000 in additional funds, the revised aggregate value of the contract will not exceed \$14,028,000. Funds are available in various Department's budgets.

Concurrence/Previous Council Action

This contract was originally approved by City Council on June 28, 2017.

Responsible Department

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



Purchase Vantage F3 Robot - EXC 21-118 (Ordinance S-47669)

Request to authorize the City Manager, or his designee, to enter into a contract with Transcend Robotics Inc. to purchase one Vantage V3 Robot for the Police Department. Further request an exception to Phoenix City Code 42-18 for Limitation of Liability and Indemnification. Transcend Robotics Inc. and City agree that liability is to be limited to \$2,000,000 as negotiated. Also, request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$18,794.

Summary

The Special Assignments Unit is responsible for handling all violent and potentially violent incidents, particularly involving barricaded subjects. Often, armed subjects barricade and hide inside structures and fail to comply with officers' commands to surrender. Use of the Vantage robot will help locate, communicate, and disarm these suspects. This robot is essential because it will help officers provide maximum safety for both suspects and the public. The Vantage F3 Robot provides a safe means of communication with subjects that are barricaded by using its two-way communications system. Pricing includes the robot, controller unit, controller & accessory transport case, robot battery, small batteries, chargers, backpack, boosters and a High Gain Antenna (HGA) Antenna. This booster HGA antenna allows the use of the robot at extended distances.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved Determination Memo which stated the Special Assignments Unit has used different robots in the past and found that many of them fail due to distances, mechanical failures, cannot navigate stairs or through the debris. This Vantage Tactical F3 robot and accessories is the only tool that defeats those issues. Transcend Tactical is the only manufacturer of this robot. This robot was chosen based on its mission capabilities, to include an accessory kit and HGA antenna.

The Deputy Finance Director recommends that the contract with Transcend Robotics Inc. be accepted.

Contract Term

Contract term is for one year beginning on or about June 16, 2021.

Financial Impact

The aggregate contract value will not exceed \$18,794. Funds are available in the Police Department's budget.

Responsible Department

This item is submitted by Assistant City Manager Jeff Barton and the Police Department.



Automated Fingerprint Identification System - State of Arizona ADSP013-038750 (B) (Ordinance S-47679)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 145675 with Idemia Identity & Security USA, LLC for the purchase of automated fingerprint identification system and related services for the Phoenix Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$209,848.

Summary

This contract was established for the Police Department's Information Technology Bureau to purchase automated fingerprint system equipment and related services, to provide support to the Arizona Automated Fingerprint Identification System (AZAFIS) network located at various bureaus and precincts throughout the City. The additional funding is requested to purchase the final year of maintenance and support renewal of the AZAFIS system. Original funds were depleted because the contract proved to be useful for other divisions within the Police Department, which purchased essential commodities and services against the contract. This contract is essential to ensure that the digital fingerprint capture system remains compatible with the existing AZAFIS network. Idemia Identity & Security USA, LLC is the only company to perform maintenance services on the digital capture systems. This product is used by Police Headquarters, Central Booking, the Crime Lab, Police Precincts and Substations with digital fingerprint capture systems.

Contract Term

The contract term is Aug. 15, 2018 through June 27, 2022.

Financial Impact

Upon approval of \$209,848 in additional funds, the revised aggregate value of the contract will not exceed \$1,051,952. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

This contract was originally approved by City Council on June 28, 2017, and additional

expenditures were approved by City Council on June 24, 2020.

Responsible Department

This item is submitted by Assistant City Manager Jeff Barton and the Police Department.



Vector Manhole Cockroach Treatment Agreement - Amendment (Ordinance S-47682)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 148627 with Peoria Pest Control for the purchase of additional cockroach remediation services for the Water Services Department. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$40,000.

Summary

This agreement is necessary to provide sewer manhole cockroach remediation services for the health and protection of the general public and for the City employees who maintain the sewer system. Additional funds are needed due to usage that has been higher than originally anticipated as a result of improved contractor productivity, the addition of 3,500 new structures in the sanitary sewer system and increased treatment for public health. The contractor will provide the labor, material, and equipment required to treat over 90,000 manholes in the City's sewer system.

Contract Term

The agreement term is from Nov. 1, 2018 through Oct. 14, 2021 and will remain unchanged.

Financial Impact

The initial authorization for Vector Manhole Cockroach Treatment was for an expenditure not-to-exceed \$817,000. This amendment will increase the authorization for the agreement by an additional \$40,000, for a new total not-to-exceed agreement value of \$857,000.

Funding is available in the Water Services Department's operating budget.

Concurrence/Previous Council Action

The City Council approved Vector Manhole Cockroach Treatment Agreement 148627 (Ordinance S-45051) on Oct. 17, 2018.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Archaeology Consulting and Historic Preservation Services for Citywide Projects - RFQu 18-185A (Ordinance S-47684)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contracts (148369) with Transcon Environmental, Inc.; (148374) AECOM; (148349) Motley Design Group, LLC; (148350) Ryden Architects, Inc.; (148367) Environmental Planning Group, LLC; (148376) HDR Engineering, Inc.; (148368) Westland Resources, Inc.; (148354) Desert Archaeology, Inc.; (148377) SWCA Environmental Consultants; (148355) PaleoWest Archaeology; (148365) Terracon Consultants, Inc.; (148375) Archaeological Consulting Services, Ltd; (148352) Northwind Resource Consulting; (148373) AZTEC Engineering Group, Inc.; (148353) Logan Simpson; (148351) Northland Research, Inc.; (148366) Jacobs Engineering Group; and (148372) with EcoPlan Associates, Inc., for the purchase of archaeology consulting and historic preservation services for various City departments. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$8,200,000.

Summary

Since approximately 1990, the City of Phoenix has enlisted archaeological and historic preservation consultants to conduct investigations that identify cultural resources and evaluate or mitigate impacts to sensitive cultural resources resulting from a variety of City-sponsored projects. These projects are completed for various City departments and use different funding sources that require specific compliance procedures in order to meet city, state, and federal archaeological and historic preservation policies and regulations. Services provided will include, but are not limited to, archaeological and historic property surveys, archaeological monitoring of ongoing construction sites to conduct archaeological feature recordation and sampling, testing and data recovery excavations, artifact analyses, evaluation and assessment of archaeological discoveries, and preparation of documents for federal reporting purposes. Services will be used on a Citywide basis with the Parks and Recreation, Neighborhood Services, Housing, Planning and Development, and Aviation departments being the majority users.

Additional funding is needed to accommodate archaeological and historic preservation compliance requirements under the Arizona Antiquities Act, the National Historic

Preservation Act, and the City of Phoenix Historic Preservation Ordinance. Nine of the current projects exceeded their original estimated cost because of project areas being expanded by the project managers or because of additional findings after excavation began, exceeding expectations. Once excavation begins on these projects, the cost can double or even triple based on what is found. It is correct to say there were unforeseen expenses during the lifetime of these contracts and new projects were required.

The additional funding for this contract will ensure sufficient funding to continue ongoing critical Citywide Archaeology projects and necessary services for the remaining term of the contract.

Contract Term

The contract term is Sept. 14, 2018 through Sept. 13, 2023.

Financial Impact

Upon approval of \$8,200,000 in additional funds, the revised aggregate value of the contract will not exceed \$15,070,000. Funds are available in various Departments' budgets.

Concurrence/Previous Council Action

This item was originally approved by City Council on Aug. 29, 2018.

Responsible Department

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



Landscape Sprinkler and Irrigation Supplies - COOP 21-069 (Ordinance S-47686)

Request to authorize the City Manager, or his designee, to enter into a cooperative agreement with Sprinkler World of Arizona, Inc. to purchase landscape sprinkler and irrigation supplies and parts for the Parks and Recreation and Aviation departments. A cooperative agreement was established by the City of Mesa under solicitation number 2020041. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate agreement value will not exceed \$1,575,000.

Summary

The cooperative agreement will provide an array of sprinkler and irrigation supplies and parts used to repair and maintain various types of irrigation systems located in landscape areas owned or maintained by the City. The landscape sprinkler and irrigation supplies and parts provided through the cooperative agreement will ensure that all grass, trees, and shrubbery at various locations are watered to enhance and maintain their quality.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The cooperative agreement was awarded through competitive processes consistent with the City's procurement processes, as set forth in the Phoenix City Code, Chapter 43.

The City of Mesa agreement covers the purchase of landscape sprinkler and irrigation supplies as required by the Parks and Recreation and Aviation Departments. The agreement was awarded on Oct. 22, 2019. The use of this cooperative agreement will provide the City national discounts on these products. Additionally, review of pricing and availability from registered small and local business indicates that this cooperative agreement offers the best value to the City.

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

Both the American Bar Association and National Institute of Government Purchasing

endorse the use of cooperative agreements by municipalities and other public institutions. An established best practice in government procurement, cooperative agreements provide extensive benefits to procurement officials by leveraging volume purchasing for maximum cost benefit and ensuring best value.

The Deputy Finance Director recommends that the cooperative agreement with Sprinkler World of Arizona, Inc. be accepted.

Contract Term

The five-year agreement term will begin on or about June 1, 2021.

Financial Impact

The aggregate agreement value will not exceed \$1,575,000. Funding is available in the Parks and Recreation and Aviation departments' budgets.

Responsible Department

This item is submitted by Deputy City Managers Inger Erickson and Mario Paniagua, and the Parks and Recreation and Aviation departments.



**Armored Car Services (Citywide) - Requirements Contract RFP 21-097
(Ordinance S-47688)**

Request to authorize the City Manager, or his designee, to enter into a contract with Brinks Incorporated to purchase Armored Car Services for citywide use. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$2,000,000.

Summary

This contract will provide armored car services for citywide departments, to include scheduled pick-up and delivery of sealed bank deposits from designated City of Phoenix locations to designated financial institutions. Items to be transported to and delivered from the designated financial institutions include currency, parking meter coin, validated deposit slips, checks, and other miscellaneous items. The armored car services will provide fiduciary responsibility of the City's funds while providing safe, secure transportation and protection between City departments and the designated financial institutions.

Procurement Information

RFP 21-097 was conducted in accordance with Administrative Regulation 3.10. There were two offers received by the Procurement Division on April 9, 2021. The notification was sent to 65 suppliers and was publicly posted and available for download from the City's website.

The proposals were scored by a three-member evaluation panel based on the following criteria worth 1,000 points:

- Approach to Scope of Work - 400 points
- Company History, Experience and Qualifications - 300 points
- References and Past Performance - 150 points
- Cost (Section VI - Bid Price Schedule) - 150 points

The offeror scores are as follows:

Brinks Incorporated - 690 points

Garda World Cash Services - 553.9 points

The Deputy Finance Director recommends that the offer from Brinks Incorporated be accepted as the highest-scored, responsive and responsible offer that is most advantageous to the City.

Contract Term

The five-year contract term will begin on or about July 1, 2021.

Financial Impact

The aggregate contract value will not exceed \$2,000,000. Funds are available in various departments' budgets.

Responsible Department

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



Blank Out Signs - Requirements Contract IFB 16-201 - Amendment (Ordinance S-47692)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 143159 with SES America, Inc. to extend the term through Jan. 31, 2022, for the purchase of blank out signs for the Street Transportation Department. No additional funding is requested.

Summary

This agreement is required to purchase blank out signs for traffic control during construction projects performed by the Street Transportation Department. Blank out signs are illuminated signs, which reinforce traffic signals or other traffic control devices, and discourage undesirable or unsafe motorist movements. Blank out signs can be illuminated at all times providing easily visible messages in all weather and daylight conditions, or can be illuminated only when traffic control conditions warrant their activation. The Street Transportation Department uses blank out signs for a variety of situations, but primarily to provide signage for turning movement restrictions and for additional warning around light rail train operations.

A competitive solicitation was previously issued to enter into a new agreement but it had to be cancelled. This amendment will allow time to update the scope of work and perform another competitive process to award a new agreement.

Contract Term

This amendment will extend the agreement term through Jan. 31, 2022.

Financial Impact

This amendment will not change the \$1.625 million authorized value of the agreement. Funding is available in the Street Transportation Department's budget.

Concurrence/Previous Council Action

The City Council approved Agreement 143159 (S-42778) on July 1, 2016.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



Alcohol Film Foam - Requirements Contract - IFB 21-040 (Ordinance S-47700)

Request to authorize the City Manager, or his designee, to enter into a contract with Matlick Enterprises, Inc. DBA United Fire Equipment Company to provide 3% low viscosity alcohol film foam for the Fire Department. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$710,000.

Summary

The Fire Department (PFD) Special Operations Division requires the use of foam product to provide fire and vapor suppression for Class B fuel fires where water cannot be used. Common applications of this foam product are for industrial chemical and petroleum facilities, fuel or chemical storage tanks, railroad cars, and other flammable liquids that require Class B foam. The foam product physically blankets and blocks oxygen supply to these types of fires to suppress, cool, and prevent additional spreading. The aggregate contract value will not exceed \$710,000.

Procurement Information

IFB 21-040 was conducted in accordance with Administrative Regulation 3.10. There were four offers received by the Procurement Division on March 17, 2021 which were evaluated on price, responsiveness to specifications, and responsibility to provide the required goods and services. The bid notification was sent to 112 suppliers and was publicly posted and available for download from the City's website. One offer was deemed non-responsive to the requirements of the solicitation.

United Fire Equipment Company (Tyco): \$9,207.60
United Fire Equipment Company (Phos-Chek): \$9,510.25
Momar: \$11,129.85

The Deputy Finance Director recommends that the offer from United Fire Equipment Company (Tyco) be accepted as the lowest-priced, responsive, and responsible offer.

Contract Term

The five-year contract term shall begin on or about July 1, 2021.

Financial Impact

The aggregate contract value will not exceed \$710,000. Funds are available in the Fire Department's operating budget.

Responsible Department

This item is submitted by Assistant City Manager Jeff Barton and the Fire Department.



Marketing Services - ADSP016-145339B (Ordinance S-47708)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 149535 with RIESTER Sonoran LLC for the purchase of interactive marketing services for citywide use. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$50,960. There is no impact to the General Fund; funds are available in the Downtown Community Reinvestment Fund.

Summary

This contract provides interactive marketing services including website design, advertising and public relations services for the City. Additional funds are needed to supplement Community and Economic Development Department's (CED) preliminary budget for website design services.

With this contract, CED is currently working with RIESTER on design updates for the department's website, phoenix.gov/econdev. This effort has two purposes: to improve the way users interact and use the website and to change the appearance of the website to focus on showcasing and "selling" Phoenix to CED customers with a business attraction focus. Technology has greatly changed the way the public utilizes websites since the City created the current template for department usage and CED would like to create a unique and enhanced site experience while remaining a .gov site. The initial budget estimate did not account for all the necessary design changes identified through the scoping process.

Contract Term

The contract term is March 21, 2019 through March 20, 2024.

Financial Impact

Upon approval of \$50,960 in additional funds, the revised aggregate value of the contract will not exceed \$3,430,960. There is no impact to the General Fund. Funds are available in the Downtown Community Reinvestment Fund.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Community and Economic Development Department.



**Fabrication and Installation of Parks Signs - City of Mesa Contract 2015302 (A)
(Ordinance S-47718)**

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 148523 with Sierra Signs, Inc. to provide the fabrication and installation of signage for the Parks and Recreation Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$400,000.

Summary

The additional funding is needed to update current public parks signage with new information regarding the Parks and Recreation Department's code of conduct. As part of this effort, the department also will include Spanish text which is critical to ensuring the Spanish-speaking community is able to understand the rules of public parks throughout the City.

Contract Term

The contract term is Oct. 1, 2018 through Sept. 30, 2021.

Financial Impact

Upon approval of the \$400,000 in additional funds, the revised aggregate value of the contract will not exceed \$970,000. Funds are available in the Parks and Recreation Department's budget.

Concurrence/Previous Council Action

The contract was originally approved by City Council on Aug. 29, 2018.

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Parks and Recreation Department.



Repeal Existing Pay Ordinance S-45840 and Adopt New Ordinance for New Rates and Compensation (Ordinance S-47689)

Request the City Council to repeal Ordinance S-45840, and all amendments thereto, and to adopt a new ordinance to become effective July 12, 2021 (first day of the first full pay period of the new fiscal year), for City Council-approved gross pay rates and other compensation for the two-year period included in the 2021-23 Memoranda of Understanding, as defined under the Meet and Confer Ordinance. Also included are gross rates of pay and other compensation for employees covered by the Meet and Discuss Ordinance, and gross pay rates and other compensation for all unrepresented employees.

Summary

The new Pay Ordinance includes items which are part of the Memoranda of Understanding with the five Meet and Confer employee groups that were approved by the City Council through formal Resolution on April 7, 2021, and May 5, 2021. Administrative Regulations and other policy documents will be amended to address those items agreed to with the employee groups that are not part of the Pay Ordinance. A report of pay rates by job code (known as “Schedule II”) has been filed with City Clerk for each year of the 2021-23 Pay Ordinance.

Collectively, these documents outline changes to pay rates and other compensation for employees covered by the Meet and Confer Ordinance, employees covered by the Meet and Discuss Ordinance, and employees represented by the City Manager, such as confidential office and clerical, middle managers, and executives. This is consistent with the City Council’s actions adopting the 2021-23 Memoranda of Understanding (MOUs). This is also consistent with the City Manager’s authority to approve 2021-23 Memoranda of Agreement (MOAs) for employee associations; and, to approve pay rates and other compensation for employees represented by the City Manager.

The proposed language for the new Pay Ordinance is included in **Attachment A**. The Schedule II documents for each year of the 2021-23 Pay Ordinance are on file with City Clerk.

Concurrence/Previous Council Action

City Council approved, by formal Resolution, the Memoranda of Understanding with the five Meet and Confer groups on April 7, 2021 and May 5, 2021.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the Human Resources Department.

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF
THE FINAL, ADOPTED ORDINANCE**

ORDINANCE S-_____

AN ORDINANCE REPEALING EXISTING PAY
ORDINANCE S-45840 AND ADOPTING A NEW
ORDINANCE FOR NEW RATES AND
COMPENSATION; AND FURTHER AUTHORIZING
THE CITY CONTROLLER TO DISBURSE ALL
FUNDS FOR THE PURPOSES OF THIS
ORDINANCE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as

follows:

SECTION 1. Ordinance No. S-45840 being an Ordinance which adopted a "Gross Pay Schedule" of all employees of the City of Phoenix, and all amendments thereto be, and the same are repealed as of the effective date of this Ordinance.

SECTION 2. On and after July 12, 2021, the effective date of this Ordinance, all compensation to be paid to employees of the City of Phoenix shall be computed from the Schedule II for each fiscal year attached hereto as an Exhibit A and by this reference incorporated herein. The Schedule II for each fiscal year, attached, includes those compensation changes set forth in Section 5 hereof.

SECTION 3. The City Manager is authorized to provide a benefits program for City employees as described by various administrative regulations and the benefits reference guides.

SECTION 4. On and after the effective date of this Ordinance, employees of the City of Phoenix shall be compensated on a biweekly schedule in accordance with the attached Schedule II for each fiscal year and in accordance with those certain Memoranda of Understanding, to wit:

Memorandum of Understanding 2021-2023 by and between the City of Phoenix and the Laborers International Union of North America, Local 777, AFLCIO, covering Field Unit 1.

Memorandum of Understanding 2021-2023 by and between the City of Phoenix and the American Federation of State, County and Municipal Employees, Local 2384, AFL-CIO, covering Field Unit 2.

Memorandum of Understanding 2021-2023 by and between the City of Phoenix and the American Federation of State, County and Municipal Employees, Local 2960, AFL-CIO, covering Office and Clerical Unit 3.

Memorandum of Understanding 2021-2023 between the City of Phoenix and Phoenix Law Enforcement Association, covering Police Officers Unit 4.

Memorandum of Understanding 2021-2023 by and between the City of Phoenix and Phoenix Firefighters Association, Local 493, IAFF, covering Unit 5.

and shall work a schedule of hours in accordance with applicable administrative regulations and ordinances and consistent with the determination of work hours by the City, based on the needs of the City.

SECTION 5. **Compensation**

The compensation schedules set forth in the Schedule II for each fiscal year shall be effective and/or modified in accordance with the following:

- (a) Effective July 12, 2021, a 2.34% base wage increase will be applied to all Unit 1 pay steps. In addition, a non-continuous payment of \$2,191 for each full-time employee and \$200 for each part-time employee, to be paid out on the first full pay period in August 2021.
- (b) Effective July 11, 2022, a 1.77% base wage increase will be applied to all Unit 1 pay steps. In addition, a non-continuous payment of \$1,860 for each full-time employee and \$200 for each part-time employee in year two, to be paid out on the first full pay period in August 2022.
- (c) Effective July 12, 2021, a 2.38% base wage increase will be applied to all Unit 2 pay steps. In addition, a non-continuous payment of \$2,235 for each full-time employee, to be paid out on the first full pay period in August 2021.
- (d) Effective July 11, 2022, a 1.78% base wage increase will be applied to all Unit 2 pay steps. In addition, a non-continuous payment of \$2,279 for each full-time employee, to be paid out on the first full pay period in August 2022.
- (e) Effective July 12, 2021, a 1.6% base wage increase will be applied to all Unit 3 pay steps. In addition, there will be a non-continuous payment of \$2,055 made to all full-time employees and a non-continuous payment of \$822 made to all part-time employees in Unit 3 to be paid on the first full pay period in August 2021.
- (f) Effective July 11, 2022, a 1.73% base wage increase will be applied to all Unit 3 pay steps. In addition, there will be a non-continuous payment of \$2,097 made to all full-time employees and a non-continuous payment of \$839 made to all part-time employees in Unit 3 to be paid out on the first full pay period in August 2022.
- (g) Effective July 12, 2021, a 2.40% base wage increase will be applied to all Unit 4 pay steps and to each assignment step. In addition, there will be a non-continuous payment of 6.38% of annual base wage to all Unit employees to be paid out on the first paycheck in December 2021.
- (h) Effective July 11, 2022, a 1.81% base wage increase will be applied to all Unit 4 pay steps and to each assignment step. In addition, there will be a non-continuous payment of 5.33% of annual base wage to all Unit employees to be paid out on the first paycheck in December 2022.
- (i) Effective July 12, 2021, a 1.77% base wage increase will be applied to all Unit 5 pay steps to include assignment steps. In addition, there will be a

non-continuous payment of \$5,217 for each Unit member/employee to be paid out on the first full pay period in August 2021.

- (j) Effective July 11, 2022, a 1.65% base wage increase will be applied to all Unit 5 pay steps to include assignment steps. In addition, there will be a non-continuous payment of \$4,433 for each Unit member/employee to be paid out on the first full pay period in August 2022.
- (k) Effective July 12, 2021, a 1.60% base wage increase will be applied to all Unit 6 pay grades. In addition, there will be a non-continuous payment of 5.97% of annual base wage to all Unit employees to be distributed to the 401(a) Defined Contribution Plan under the Phoenix Employees' Deferred Compensation Program for those employees designated as represented by Unit 6 on the first full pay period in December 2021.
- (l) Effective July 11, 2022, a 1.69% base wage increase will be applied to all Unit 6 pay grades. In addition, there will be a non-continuous payment of 5.06% of annual base wage to all Unit employees to be distributed to the 401(a) Defined Contribution Plan under the Phoenix Employees' Deferred Compensation Program for those employees designated as represented by Unit 6 on the first full pay period in December 2022.
- (m) Effective July 12, 2021, a 2.03% base wage increase will be applied to all Unit 7 pay steps. In addition, there will be a non-continuous payment of 3.85% of annual base wage to all full-time employees to be paid out on the first full pay period in August 2021 as well as a non-continuous payment of 0.78% of annual base wage to all full-time employees for agreeing to the City's transparency and accountability proposals to be paid out on the first full pay period in August 2021. There will be a non-continuous payment of \$1,000 made to all part-time employees in Unit 7 paid out on the first full pay period in August 2021.
- (n) Effective July 11, 2022, a 1.69% base wage increase will be applied to all Unit 7 pay steps. In addition, there will be a non-continuous payment of 3.87% of annual base wage to all Unit members and a non-continuous payment of \$1,000 made to all part-time employees in Unit 7 to be paid out on the first full pay period in August 2022.
- (o) Effective July 12, 2021, a 1.68% base wage increase will be applied to all Unit 8 pay steps. In addition, there will be a non-continuous payment of \$2,250 for each full-time Unit 8 employee and a non-continuous payment of \$900 for each part-time Unit 8 employee to be paid out on the first full pay period in August 2021.
- (p) Effective July 11, 2022, a 1.74% base wage increase will be applied to all Unit 8 pay steps. In addition, there will be a non-continuous payment of

\$1,912 for each full-time Unit 8 employee and a non-continuous payment of \$765 for each part-time Unit 8 employee to be paid out on the first full pay period in August 2022.

- (q) Effective July 12, 2021, a 1.59% base wage increase will be applied to Unit 9 and 10 pay grades and employees. In addition, all Unit 9 and 10 employees will receive a non-continuous payment of 4.89% annual base wage to be paid on the first full pay period in August 2021, after completing requirements set forth by the City Manager relative to their performance evaluations. The provisions of this paragraph do not apply to Municipal Court Judges or Hearing Officers [Chief Presiding Judge (NC), City Judge (NC), Presiding Court Hearing Officer (NC), Municipal Court Hearing Officer (NC)].
- (r) Effective July 11, 2022, a 1.64% base wage increase will be applied to Unit 9 and 10 pay grades and employees. In addition, all Unit 9 and 10 employees will receive a non-continuous payment of 4.10% annual base wage to be paid out on the first full pay period in August 2022, after completing requirements set forth by the City Manager relative to their performance evaluations. The provisions of this paragraph do not apply to Municipal Court Judges or Hearing Officers [Chief Presiding Judge (NC), City Judge (NC), Presiding Court Hearing Officer (NC), Municipal Court Hearing Officer (NC)].
- (s) Effective July 12, 2021, a 1.59% base wage increase will be applied to Unit 17 and 19 pay grades and employees. In addition, all Unit 17 and 19 employees will receive a non-continuous payment of 4.89% annual base wage to be paid on the first full pay period in August 2021, after completing requirements set forth by the City Manager relative to their performance evaluations.
- (t) Effective July 11, 2022, a 1.64% base wage increase will be applied to Unit 17 and 19 pay grades and employees. In addition, all Unit 17 and 19 employees will receive a non-continuous payment of 4.10% annual base wage to be paid out on the first full pay period in August 2022, after completing requirements set forth by the City Manager relative to their performance evaluations.
- (u) Effective July 12, 2021, a 1.59% base wage increase will be applied to Unit 16 and 18 pay grades and employees. In addition, all Unit 16 and 18 employees will receive a non-continuous payment of 4.89% annual base wage to be paid on the first full pay period in August 2021, after completing requirements set forth by the City Manager relative to their performance evaluations.

- (v) Effective July 11, 2022, a 1.64% base wage increase will be applied to Unit 16 and 18 pay grades and employees. In addition, all Unit 16 and 18 employees will receive a non-continuous payment of 4.10% annual base wage to be paid out on the first full pay period in August 2022, after completing requirements set forth by the City Manager relative to their performance evaluations.
- (w) Effective July 12, 2021, a 2.03% base wage increase will be applied to all pay ranges of Council Office Staff Salary Plan 023. In addition, all employees in Council Office Staff Salary Plan 023 will receive a non-continuous payment of 4.63% of annual base wage paid out on the first full pay period in August 2021.
- (x) Effective July 11, 2022, a 1.69% base wage increase will be applied to all pay ranges of Council Office Staff Salary Plan 023. In addition, there will be a non-continuous payment of 3.87% of annual base wage to all employees in Council Office Staff Salary Plan 023 to be paid out on the first full pay period in August 2022.
- (y) Effective July 12, 2021, a 1.6% base wage increase will be applied to all Lifeguard pay steps. In addition, any Lifeguard that remains active on payroll through August 8, 2021 of the 2021 season shall receive a non-continuous payment of \$150 paid out on the first paycheck of August 2021. Any Lifeguard that remains active on payroll through September 6, 2021 of the 2021 season shall receive a non-continuous payment of \$200 paid out on the second paycheck of September 2021.
- (z) Effective July 11, 2022, a 1.73% base wage increase will be applied to all Lifeguard pay steps. In addition, any Lifeguard that remains active on payroll through August 7, 2022 of the 2022 season shall receive a non-continuous payment of \$150 paid out on the first paycheck of August 2022. Any Lifeguard that remains active on payroll through September 5, 2022 of the 2022 season shall receive a non-continuous payment of \$200 paid out on the second paycheck of September 2022.

SECTION 6. On and after the effective date of this Ordinance, the pay rates for employees of the City of Phoenix shall be that shown in the Schedule II for each fiscal year, except that employees designated as Council Office Staff, Executive, or Middle Management shall have a salary set by the City Manager which shall be at or between the minimum and maximum rates assigned to that classification as shown in the Schedule II for each fiscal year.

SECTION 7. On and after the effective date of this Ordinance, no overtime work shall be authorized, unless it shall have first been approved as provided by administrative regulation.

SECTION 8. **New Hire Salary**

New employees shall be hired at the beginning rate of the established grade for each classification. Full-time, part-time, and non-seasonal employees will be hired at a rate no lower than the City’s established minimum entry rate of \$15.00 per hour. A department head may authorize a beginning rate up to the median step of the pay grade after conducting an analysis with Human Resources. The City Manager and Human Resources Director may authorize a beginning rate above the median step of the pay grade in the event of labor market requirements or due to the unusual qualifications of a candidate. In cases where a pay grade has an even number of steps, the larger value shall be used as the median. If existing steps are not available to be used (e.g., the rate is less than \$15/hour) they shall not be included in the determination of the median step.

- (a) Police Recruit employees may be entered at Step 5 of the Police Recruit pay grade to attract qualified applicants and to remain competitive with other law enforcement agencies.
- (b) Certified Police Officer candidates from other jurisdictions may be brought in at a higher step based upon the number of years of experience they have after receiving certification as a law enforcement officer as follows:

Prior Years of Experience (After obtaining certification)	At Time of Hire		
	Classification	Salary Grade	Step
1 up to 1.49	Police Officer	428	4
1.5 up to 2.49	Police Officer	428	5
2.5 up to 3.49	Police Officer	428	6
3.5 up to 4.49	Police Officer	428	7
4.5 or more	Police Officer	428	8

- (c) Certified Police Officer candidates who have not completed the Phoenix Regional Police Academy will be hired at Step 5 of the Police Recruit pay grade. Upon completion of the Phoenix Regional Police Academy, they will be moved to the step noted in the chart above that corresponds to the number of years of experience they have after receiving certification as a law enforcement officer.

SECTION 9. Anniversary Dates

For the purpose of this ordinance, anniversary date refers to the salary review date.

- (a) All employees appointed or entered at the beginning step of the pay grade of a classification for each fiscal year, upon successful completion of six (6) months of full-time employment, may be advanced to the next step in the pay grade for their respective classifications, and this shall become the anniversary date for subsequent pay increases. The provisions of this paragraph do not apply to Executive and Middle Management employees.
- (b) The anniversary date of employees hired at a step above the beginning step shall be the date on which they were hired.
- (c) The effective date for merit increases for employees covered under (a) and (b) shall be on the anniversary date.
- (d) An employee on a continuous leave of absence of thirty (30) working days or longer, whether such leave is paid or unpaid, shall have the anniversary date adjusted to account for the period of absence from the thirtieth day until the employee's return to work. This provision does not apply when the leave involved is military leave unless the employee is probationary and has been on probation for less than nine months.
- (e) Anniversary dates for incumbents of positions which are reclassified and/or regraded shall be handled in accordance with Section 20(d) of this Ordinance.

SECTION 10. Merit Increases

In recognition of continued meritorious service, full-time employees become eligible to be considered for a merit pay increase on each anniversary date until they have advanced to the maximum step in their pay grade. Employees eligible for merit increases shall

be advanced one step in the pay grade in accordance with this section only upon approval of the department head or the City Manager, except that:

- (a) Employees designated as Executive and Middle Management and assigned to executive and middle management compensation grades may be advanced within their assigned pay grade by the City Manager based upon periodic review of the individual employee's work performance.
- (b) Employees designated as Council Office Staff and assigned to council office staff compensation grades may be advanced within their assigned pay grade by the Executive Assistant to City Council based upon periodic review of the individual employee's work performance.
- (c) All Police Officers who enter that rank at Step 4 or above may be eligible for a merit increase at twelve (12) months from the date of hire or date of promotion to Police Officer and this shall become the anniversary date for subsequent pay increases.
- (d) Sworn employees in the classifications of Police Sergeant and Police Lieutenant, who meet performance expectations and have not already reached the top step of the pay range, will receive a one-step merit increase when they have completed twenty (20) years of continuous service with the Phoenix Police Department. The effective date of the one-step merit pay increase shall become the anniversary date for future merit pay increases.
- (e) Sworn employees in the classification of Firefighter paid at Step 1 upon graduation from the academy shall be considered for a merit pay increase six months after graduation from the academy; and this shall become the anniversary date for subsequent pay increases.
- (f) Firefighters on assignment to Paramedic will be paid at a step between Steps 21 and 25 of the Firefighter pay grade.
- (g) Firefighters assigned to Special Operations and the ARFF program shall be paid at a step between Steps 31 and 39 of the Firefighter pay grade.
- (h) Firefighters assigned to both Paramedic and Special Operations will be paid at a step between Steps 51 and 55 of the Firefighter pay grade.
- (i) Firefighters assigned to both the Hazardous Materials (HMT) and the Technical Rescue (TRT) programs shall be paid at a step between Steps 61 and 69 of the Firefighter pay grade.

- (j) Firefighters assigned to Paramedic, Hazardous Materials (HMT), and Technical Rescue (TRT) will be paid at a step between Steps 81 and 85 of the Firefighter pay grade.
- (k) Fire Engineers may enter the classification at Step 1 of the grade. A Fire Engineer entering the pay grade at Step 1 will be considered for a merit pay increase six months after promotion and then at one and one-half years after promotion. Fire Engineers entering the pay grade above Step 1 will be considered for a merit pay increase on their anniversary date until they have advanced to Step 3.
- (l) Fire Engineers assigned as Paramedics will be paid at Steps 21 and 22 and will be considered for a merit pay increase on their anniversary date until they have advanced to Step 22.
- (m) Fire Engineers assigned as Special Operations will be paid at Steps 31 and 32 and will be considered for a merit pay increase on their anniversary date until they have advanced to Step 32.
- (n) Fire Engineers assigned to both Special Operations and Paramedic will be paid at Steps 51 and 52 and will be considered for a merit pay increase on their anniversary date until they have advanced to Step 52.
- (o) Fire Engineers assigned to both the Hazardous Materials (HMT) and the Technical Rescue (TRT) programs shall be paid at Steps 61 and 62 of the Fire Engineer pay grade and will be considered for a merit pay increase on their anniversary date until they have advanced to Step 62.
- (p) Fire Engineers assigned to Paramedic, Hazardous Materials (HMT), and Technical Rescue (TRT) will be paid at Steps 81 and 82 and will be considered for a merit pay increase on their anniversary date until they have advanced to Step 82.
- (q) Fire Captains will enter the classification at Step 8 of the grade and will be considered for a merit pay increase on their anniversary date until they have advanced to Step 10.
- (r) Fire Captains assigned as Paramedics will be paid at a step between Steps 21 and 23 and will be considered for a merit pay increase on their anniversary date until they have advanced to Step 23 of the pay grade.
- (s) Fire Captains assigned as Special Operations will be paid at a step between Steps 31 and 33 and will be considered for a merit pay increase on each anniversary date until they have advanced to Step 33 of the pay grade.

- (t) Fire Captains assigned to both Special Operations and Paramedic will be paid at a step between Steps 51 and 53 and will be considered for a merit pay increase on each anniversary date until they have advanced to Step 53 of the pay grade.
- (u) Fire Captains assigned to both the Hazardous Materials (HMT) and the Technical Rescue (TRT) programs shall be paid at a step between Steps 61 and 63 of the Fire Captain pay grade and will be considered for a merit pay increase on their anniversary date until they have advanced to Step 63.
- (v) Fire Captains assigned to Paramedic, Hazardous Materials (HMT), and Technical Rescue (TRT) will be paid at a step between Steps 81 and 83 and will be considered for a merit pay increase on their anniversary date until they have advanced to Step 83.
- (w) Part-time employees, excluding seasonal employees, may be considered for advancement from pay Step 1 to pay Step 2 after completing one thousand forty (1,040) hours of work at pay Step 1. Advancement from pay Step 2 to pay Step 3 and each subsequent step in a grade may be considered after working two thousand eighty (2,080) hours at each step. If a part-time employee is hired at a rate above Step 1 (in accordance with the provisions of Section 8 of this Ordinance), advancement to the next step and each subsequent step in a grade may be considered after working two thousand eighty (2,080) hours at each step. Part-time employees, upon returning from military leave, will be given credit for working the average number of hours they would normally have worked during the time of leave.
- (x) It is further provided that a special merit pay increase for superior performance or a step adjustment for unusual circumstances may be granted at lesser intervals for any employee, upon recommendation of the employee's department head and approval by the Human Resources Director.

SECTION 11. Assignment Pay, Differential, Standby and Other

Additional Compensation

- (a) Rules for designated holidays and premium pay shall be established by administrative regulations, applicable Memoranda of Understanding and applicable Memoranda of Agreement.
- (b) Employees shall receive the assignment pay provided for certain classifications for each fiscal year only during the period they are working on these assignments. Employees shall receive an immediate increase

upon entering an assignment which corresponds to the next step in the employee's present pay grade except that if no such rate exists, the employee shall be placed in the closest step which is not less than that amount, regardless of the number of steps in the differential above the base classification. An employee in an assignment will be eligible to receive productivity enhancement pay at the time the employee would have received productivity enhancement pay had the employee stayed in the base classification, even though the employee may not yet be at top step in the assignment.

- (c) In cases of assignments in Public Safety Middle Management or Executive category classifications, employees shall receive a pay rate that is a minimum of 5% higher than their current rate, but not higher than the maximum pay rate of the new pay grade, using a formula established by the Human Resources Director.
- (d) Sworn employees at the rank of Police Officer who are Field Training Officers or who the department selects to conduct department-approved officer field training will receive an additional 5% of their regular pay rate for each day they are assigned to an officially authorized field training position. Employees assigned to train an officer-in-training in traffic/DUI enforcement will receive 5% training pay for each day the employee actually trains. Employees assigned as Canine Unit Training Officers will receive 5% training pay for each day they are assigned to an officially authorized Canine Unit Trainer position. Employees assigned as Team Leaders on SAU squads will receive an additional 5% base hourly rate of pay while assigned to this position. Detectives whom the department selects to conduct department-approved new Detective training will receive an additional 5% of their base rate of pay for every day the Detective is training.
- (e) Sworn employees at the rank of Police Sergeant who supervise officers in training will receive an additional 5% of their regular pay rate while the officer in training is assigned to their squad. Sergeants who supervise a Master Field Training Officer squad will receive an additional 10% of their regular pay rate.
- (f) Employees working in positions which, because of unusual hours, should receive extra compensation may receive a shift differential as provided by administrative regulation.
- (g) Certain Unit 2 employees required by the City to maintain a Commercial Driver License (CDL) as a secondary part of their regular position duties shall receive an additional twenty cents (\$0.20) per hour.

- (h) Unit 3 and Confidential Office and Clerical employees who are authorized, certified, and required by management to use a language other than English to conduct official City business may receive bilingual pay as provided by administrative regulation.
- (i) Phoenix Firefighters Association Unit 5 employees who speak Spanish to conduct official City business may receive bilingual pay as provided by administrative regulation.
- (j) Municipal Court employees performing legal, verbatim, and formal translation duties may receive bilingual pay as provided by administrative regulation.
- (k) Qualified sworn personnel in the Police Department who are requested to perform verbal interpretation or written translation in a language other than English, or signing activities, while conducting police-related investigations may receive bilingual pay of ten dollars (\$10.00) per hour as provided by the Unit 4 Memorandum of Understanding.
- (l) Certified/registered Unit 1 employees who are assigned to continuous, non-incident application of herbicides or pesticides may receive premium pay of one dollar (\$1.00) per hour as provided in the Unit 1 Memorandum of Understanding.
- (m) Certified/registered Unit 2 employees who are assigned to continuous, non-incident application of herbicides or pesticides may receive premium pay of fifty cents (\$0.50) per hour as provided in the Unit 2 Memorandum of Understanding.
- (n) Any Aviation Dispatcher or Police Communications Operator assigned Radio/911 who is selected by their Department to conduct department approved field training will be paid a one-step differential or a minimum of three percent (3%) of base wages, whichever is higher, for those hours actually spent training other staff members.
- (o) Trained and certified employees in the classifications of User Technology Specialist, Senior User Technology Specialist, and Lead User Technology Specialist may receive a per diem of fifty dollars (\$50.00) when required to climb wireless communication towers in the performance of their assigned duties.
- (p) Fire Management Command Officers who are assigned to and work in the Constant Staffing Program may receive a monthly premium pay as provided by administrative regulation.

- (q) Upon recommendation of the employee's department head and approval of the Human Resources Director, a premium payment of up to two hundred fifty dollars (\$250.00) per week may be authorized to be paid to exempt employees for taking on substantial special projects, projects or events requiring significant extended hours or weekends, or considerable additional duties due to staffing shortages, as provided by administrative regulation.
- (r) Exempt personnel may receive additional pay, as provided by administrative regulation, for performance of their usual City duties in catastrophic field conditions in extreme and protracted emergency events involving a state or federal non-military deployment in which circumstances do not permit normal work and rest cycles. For an employee to be eligible for the additional payment, the deployment must be approved by the department head and City Manager. The deployment must exceed forty (40) continuous hours and the payment amount will be determined based on a formula determined by the Human Resources Director and shall be consistent for all personnel deployed. Such payment may be approved only if it meets all reimbursement guidelines specified by the state or federal agency.
- (s) Specific employees recruited or trained in specific advanced information technology fields, as such employees and job fields are approved by the Chief Information Officer, Human Resources Director, and City Manager, may receive specialty skills premium pay not to exceed 10% of base salary as provided by administrative regulation.
- (t) Compensation for employees who are assigned to standby duty shall be calculated at a rate which, over a twenty-four (24) hour period, shall not exceed the prevailing federal or state minimum hourly wage, whichever is higher.
- (u) Sworn Police Officers below the rank of Sergeant and Unit 3 employees assigned to court standby shall receive the following:
 1. Sworn Police Officers below the rank of Sergeant, may receive two (2) hours of pay at one and one-half (1-1/2) times the base hourly rate for court dockets scheduled before 12:00 p.m. (noon), and an additional two (2) hours of pay at one and one-half (1-1/2) times the base hourly rate for court dockets scheduled after 12:00 p.m. (noon). If an employee is required to remain on standby after 12:00 p.m. (noon), the employee may receive an additional one (1) hour of pay at one and one-half (1-1/2) times the base hourly rate of pay. For each day a court proceeding continues in session and the officer remains subject to call, the employee may be entitled to court standby

compensation as provided in this paragraph and in the Unit 4 Memorandum of Understanding.

2. Unit 3 employees as provided in the Unit 3 Memorandum of Understanding shall be compensated the greater of either \$100 per day or in accordance with the current provisions of the Fair Labor Standards Act.
- (v) Sworn Police Supervisory and Professional employees assigned to court standby may receive two (2) hours of pay at one and one half (1^{1/2}) times the base hourly rate per day for court standby. An additional hour of pay at one and one half (1^{1/2}) times the base pay rate shall be paid if the employee is required to remain on standby after noon.
 - (w) The City Manager is authorized to provide call-out pay to hourly employees, as provided by administrative regulation. Where appropriate, these payments shall be made in accordance with the applicable Memoranda of Understanding or applicable Memoranda of Agreement.
 - (x) The City Manager is authorized to provide out of class pay differential to employees, as provided by administrative regulation.
 - (y) The City Manager is authorized to award additional vacation leave to an employee whose annual vacation accrual rate is twelve (12) days or less, when it is in the best interest of the City as determined by the City Manager.

SECTION 12. Awards Programs

- (a) An employee suggestion program shall be established by administrative regulation. Employees may be eligible for a cash award or for other awards for making suggestions which qualify under the program. The cash award to employees, per suggestion, shall not exceed sixteen thousand six hundred sixty-seven dollars (\$16,667.00).
- (b) An employee safety awards program may be established by administrative regulation. Employees may be eligible for a one-time cash award or other awards as part of the City safety program. Any single cash award shall not exceed one hundred dollars (\$100.00).
- (c) A program to recognize employee excellence may be established by administrative regulation. The total allocation per department shall not exceed one dollar (\$1.00) per full-time equivalent employee or three hundred dollars (\$300.00) per year or one shift (not to exceed 10 hours) of performance recognition leave per recognition award.

- (d) The City Manager is authorized to establish a performance based cash award program for employees.
- (e) The City Manager is authorized to implement incentive programs to reward employees for exceptional performance and/or substantial savings to the City.
- (f) The City Manager is authorized to establish a hiring incentive cash award not to exceed seven thousand five hundred dollars (\$7,500.00) for employees hired into critical positions, positions that are hard to fill, or positions that require a rare skill set, when it is in the best interest of the City as determined by the Human Resources Director and the City Manager. This award is not applicable to rehires within 3 years. The provisions of this paragraph do not apply to retirees.
- (g) The City Manager is authorized to establish a cash award program for employees who refer successful candidates for City employment, when it is in the best interest of the City. The cash award to employees, per successful candidate, shall not exceed two thousand five hundred dollars (\$2500.00).

SECTION 13. Allowances and Reimbursements

- (a) The City Manager is authorized to provide for a transportation allowance for employees designated as Executive and Middle Managers and certain professional staff in the Offices of the Mayor and City Council who are not assigned a City vehicle on a regular basis.
- (b) Elected City officials shall receive the benefits package of their choice as provided for in the Charter.
- (c) The City Manager is authorized to provide to elected officials either (1) a transportation allowance as provided in the chosen benefits package, or (2) a mileage expense reimbursement when using a personal vehicle for travel in carrying out official duties. Such reimbursement shall include mileage expenses of elected officials traveling from their places of residence to their City offices or City functions/events. These expenses are determined to be necessary expenses in the conduct of an elected official's office. Reimbursement will be provided at the prevailing mileage rate set by the Finance Department for all City employees.
- (d) The City Manager is authorized to establish a program to provide payment of moving expenses, relocation expenses, and housing allowance. The reimbursement amount per employee shall not exceed \$20,000.

- (e) The City Manager is authorized to establish a program for payment of a communications allowance paid on a monthly basis for eligible Middle Managers, Executives, and certain professional staff in the Offices of the Mayor and City Council. In order to be eligible for the communication allowance, employees are required to provide a cellular phone and be responsible for all related expenses.
- (f) Clothing allowances shall be established by administrative regulation and in accordance with applicable Memoranda of Understanding or applicable Memoranda of Agreement.
- (g) The City Manager is authorized to establish a program for distributing public safety uniform allowance funds for sworn public safety employees.
- (h) Employees covered by the Unit 2 Memorandum of Understanding who are required to provide their own tools for work shall receive up to six hundred dollars (\$600.00) per year to replace and repair such tools, as provided in the Unit 2 Memorandum of Understanding and as specified in administrative regulation.
- (i) The City Manager is authorized to provide reimbursement to employees for actual and necessary expenses incurred while engaged in City business. The requirements for such reimbursement shall be set forth in administrative regulation.
- (j) The City Manager is authorized to provide a stipend for volunteers in the Police Department for certain expenses incurred as a result of their volunteer duties. This may include expenses incurred as a result of court appearances and for maintaining a uniform and equipment.
- (k) The City Manager is authorized to provide reimbursement to employees or make payments in advance for tuition-related expenses incurred for training in employment-related courses, memberships, and seminars only for employment-related courses that have been approved in advance and are consistent with administrative regulations, applicable Memoranda of Understanding, and Memoranda of Agreement.
- (l) Employees who have received advanced tuition reimbursement for tuition related expenses shall agree in writing to repay the City for any failure to meet the criteria set forth in the administrative regulations concerning reimbursement. Any unpaid balances may be deducted from the employee's pay.
- (m) The City Manager is authorized to provide:

1. At the City Manager's discretion, reimbursement of individual development expenses up to an annual maximum equal to two thousand six dollars (\$2,006.00) for Executives and Middle Managers. Any reimbursement to an employee under the provisions of this paragraph shall be deducted from the total amount of tuition funds available for the individual employee, pursuant to Section 13(k).
2. Reimbursement for professional memberships and seminars of up to one thousand dollars (\$1,000.00) for employees designated as Supervisory or Professional. Any reimbursement to an employee under the provisions of this paragraph shall be deducted from the total amount of tuition funds, pursuant to Section 13(k), available for the individual employee.
3. Reimbursement for Police Officers at the ranks of Sergeant and Lieutenant for professional memberships and seminars of up to eight hundred dollars (\$800.00). Any reimbursement to an employee under the provisions of this paragraph shall be deducted from the total amount of tuition funds, pursuant to Section 13(k), available for the individual employee.
4. Reimbursement for Police Officers below the rank of Sergeant for professional memberships and seminars of up to five hundred dollars (\$500.00). Any reimbursement to an employee under the provisions of this paragraph shall be deducted from the total amount of tuition funds, pursuant to Section 13(k), available for the individual employee.
5. Reimbursement for Confidential Office and Clerical employees for professional memberships and seminars of up to four hundred fifty dollars (\$450.00). Any reimbursement to an employee under the provisions of this paragraph shall be deducted from the total amount of tuition funds, pursuant to Section 13(k), available for the individual employee.
6. Reimbursement for Office and Clerical employees in classifications at pay ranges 324 and above of up to one hundred fifty dollars (\$150.00) to attend one-day, in-state, City-related seminars/training, and professional memberships. Any reimbursement to an employee under the provisions of this paragraph shall be deducted from the total amount of tuition funds, pursuant to Section 13(k), available for the individual employee.
7. Reimbursement for all Unit 1 employees up to one hundred fifty dollars (\$150.00) to attend one-day, in-state, City-related seminars/training. Any reimbursement to an employee under the

provisions of this paragraph shall be deducted from the total amount of tuition funds, pursuant to Section 13(k), available for the individual employee.

8. Certain employees specified in the Unit 3 Memorandum of Understanding shall be reimbursed on a one-time basis only for expenses incurred as a result of passing a required certification test as provided in the Unit 3 Memorandum of Understanding and as specified by administrative regulation.
 9. Reimbursement for certain Unit 2 employees for CDL endorsements as provided in the Unit 2 Memorandum of Understanding and as specified by administrative regulation.
 10. Certain employees specified in the Unit 1 Memorandum of Understanding, Unit 2 Memorandum of Understanding, and the Unit 7 Memorandum of Agreement shall be reimbursed for expenses incurred as a result of renewing commercial driver licenses and endorsements, including HazMat background screening fees, as provided in aforementioned memoranda, and as specified by administrative regulation.
- (n) Employees who are called to military service with presidential call-up orders may receive “gap pay” as defined in the applicable administrative regulations. They must first exhaust their paid military leave benefit.

SECTION 14. The City Manager is authorized to establish a Career Enhancement Program for Police Officers below the rank of Sergeant, providing for a bi-weekly payment as follows: Level 1 pay to be seventy-three dollars and twenty cents (\$73.20), Level 2 pay to be one hundred forty-six dollars and forty cents (\$146.40), Level 3 pay to be two hundred nineteen dollars and sixty cents (\$219.60), and Level 4 pay to be two hundred ninety-two dollars and eighty cents (\$292.80).

SECTION 15. Vacation/Compensatory Time Sell-Back

- (a) At the City Manager’s discretion, employees designated as either General Executive or General Middle Management, for each fiscal year, may be paid for up to a maximum of eighty (80) hours of accumulated vacation time payable in November. The payment is contingent upon the use of two (2) regular weeks of vacation time during the same calendar year.

- (b) At the City Manager's discretion, employees designated as either Police Executive or Police Middle Management, for each fiscal year, may be paid for up to a maximum of eighty (80) hours of accumulated vacation time payable in November. The payment is contingent upon the use of two (2) regular weeks of vacation time during the same calendar year.
- (c) At the City Manager's discretion, employees designated as either Fire Executive or Fire Middle Management, who work a 40-hour shift, for each fiscal year, may be paid for up to a maximum of eighty (80) hours of accumulated vacation time payable in November. Employees who work a 56-hour shift, may be paid for up to a maximum of one hundred and twelve (112) hours of accumulated vacation time payable in November. The payments are contingent upon the use of two (2) regular weeks of vacation time during the same calendar year.
- (d) Employees designated as Unit 1 for each fiscal year may be paid up to a maximum of forty (40) hours of accumulated vacation hours, twice per year, for an annual maximum of eighty (80) hours, after accumulating a minimum of one hundred seventy-five (175) hours of vacation leave, contingent upon the use of forty (40) hours of vacation/compensatory time during the same calendar year.
- (e) Employees designated as Unit 2 for each fiscal year may be paid up to a maximum of forty (40) hours of accumulated vacation time twice per calendar year, after accumulating a minimum of one hundred twenty (120) hours of vacation leave, contingent upon the use of forty (40) hours of vacation/compensatory time during the same calendar year.
- (f) Employees designated as Unit 3 for each fiscal year may be paid up to a maximum of forty (40) hours of accumulated vacation time twice per calendar year, after accumulating a minimum of one hundred twenty (120) hours of vacation leave, contingent upon the use of forty (40) hours of vacation/compensatory time during the same calendar year.
- (g) Employees designated as Confidential Office/Clerical for each fiscal year may be paid up to a maximum of one hundred twenty (120) hours of accumulated compensatory time as specified by administrative regulation. Payments of up to sixty (60) hours each will be made effective the last pay day in August and the first pay day in December.
- (h) Employees designated as Confidential Office/Clerical for each fiscal year may be paid up to a maximum of forty (40) hours of accumulated vacation time, one time per calendar year, contingent upon the use of forty (40) hours of vacation/compensatory time during the same calendar year.

- (i) Employees designated as Unit 4 and Unit 5 for each fiscal year may be paid for accumulated compensatory time as specified by the applicable Memorandum of Understanding.
- (j) Police Sergeant and Police Lieutenant employees may be paid for up to a maximum of forty (40) hours of accumulated vacation time contingent upon their use of forty (40) hours of vacation/compensatory time during the same calendar year. The requirement to use time may be waived in the calendar year prior to retirement provided the employee submits a written notice of intent to retire on a specific date of the following year. Payment shall be made effective the first pay day in December.
- (k) Eligible sworn Public Safety personnel may receive a lump sum payment for accrued vacation time.
- (l) Employees designated as Supervisory/Professional for each fiscal year may be paid twice per year up to a combined maximum of eighty (80) hours of accumulated vacation time each year contingent upon their use of eighty (80) hours of vacation time during the same calendar year.
- (m) Hourly (non-exempt) employees designated as Supervisory and Professional for each fiscal year may be paid for accumulated compensatory time as specified by administrative regulation.

SECTION 16. Productivity Enhancement/Performance-Based Cash

Award Program

- (a) The City Manager is authorized to establish a productivity enhancement program, as specified by administrative regulation, to pay qualifying employees up to two hundred fifty dollars (\$250.00) per year of service up to a maximum of six thousand one hundred twelve dollars (\$6112.00).
- (b) The City Manager is authorized to establish a performance-based cash award program for those Middle Managers and Executives who are at the equivalent of the top step of their salary ranges. Individual awards cannot exceed the maximum individual payout available under the productivity enhancement/performance program in Section 16(a) above.

SECTION 17. Deferred Compensation Program and Post Employment

Retirement Accounts

- (a) The City will contribute 0.45% of base annual salary to the 401(a) Defined Contribution Plan under the Phoenix Employees' Deferred Compensation Program for those employees designated as represented by Unit 1 for each

fiscal year. If contributions from all sources exceed the federal maximum allowed for 401(a) defined contribution plans, excess City contributions will be contributed to the 457(b) Deferred Compensation Plan under the Phoenix Employees' Deferred Compensation Program. If the full amount of the excess City contributions cannot be contributed to the 457(b) Deferred Compensation Plan due to federal 457(b) deferred compensation plan contribution limits including catch-up provisions, the balance of the City contributions converts to ordinary wages.

- (b) The City will contribute 3.62% of base wages to the 401(a) Defined Contribution Plan under the Phoenix Employees' Deferred Compensation Program for those employees designated as represented by Unit 2 for each fiscal year. If contributions from all sources exceed the federal maximum allowed for 401(a) defined contribution plans, excess City contributions will be contributed to the 457(b) Deferred Compensation Plan under the Phoenix Employees' Deferred Compensation Program. If the full amount of the excess City contributions cannot be contributed to the 457(b) Deferred Compensation Plan due to federal 457(b) deferred compensation plan contribution limits including catch-up provisions, the balance of the City contributions converts to ordinary wages.
- (c) Effective July 1, 2021, the City will contribute 2.36% of monthly base wages to the 401(a) Defined Contribution Plan under the Phoenix Employees' Deferred Compensation Program for those employees designated as represented by Unit 3. If contributions from all sources exceed the federal maximum allowed for 401(a) defined contribution plans, excess City contributions will be contributed to the 457(b) Deferred Compensation Plan under the Phoenix Employees' Deferred Compensation Program. If the full amount of the excess City contributions cannot be contributed to the 457(b) Deferred Compensation Plan due to federal 457(b) deferred compensation plan contribution limits including catch-up provisions, the balance of the City contributions converts to ordinary wages.
- (d) The City will contribute 2.56% of monthly gross wages to the 401(a) Defined Contribution Plan under the Phoenix Employees' Deferred Compensation Program for those employees designated as represented by Unit 4 for each fiscal year. If contributions from all sources exceed the federal maximum allowed for 401(a) defined contribution plans, excess City contributions will be contributed to the 457(b) Deferred Compensation Plan under the Phoenix Employees' Deferred Compensation Program. If the full amount of the excess City contributions cannot be contributed to the 457(b) Deferred Compensation Plan due to federal 457(b) deferred compensation plan contribution limits including catch-up provisions, the balance of the City contributions converts to ordinary wages.

- (e) The City will contribute 4.42% of each employee's biweekly gross pay to the 401(a) Defined Contribution Plan under the Phoenix Employees' Deferred Compensation Program for those employees designated as represented by Unit 5 for each fiscal year. If contributions from all sources exceed the federal maximum allowed for 401(a) defined contribution plans, excess City contributions will be contributed to the 457(b) Deferred Compensation Plan under the Phoenix Employees' Deferred Compensation Program. If the full amount of the excess City contributions cannot be contributed to the 457(b) Deferred Compensation Plan due to federal 457(b) deferred compensation plan contribution limits including catch-up provisions, the balance of the City contributions converts to ordinary wages.
- (f) The City will contribute 0.05% of base annual salary to the 401(a) Defined Contribution Plan under the Phoenix Employees' Deferred Compensation Program for those employees designated as sworn Police Supervisory and Professional for each fiscal year. In addition, a non-continuous payment equal to 5.97% of annual base wage will be paid into each member's deferred compensation account on the first full pay period in December 2021. If contributions from all sources exceed the federal maximum allowed for 401(a) defined contribution plans, excess City contributions will be contributed to the 457(b) Deferred Compensation Plan under the Phoenix Employees' Deferred Compensation Program. If the full amount of the excess City contributions cannot be contributed to the 457(b) Deferred Compensation Plan due to federal 457(b) deferred compensation plan contribution limits including catch-up provisions, the balance of the City contributions converts to ordinary wages.
- (g) The City will contribute 1.92% of base annual salary to the 401(a) Defined Contribution Plan under the Phoenix Employees' Deferred Compensation Program for those employees designated as Confidential Office/Clerical for each fiscal year. If contributions from all sources exceed the federal maximum allowed for 401(a) defined contribution plans, excess City contributions will be contributed to the 457(b) Deferred Compensation Plan under the Phoenix Employees' Deferred Compensation Program. If the full amount of the excess City contributions cannot be contributed to the 457(b) Deferred Compensation Plan due to federal 457(b) deferred compensation plan contribution limits including catch-up provisions, the balance of the City contributions converts to ordinary wages.
- (h) The City will contribute 6.5% of base annual salary to the 401(a) Defined Contribution Plan under the Phoenix Employees' Deferred Compensation Program for those employees designated as Supervisory/Professional for each fiscal year. If contributions from all sources exceed the federal maximum allowed for 401(a) defined contribution plans, excess City contributions will be contributed to the 457(b) Deferred Compensation Plan under the Phoenix Employees' Deferred Compensation Program. If the full

amount of the excess City contributions cannot be contributed to the 457(b) Deferred Compensation Plan due to federal 457(b) deferred compensation plan contribution limits including catch-up provisions, the balance of the City contributions converts to ordinary wages.

- (i) The City will contribute 9.0% of gross annual salary to the 401(a) Defined Contribution Plan under the Phoenix Employees' Deferred Compensation Program for anyone authorized to have an Executive or Middle Manager benefit package. If the 9.0% of gross annual salary does not equal at least \$9,500.00, the City will contribute the remaining amount not to exceed a combined maximum of \$9,500.00. If contributions from all sources exceed the federal maximum allowed for 401(a) defined contribution plans, excess City contributions will be contributed to the 457(b) Deferred Compensation Plan under the Phoenix Employees' Deferred Compensation Program up to the annual Internal Revenue Service defined maximum. If the full amount of the excess City contributions cannot be contributed to the 457(b) Deferred Compensation Plan due to federal 457(b) deferred compensation plan contribution limits including catch-up provisions, the balance of the City contributions converts to ordinary wages.
- (j) The City will contribute one hundred fifty dollars (\$150.00) per month to a post-employment health plan (PEHP) for eligible employees. The eligibility of employees will be determined by the City Manager, or his designee. The City will contribute one hundred fifty dollars (\$150.00) each month the employee is eligible.

SECTION 18. Retirement, Pensions, Termination, Death Benefits

- (a) Sworn Public Safety personnel may receive a cash lump sum payment for accrued sick leave as provided by administrative regulation.
- (b) The City Manager is authorized to establish guidelines to have a portion of accumulated sick leave hours at retirement converted to service credit under the City of Phoenix Employees' Retirement Plan or converted to an employer contribution to the 401(a) Defined Contribution Plan.
- (c) The City Manager is authorized to provide a retirement incentive for retirement eligible employees who occupy positions affected by a City Council approved reduction in force and who meet the requirements of a City Council approved incentive plan, as established in administrative regulation.
- (d) The City Manager is authorized to provide for the payment of severance pay to certain employees as established in administrative regulation.

- (e) The City Manager is authorized to grant a partial benefit package to employees who occupy full-time regular positions at the time their positions are reduced by the City to less than full-time because of funding limitations.
- (f) The City Manager is authorized to pay all or a portion of accrued sick leave to an Executive or Middle Manager employee when it is in the best interest of the City for the involuntary separation of the employee from City employment.
- (g) The City Manager is authorized to grant the following:
 - 1. Police Officers, upon approval of the Police Chief, may purchase, at the time of retirement or medical retirement, their breast badge mounted on a plaque, their retired flat badge and holder, and a specified duty weapon for one dollar (\$1.00); and
 - 2. Within thirty (30) days of death, the spouse or adult survivor of a Police Officer who has died in the line of duty may elect to receive the deceased officer's breast badge mounted on a plaque, and the department issued service weapon for one dollar (\$1.00).
- (h) The City Manager is authorized to grant the continuation of health insurance coverage for eligible surviving dependents of a City employee who has died in the line of duty with the City as specified by administrative regulation and in accordance with applicable Memoranda of Understanding or applicable Memoranda of Agreement.
- (i) The City Manager is authorized to provide that, upon the in-line-of-duty death or death resulting from an in-line-of-duty injury of any City employee, the City will pay the full cash value of the accrued sick leave existing at the time of the employee's death.
- (j) The City Manager is authorized to provide that, upon the death of a Unit 2 employee while on active work status or on an approved leave status, the City will pay the full cash value of the accrued sick leave existing at the time of the employee's death. Paid leave status, as the term is used in this paragraph, excludes retired employees, employees on suspension, and employees on long-term disability or unpaid leave.
- (k) The City Manager is authorized to provide that, upon the death of a Unit 3 employee while on active work status or on an approved leave status, the City will pay the full cash value of the accrued sick leave existing at the time of the employee's death. Paid leave status, as the term is used in this paragraph, excludes retired employees, employees on suspension, and employees on long-term disability or unpaid leave.

- (l) The City Manager is authorized to provide that, upon the death of a sworn Police employee while on active work status or on an approved leave status, the City will pay the full cash value of the accrued sick leave existing at the time of the employee's death. Paid leave status, as the term is used in this paragraph, excludes retired employees, employees on suspension, and employees on long-term disability or unpaid leave.

SECTION 19. Promotion

The following rules concerning promotions shall apply to employees:

- (a) Upon promotion to another classification as a result of competitive appointment, an employee shall receive a rate of pay that corresponds to the next step in the employee's present pay grade except that if no such rate exists, the employee shall be placed in the closest step which is not less than that amount.
- (b) A department head may authorize a promotional increase up to the median step of the pay grade after conducting an analysis with Human Resources. The City Manager and Human Resources Director may authorize a promotional increase above the median step of the pay grade in the event of labor market requirements or due to the unusual qualifications of a candidate. In cases where a pay grade has an even number of steps, the larger value shall be used as the median. The provisions of this paragraph shall not apply to individuals entering the classifications of Police Recruit and Firefighter, Assign: Recruit.
- (c) Upon promotion, employees who are receiving productivity enhancement pay shall be moved to at least that step of the new grade which corresponds the closest to their combined base pay and previous productivity enhancement amount. In no event will it result in a decrease from that combined amount. Placement in the new grade will be limited to the maximum step in the grade.
- (d) If the classification to which the employee is promoting is only one grade higher than the classification they are currently in and the employee is at the top step of the current grade, the employee will be moved to the top step in the new grade. Eligibility for productivity enhancement pay or credit toward qualifying for productivity enhancement pay will not be affected. Where the promoted position is designated as supervisory, any entitlement to supervisory differential shall be governed by Section 19(i).
- (e) Employees eligible to be considered for a merit pay increase within one hundred eighty (180) calendar days of the effective date of a promotion shall be entitled to receive the promotional increase based upon the amount they

would have received at the next merit increase pursuant to paragraph (a) of this section.

- (f) In cases of promotions into Middle Management or Executive category classifications, employees shall receive a pay rate which is a minimum of 5% higher than their current rate, but not higher than the maximum pay rate of the new pay grade.
- (g) In cases of promotions into Public Safety Middle Management or Executive category classifications, employees shall receive a pay rate which is a minimum of 5% higher than their current rate, but not higher than the maximum pay rate of the new pay grade, using a formula established by the Human Resources Director.
- (h) Part-time or job share employees who have worked at least one thousand forty (1,040) hours since their last merit increase and are promoted into a full-time position shall be entitled to receive the promotional increase based upon the amount they would have received at the next merit increase pursuant to paragraph (a) of this section.
- (i) An employee hired or promoted into a position responsible for regularly supervising employees shall receive one additional step increase above the hiring rate or normal promotional increase if he/she regularly supervises a higher paid subordinate. The additional step increase shall not apply in the following cases: the supervisor laterally transfers into a situation where a subordinate is higher paid; a higher paid subordinate rotates to the supervisor's work group; a higher paid subordinate is hired after the supervisor is hired or promoted; the subordinate is being paid higher than the salary range [Y-rated pursuant to the provisions of Section 20(c)]; the subordinate is higher paid due to receiving special assignment pay; the subordinate is higher paid due to specialized technical skills as determined by the Human Resources Director. The applicability of this provision shall be determined by the Human Resources Director. This section does not apply to Middle Management or Executive employees.
- (j) Employees entitled to receive an additional step increase above their promotional pay because they supervised a higher paid subordinate in accordance with Section 19(i) shall be entitled to retroactive pay if an administrative error occurred or processing the additional step increase was omitted. The adjustment to the employee's pay step and retroactive payment shall be made as soon as reasonable after notification to the Human Resources Department, pursuant to the provisions of Section 24.
- (k) In Public Safety promotions, employees promoted to a supervisory position shall receive a rate of pay that is at least one step higher than the maximum base rate of pay of the highest paid sworn rank they may supervise,

excluding any special assignment pay in the lower rank and excluding any employees paid higher than the salary range [Y-rated pursuant to the provisions of Section 20(c)].

- (l) In cases of promotion from Police Officer to Police Sergeant, employees who have been receiving Career Enhancement Pay and/or Productivity Enhancement Pay shall have those amounts factored along with their base pay when calculating the promotional rate.
- (m) In cases of promotions from Police Sergeant to Police Lieutenant, employees receiving a pay increase of less than 3% shall have their merit increase date set six (6) months from the date of promotion.
- (n) In cases of promotions into the sworn classifications of Police Sergeant and Police Lieutenant, employees who at the time of promotion have already completed a minimum of twenty (20) years of continuous service with the Phoenix Police Department shall receive one additional pay step above regular promotional calculations, but not higher than the maximum pay rate of the new pay grade.
- (o) Employees who receive a promotion to a higher classification and receive a pay increase of less than 3% shall have their merit increase date set six (6) months from the date of promotion.

SECTION 20. Reclassification or Grade Change

The following rules concerning reclassifications or grade changes shall apply to employees in impacted positions:

- (a) When a position is reclassified to a different classification at a higher grade, or when the current pay grade of a classification is assigned to a higher pay grade, the affected employee shall be assigned to that step of the new grade which corresponds to the employee's present pay rate except that if no such rate exists, the employee shall be placed in the closest step which does not result in a pay decrease.
 - 1. Placement in the new grade will be limited to the maximum step in that grade.
 - 2. When an affected employee is at the maximum step of the previous pay grade and not receiving productivity enhancement pay, they shall be placed one step above the step of the new grade which corresponds to or is closest to but not lower than the employee's present pay rate.

3. Affected employees who are receiving productivity enhancement pay shall be moved to that step of the new grade which corresponds the closest to their combined current base pay and previous productivity enhancement amount, and which does not result in a decrease from that combined amount.
 4. If the reclassification or pay grade change is only a one-grade increase, and the affected employee is receiving productivity enhancement pay, he/she will be moved to the top step of the new grade and continue to be eligible for productivity enhancement pay.
 5. Where the reclassified position is changed from non-supervisory to supervisory, and the incumbent will be responsible for supervising higher paid subordinates, the employee shall be moved up one additional step in the new grade. The additional step shall not be granted in the following cases: the supervisor laterally transfers into a situation where a subordinate is higher paid; a higher paid subordinate rotates to the supervisor's work group; a higher paid subordinate is hired after the supervisor is hired or promoted; the subordinate is being paid higher than the salary range [Y-rated pursuant to the provisions of Section 20(c)]; the subordinate is higher paid due to receiving special assignment pay; the subordinate is higher paid due to specialized technical skills as determined by the Human Resources Director. The applicability of this provision shall be determined by the Human Resources Director. This section does not apply to Middle Management or Executive employees.
- (b) Under certain circumstances, employees whose positions are reclassified to a lower paid classification may be retained at their present rates of pay with the approval of the City Manager, if their rate of pay is within the pay grade of the new classification in which they are placed.
- (c) In unusual circumstances, the City Manager may permit a reclassified employee to remain at a pay rate which is above the maximum rate of the lower classification for a period not to exceed two (2) years for each pay grade the classification is reduced. (This practice is known as "Y rating.") This procedure may also be followed in determining pay rates of employees in a classification for which the pay grade has been reduced. Employees paid above the maximum step rate for their classification will be moved to the maximum step of the appropriate grade, with the salary difference required to maintain the present rate to be entered as a payroll adjustment for a period not to exceed two (2) years for each pay grade the classification is reduced.
- (d) Anniversary dates will not be affected as a result of a reclassification action if there is no change to the employee's pay rate. However, if it is necessary

to adjust the pay step of any employee to satisfy the provisions concerning promotion, reclassification and transfer, demotion and re-employment, the Human Resources Director is authorized to adjust the anniversary date for future merit increases.

SECTION 21. Demotion

Employees who are demoted shall have their pay reduced, unless otherwise provided for in this section.

- (a) Under certain circumstances, employees who voluntarily demote to a lower paid classification may be retained at their present rates of pay with the approval of the City Manager, if their rate of pay is within the pay grade of the new classification in which they are placed.
- (b) Employees, who are involuntarily demoted for the purpose of discipline or failure to meet the requirements of their classification of work, shall have their pay reduced at a rate determined by the Human Resources Director, but which shall not exceed the maximum rate of the lower classification.

SECTION 22. Re-employment

Employees reemployed or recalled to a full-time position in the same classification or a related classification within five (5) years of separation from city service shall be placed at a pay rate that is not less than the rate of pay the employee was receiving at the time of layoff, demotion, or separation, except where concessions remain in effect thereby reducing the previous rate of pay by a percentage respective to the employee Unit. Under no circumstances will an employee be placed above the maximum rate of the grade into which they are being re-employed or recalled. The applicability of this provision shall be determined by the Human Resources Director. The provisions of this paragraph do not apply to promotions after reemployment.

SECTION 23. Transfer

If an employee transfers within the same classification, but in a different meet and confer unit, the Human Resources Director is authorized to designate the pay step to which the employee shall be assigned.

SECTION 24. Retroactive Payment

Retroactive payments will not exceed three (3) years from the date the employee notifies the Human Resources Department in writing of a payment dispute. The Human Resources Director shall have exclusive authority to determine the appropriate time limit and amount of retroactive pay for any retroactive pay awarded.

SECTION 25. The City Controller is authorized to disburse the necessary funds for the purposes of this ordinance. That unless otherwise specified, the provisions of this Ordinance shall be effective as of the 12th day of July, 2021.

PASSED by the Council of the City of Phoenix this 16th day of June, 2021.

M A Y O R

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager



Authorization to Enter into Agreements for Outside Legal Counsel Services (Ordinance S-47701)

Request to authorize the City Manager, through the City Attorney, or his designee, to enter into legal services agreements with various law firms and lawyers to provide outside counsel services to the City on an as-needed basis as determined by the City Attorney. Further request to authorize the City Controller to disburse funds in an amount not to exceed \$19 million in total over the two-year period for FY 2021-22 and FY 2022-23 for purposes of this ordinance.

Summary

The existing list of qualified firms and attorneys that currently provide legal services to the City on an as-needed basis expires June 30, 2021. The Law Department issued a Request for Qualifications (RFQ) for law firms and lawyers to submit qualifications to be on the list of qualified legal counsel for the City for a variety of areas of legal practice, for the next two years. The Law Department received 60 responses to the RFQ and determined that 58 firms and attorneys who submitted met the minimum requirements and have been approved to be placed on the attached list to be engaged to represent the City on a case-by-case basis (**Attachment A**). The two firms who were not on the list did not agree to the City's standard terms and the City Attorney will negotiate agreements with those two firms which currently represent the City on a limited basis in specialized areas of law.

The City Code authorizes the City Attorney to enter into agreements to provide legal services for the City of Phoenix. Upon approval of this request by the City Council, the City Attorney will enter into agreements, as needed, with firms from the attached list of approved respondents to the RFQ. As needed, the City Attorney may also contract for other legal services, including services of attorneys, expert witnesses, and other legal advisors or consultants consistent with the authority granted in the Phoenix City Code, sections 2-10 and 43-2.

Contract Term

The contract term will be from July 1, 2021 through June 30, 2023.

Financial Impact

The amount requested represents an increase of approximately \$300,000 over the actual expenditures of \$18.7 million during the current two-year period of FY 2019-2021.

The individual agreements with outside counsel set forth specific rates and fees for legal services, in accordance with proposals submitted during the procurement. The agreements will include a prompt-payment discount of 2 percent.

Funds are available in various department budgets, including the Law Department and Self-Insured Retention Fund. Payments will be made from affected funding sources, primarily from the Self-Insured Retention Fund or the General Fund on an individual case or legal assignment basis.

Responsible Department

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

**CITY OF PHOENIX
LAW DEPARTMENT
OUTSIDE COUNSEL SERVICES
REQUEST FOR QUALIFICATION (RFQ)
NO. 21-LAW-001**

AWARD RECOMMENDATION

The City of Phoenix Law Department would like to thank all participants for submitting proposals for the above-mentioned RFQ.

The City Attorney's Office issued a request for qualifications from lawyers, law firms and consultants to provide outside counsel services to the City in numerous, selected legal areas on an as-needed basis as determined by the City Attorney.

The City has selected the proposals from the following law firms to advance use on an as-needed basis:

Apperson Crump, PLC	Jardine, Baker, Hickman & Houston
Anderson & Kreiger LLP	Jennings, Strouss & Salmon, PLC
Ballard Spahr, LLP	Jones Skelton & Hochuli, PLC
Berke Law Firm, PLLC	Kaplan Kirsch & Rockwell, LLP
Broening Oberg Woods & Wilson	Kutak Rock, LLP
Buchalter	Lamb & Lerch
Burch & Cracchiolo PA	Lewis Brisbois
BurnsBarton, PLC	McKay Law
Calderon Law Offices	Miler, Pitt, Feldman & McAnally, PC
Campbell Yost Clare & Norell	Morgan Lewis & Bockus, LLP
Culp & Kelly, LLP	Nemovi Law Group APC
Elardo Bragg Rossi & Palumbo	O'Connor & Dyet, PC
Engelman Berger, PC	Ogletree Deakine Nash Smoak & Stewart, PC
Fisher & Phillips LLP	Osborn Maledon
Fox Rothschild, LLP	Perkins Coie
Gabriel & Ashworth, PLLC	Peshkin & Kotalik, PC
Gaona Law Firm	Pierce Coleman PLLC
Gordon Rees Scully Mansukhani LLP	Renick & Louis, PC
GreenbergTraurig	Sanders & Parks, PC
Gurstel Law Firm, PC	Sherman & Howard
Gust Rosenfeld, PLC	Shulman Rogers
Harvey Law PLLC	Snell Wilmer LLP
Hawkins Delafield & Wood, LLP	Squire Patton Boggs LLP
Holloway Odegard & Kelly, PC	Struck Love Bojanowski & Acedo, PLC
Jackson Lewis PCS	The Cavanagh Law Firm, PA
The Sorenson Law Firm	The Deneau Law Firm PLLC
Udall Shumway, PLC	The Moulton Law Firm PC

**CITY OF PHOENIX
LAW DEPARTMENT
OUTSIDE COUNSEL SERVICES
REQUEST FOR QUALIFICATION (RFQ)
NO. 21-LAW-001**

AWARD RECOMMENDATION

Warner Angle Hallam Jackson & Formanek, PLC
Wieneke Law Group
Wright Welker & Pauole PLC



Fiscal Year 2022 Legal Representation Services Contracts (Ordinance S-47717)

Request to authorize the City Manager, or his designee, to enter into agreements with legal services providers to provide representation services to indigent defendants in Phoenix Municipal Court for Fiscal Year 2022. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the agreements will not exceed \$3.8 million.

Summary

The Public Defender's Office, through its contract holders, provides legal representation services to indigent individuals charged with criminal offenses in Phoenix Municipal Court. These services are provided in Phoenix Municipal Court courtrooms, and 365 days a year at the Fourth Avenue Jail.

Procurement Information

On May 13, 2021 the City of Phoenix Public Defender Review Committee met to review resumes and applications of attorneys and legal support service providers for provision of legal defense services in Phoenix Municipal Court. The review process included applications from current contract holders as well as individuals seeking to obtain a contract for the first time. The Committee approved a list of those who meet the minimum qualification requirements and who would be eligible for consideration for a contract. The approved list contains more names than available contracts due to the necessity of having attorneys available should an unexpected opening occur during the course of the contract year. This procedure facilitates continuity in providing legal services and minimizes delay in processing and resolution of cases.

Contract Term

Contract period is one year starting July 1, 2021, and ending June 30, 2022.

Financial Impact

These agreements will have a financial impact of up to \$3.8 million. Funding is available in the Public Defender's Office's operating budget.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Defender's Office.

Adelayo, Bami
Aeed, Caroline
Allen, Jared
Anderson, David
Anderson, Taylor
Bala, Adethia
Ballecer, Daniel
Bernard, Gillmore B.
Bidwill, Josephine
Black, Aaron
Blackwell, Jocquese
Booth, Jennifer
Braaten, Diana
Bradley, Percival
Bridger, Stephen
Brown, Carlos
Brown, Jay
Buesing, Matt
Burkhart, Michael
Butler, Robert
Califano, Kristopher
Callender, Randy
Carey, Kathleen
Carter, Christina
Casey, Celeste (veterans)
Casey, Robert Ian
Castaneda, Oscar
Cloud, Jeff
Collins, Courtney
Cooke, Reginald
Countryman, Ken

Countryman, Nicole
Dalton, Jennifer
Davis, Ariel
Davis, L. James
De La Torre, Daniela
Dean, Kamille
Dew, Michael
Dodell, Robert
Dove, Shawn Haven
Ehrbright, Stephanie Lee
Ellison, Keilembo D.
Falduto, Bobbi
Faussette, Jacob
Faussette, Nicholas
Finefrock, Marcus
Foundas, Nathan
Fry, Joshua
Gates, Hank (investigator)
Gonzalez, Alex D.
Gosselin, Carmen
Greer, Nora
Gronski, Jason
Gurion, Omer
Hall, Theron
Hassen, Gabriel
Hayes, Matthew
Herd, Samantha J.
Hergert, Ron (investigator)
Herman, Laurie
Hutto, Daniel
Iacob, Anca

Jarrett, Damian (*investigator*)

Kimmons, Barry (*investigator*)

Kinsman, Jason

Landry, Troy

Lashgari, Rana

Lauritano, Sheri

Lawson, Slade

Leal, Michael

Leathers, Matthew

Lorenz, Vernon

Marner, Matthew

McGrath, Jeff (*investigator*)

McNulty, Charles

McWhirter, Robert

Mehrens, Jeff

Mendelson, Wendy

Mendoza, Jose

Meshel, Charles

Miller, Damien

Miller, Katelyn

Mitchell, Tyrone

Mussman, Logan

Myers, Grace

Naum, Taras

Nelson (Droban), Kerrie

Nermyr, Mark

Neufeld, Michael

Nickerson, Darius

Ortega III, Daniel

Pajerski, Chad

Palestini, James

Parascandola, Tara Egita

Parzych, Greg

Penrod, Craig W.

Peters, Shannon

Phillips, Delano

Phillips, Jeremy

Preciado, Stephanie

Primera, Tamara

Pules, Dana

Radovanov, Jelena

Redpath, James

Ricard, Michael

Richard II, Gerald

Robinson, Edward

Roscoe, David

Salata, Brian

Sansone, Paul

Scherb, Richard A.

Schreck, Jerald

Segal, Natalee

Sellers, Eric

Shah, Arja

Shell, Chad

Silva, Scott

Silvas, Manuel

Stewart, Kristin

Teel, David

Tinker, James

Traher, Ashley

Traher, Michael

Victor, Jeffrey

Weaver, Christopher

Weeks, Ashelee J.

Wicks, Mike

Wilhite, Monique Branscomb

Wilson, Daniel R.

Winters, Phil

Zimmerman, Alan



2021-22 Housing and Urban Development Consolidated Plan Annual Action Plan Amendment to Include Additional Community Development Block Grant Funding (Ordinance S-47714)

Request City Council approval of an amendment to Ordinance S-47526 to amend the 2020-24 Consolidated Plan and 2021-22 Annual Action Plan broad activity areas to include an increase of \$244,067 in Community Development Block Grant funds and the submission of the plan to the U.S. Department of Housing and Urban Development (HUD).

Summary

The 2021-22 Annual Action Plan defines strategies to address housing and community development needs in the City of Phoenix for the coming year. The plan contains the application requirements of four federal formula grants HUD utilizes to provide critical funds to entitlement cities like Phoenix. The four programs are: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). Funds for these four programs are allocated annually by HUD to the City based on population and other socio-economic indicators. On May 5, 2021, the City Council approved the draft plan, including the initial CDBG award of \$16,562,413. On May 13, 2021, HUD released a formal notification providing an additional \$244,067 in CDBG funds to the City of Phoenix, for a total of \$16,806,480, and amended the Annual Action Plan Submission deadline to June 16, 2021.

Staff recommends maintaining the original percentage distribution allocation in the broad categories of 65 percent for Critical Core Department Programs (\$158,644 increase), 15 percent for Public Services (\$36,610 increase), and 20 percent for Program Management, Coordination, and Support (\$48,813 increase). This would increase the totals for each of these categories to the following:

- Critical Core Department Programs: \$10,924,212
- CDBG Program Management, Coordination, and Support: \$3,361,296
- Public Services: \$2,520,972

Total CDBG Funding: \$16,806,480 (a total increase of \$244,067)

Public Outreach

The Annual Action Plan Process was approved by the City Council on Nov.18, 2020. A survey was distributed by multiple City departments and posted on the Neighborhood Services Department's webpage on Feb. 18, 2021, to obtain community and stakeholder input relative to the priorities identified through the 2020-24 Consolidated Plan process. The survey was offered in English and Spanish and over 200 responses were received. On March 4, 2021, a HUD required, virtual, public hearing was held to share the survey results and obtain additional public input to assess community needs throughout Phoenix. Residents and neighborhood leaders provided input regarding housing, social services, neighborhood revitalization, and community development. Additionally, residents who were unable to attend the public hearing had the opportunity to submit comments via e-mail or voicemail. This information, along with a needs assessment, formed the basis for the 2021-22 Annual Action Plan.

A draft of the 2021-22 Annual Action Plan was made available on April 5, 2021, for an advertised 30-day public comment period and a second HUD-required, virtual, public hearing was conducted on April 22, 2021, to obtain community stakeholder input relative to the draft. The goal of the Annual Action Plan process, per HUD requirements, is to ensure comprehensive community planning, and coordinated service delivery to meet critical housing and community development needs.

HUD did not require an additional public comment period or public hearing for the release and allocation of the additional \$244,067 in CDBG funds.

Concurrence/Previous Council Action

Ordinance S-47526, with the original CDBG allocation, was adopted by the City Council on May 5, 2021, and recommended for City Council approval by the Land Use and Livability Subcommittee on April 21, 2021 by a 3-0 vote.

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Neighborhood Services, Human Services and Housing departments.



Development Agreement with Metrowest Development, LLC for Sale and Development of 814 N. 5th Ave. (Ordinance S-47691)

Request to authorize the City Manager, or his designee, to enter into a development agreement and other agreements as necessary, with Metrowest Development, LLC, or its City-approved designee, for the sale and development of a City-owned property located at 814 N. 5th Ave. in downtown Phoenix. Further request to authorize the City Treasurer to accept funds related to this item. The sale of the property will generate one-time revenue of \$345,000 in sales proceeds to the City.

Summary

The Developer submitted its proposal in response to the City's Request for Proposals (RFP) for the disposition and redevelopment of an approximately 7,000-square-foot, City-owned vacant lot located at 814 N. 5th Ave. in downtown Phoenix (Site). The Site was previously developed with a small multi-family building, which was purchased with U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) funds by the Neighborhood Services Department (NSD) in the early 2000s to facilitate revitalization through blight elimination in the Roosevelt Neighborhood. In November 2005, the structure suffered severe fire damage and was subsequently demolished.

The Developer proposes to relocate and rehabilitate the historic home known as the Seargeant-Oldaker House to the Site. The Seargeant-Oldaker House is currently located at 649 N. 3rd Ave. If relocation of the historic home is unsuccessful, the Developer will build a home on the Site that is consistent with the character of the area. The Developer has agreed to purchase the Site for \$345,000, which is the appraised value and the minimum purchase price listed in the RFP.

This project will preserve a threatened historic building, resolving a significant community concern. In addition, an unproductive vacant lot in the Historic Roosevelt Neighborhood will be activated and an opportunity for new downtown residents will be created, which are both outcomes supported by the City Council-adopted Downtown Strategic Plan. Furthermore, this project will put a vacant City property back into private and taxable use. The City will only transfer title of the Site when permits to relocate and renovate the home are paid for and approved. The City intends to enter

into an agreement to allow the Developer to complete some utility work and site preparation prior to the closing of the transaction.

Procurement Information

The City received two proposals for the North Fifth Avenue Parcel Sale and Redevelopment Request for Proposals (RFP-CED20-NFA), which was issued on Sept. 29, 2020. The proposals were evaluated by a panel comprised of representatives from the development community and City staff from the Community and Economic Development, Planning and Development, and Neighborhood Services departments. On Jan. 8, 2021, the panel recommended the City begin negotiations with Metrowest Development, LLC, the top-ranked proposer.

Financial Impact

The sale of the Site will generate a one-time \$345,000 sales proceed to the City, and will put the 0.16-acre property back into private ownership, which will generate net new property tax revenues. The proceeds will be returned to the CDBG program managed by NSD. There is no impact to the General Fund.

Public Outreach

Staff presented this proposal to the Downtown Voices Coalition on April 10, 2021, the Roosevelt Action Association on April 20, 2021, and the City's Central City Village Planning Committee on April 12, 2021.

Concurrence/Previous Council Action

This item was recommended for approval by the Land Use and Livability Subcommittee at the May 19, 2021 meeting by a vote of 3-0. However, the legislative file incorrectly stated that the purchase price of the Site was \$350,000 instead of the correct amount of \$345,000. The price has been corrected for this requested action.

Location

814 N. 5th Ave.
Council District: 7

Responsible Department

This item is submitted by Deputy City Managers Gina Montes and Ginger Spencer, and the Neighborhood Services and Community and Economic Development departments.



Enter into Agreements for Building Assessment Services for Former Kmart Building Located at 2526 W. Northern Ave. (Ordinance S-47712)

Request to authorize the City Manager, or his designee, to negotiate and enter into agreements as necessary with Arizona State University (ASU), Maricopa Community College District (MCCCD), Western Maricopa Education Center (West-MEC) and M. Arthur Gensler Jr. & Associates, Inc. (Gensler) for the completion of a building assessment (Assessment) of the former Kmart building located at 2526 W. Northern Ave. (Site). Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item. Upon receipt of the Government Partner's reimbursements, the City's share will not exceed \$9,000. There is no impact to the General Fund; funding is available in the Downtown Community Reinvestment Fund (DCRF).

Summary

The City is currently working with various partners to explore the viability for the adaptive reuse of the Site. Community visioning sessions have indicated the desire to repurpose the Site into a center that offers education, workforce training and job opportunities for the community at large. The potential uses being explored include:

- Culinary support services hub
- K-12 and community college education
- Business incubation
- Workforce development
- Skills/technical training center

In 2020, the City contracted with Gateway Community College's Center for Entrepreneurial Innovation (CEI) for the completion of a feasibility study for a culinary support services hub. Further expertise is required to address the structural and mechanical requirements needed to support the various uses being considered for the Site in the form of an Assessment. The CEI feasibility study is separate from these services and is not a part of the requested Assessment.

City staff engaged education partners ASU, MCCCD and West-MEC (collectively,

Government Partners) to share in the cost of the Assessment.

The City and the Government Partners have each agreed to pay an equal share of the Assessment cost, not to exceed \$9,000 per entity. Each Government Partner will pay the City its share of the cost and the City will pay Gensler the full cost of the services. The City will execute an Intergovernmental Agreement, including terms for remitting payment to the City, with each Government Partner. The City will enter into a separate agreement with Gensler to complete the Assessment and outline reimbursement terms from the Government Partners.

Procurement Information

Staff conducted an informal solicitation, in accordance with the City's Administrative Regulation for procurement, for these services. The City received two proposals:

Gensler: \$35,000.00

Architechnology: \$66,000.00

The Gensler proposal offered the lowest cost and was selected to complete the Assessment.

Contract Term

If approved, the terms for the Intergovernmental Agreements and Gensler contract will be for one year.

Financial Impact

The cost of the Assessment will not exceed \$35,000. The City will pay the full Assessment amount to Gensler. The Government Partners will reimburse the City for their equal share of the Assessment, estimated at \$9,000 each. Upon receipt of the Government Partner's reimbursements, the City's share will not exceed \$9,000. There is no impact to the General Fund. Funding is available in the Downtown Community Reinvestment Fund (DCRF). Reimbursements received from the Government Partners will be deposited into the DCRF.

Location

2526 W. Northern Ave.
Council District: 5

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Community and Economic Development Department.



Authorization to Apply for FY 2021 Homeland Security Grant Program Funds (Ordinance S-47705)

Request to authorize the City Manager, or his designee, to apply for, and accept, if awarded, up to \$5,200,000 from federal fiscal year (FFY) 2021 Department of Homeland Security grant funds that include the Urban Area Security Initiative (UASI) and the State Homeland Security Grant Program (SHSGP) through the Arizona Department of Homeland Security. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The Department of Homeland Security distributes Homeland Security Grant funds to enhance the ability of regional authorities to prepare, prevent and respond to terrorist attacks and other disasters. UASI and SHSGP grant funds are used by the Fire and Police departments to purchase equipment and vehicles, conduct training and exercises, perform assessments of critical infrastructure sites, and implement target hardening measures to protect critical infrastructure. Programs funded under the Homeland Security Grant Program include: Terrorism Liaison Officer program, Community Emergency Response Teams, Rapid Response Task Force and the Metropolitan Medical Response System.

The Fire and Police departments have received Homeland Security Grant awards since 2003. In 2020, the total grant award from both UASI and SHSGP totaled \$5,200,000; \$4,200,000 from UASI and \$1,000,000 from SHSGP.

Contract Term

The grant period of performance begins Oct. 1, 2021 and ends Sept. 30, 2024.

Financial Impact

No matching funds are required. Grant funds will be managed through the Fire and the Police departments.

Concurrence/Previous Council Action

This item was recommended for approval at the Public Safety and Justice Subcommittee meeting on March 10, 2021.

Responsible Department

This item is submitted by Assistant City Manager Jeff Barton, the Fire Department, and the Police Department.



Adopt Computer Aided Dispatch Service Fees and Charges for Fiscal Year 2021-22 (Ordinance S-47715)

Request authorization for the City Manager to adopt the Fiscal Year 2021-22 Computer Aided Dispatch (CAD) fees and Regional Wireless Network 800 MHz Infrastructure payments to be charged to (1) the cities of Avondale, Buckeye, Chandler, El Mirage, Glendale, Goodyear, Maricopa, Peoria, Scottsdale, Surprise, Tempe, and Tolleson; (2) the fire districts of Buckeye Valley, Daisy Mountain, Harquahala, and Sun City; (3) the Towns of Guadalupe and Paradise Valley; (4) Arizona Fire & Medical Authority; and (5) Dignity Health. Authorization is requested to allow the City Treasurer to accept and, for the City Controller to disburse these funds.

Summary

In 2019, the City Council approved Intergovernmental Agreements (IGAs) with each of the above fire jurisdictions, which included CAD fees and charges to be updated annually as "**Exhibit A**" (attached). The City of Phoenix has Automatic and/or Mutual Aid Agreements with these jurisdictions and provides dispatching for their fire and emergency medical units. Each CAD member pays a dispatching fee for each call dispatched, as well as charges for equipment and network maintenance.

Financial Impact

The General Fund revenue to be generated from these IGAs for FY 2021-22 is estimated at \$8,327,533 and is intended to offset a portion of the operating costs of the City's Regional Dispatch Center, including salaries of Dispatch Center staff. The \$5,061,778 balance of the funds collected pays for communications system and equipment maintenance and modernization.

Responsible Department

This item is submitted by Assistant City Manager Jeffrey J. Barton and the Fire Department.

**Phoenix Fire Department
FY 2021-2022 Projected Total CAD Revenues
Exhibit A Fees for Technical Services**

CAD Partner	Revenue
Arizona Fire & Medical Authority	\$747,699
City of Avondale	\$577,804
City of Buckeye	\$392,380
Buckeye Valley Fire District	\$402,046
City of Chandler	\$1,321,186
Daisy Mountain Fire District	\$338,773
City of El Mirage	\$214,538
City of Glendale	\$1,934,978
City of Goodyear	\$678,586
Town of Guadalupe	\$93,596
Harquahala Fire District	\$43,281
City of Maricopa	\$388,996
Town of Paradise Valley	\$89,843
City of Peoria	\$1,075,485
City of Scottsdale	\$2,100,074
Sun City Fire District	\$544,539
City of Surprise	\$832,103
City of Tempe	\$1,428,709
City of Tolleson	\$156,325
Dignity Health	\$28,370
Total FY 2021/2022	\$13,389,311



Request Authorization for Sale of Canine Fred (Ordinance S-47694)

Request authorization for the City Manager, or his designee, to approve the sale of Police canine Fred to Officer Mike Burns for \$1. Officer Burns is assigned to the Tactical Support Bureau's Canine and Specialty Vehicle Detail and has requested to retire and purchase his assigned canine Fred in accordance with A.R. 4.21. Officer Burns will be retiring from the Police Department on July 31, 2021.

Summary

Police service dog Fred is about six and half years old, and has been assigned to the Police Department's Canine Unit since November 2016. He has been assigned to Officer Burns for the past three years after having worked with another handler for approximately a year and a half prior. Canine Fred is a handler-sensitive canine which requires a strong bond. Therefore, transitioning him to a new handler will be extremely difficult, time consuming and may not be successful. Currently, the Canine Unit does not have an operational need to retain canine Fred, nor is it anticipated there will be a need for him in the near future.

This request is for the authorization of the sale of Police service canine Fred for \$1. The purchase of canine Fred is being made by Officer Mike Burns, who agrees to accept full responsibility and liability for him until his death.

Responsible Department

This item is submitted by Assistant City Manager Jeff Barton and the Police Department.



Request Authorization for Sale of Canine Keno (Ordinance S-47696)

Request authorization for the City Manager, or his designee, to approve the sale of Police canine Keno to Officer Donald Peelman for \$1. Officer Peelman is assigned to the Tactical Support Bureau's Canine and Specialty Vehicle Detail and has requested to retire and purchase his assigned canine Keno in accordance with A.R. 4.21. Officer Peelman will be retiring from the Police Department on July 31, 2021.

Summary

Canine Keno is 11 years old and has served the Phoenix Police Department and the citizens of Phoenix with unwavering bravery and distinction in his capacity as a police service dog since 2011.

This request is for the authorization of the sale of Police canine Keno for \$1. Officer Peelman has requested to retire and purchase canine Keno and has agreed to accept full responsibility and liability for him until his death.

Responsible Department

This item is submitted by Assistant City Manager Jeff Barton and the Police Department.



Agreement with Arizona State University in Support of FY 2020 Community Policing Development Micro Grant (Ordinance S-47719)

Request authorization for the City Manager, or his designee, to allow the Police Department to enter into an intergovernmental agreement with the Arizona Board of Regents on behalf of Arizona State University (ASU), that will act as a research partner in support of the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) FY 2020 Community Policing Development Micro Grant in an amount not to exceed \$33,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Police Department was awarded \$88,516 from the U.S. Department of Justice, COPS office through the FY 2020 Community Policing Development Micro Grant. The grant and disbursement of grant funds was approved by City Council on April 1, 2020, under Ordinance S-46511. The grant requires the Police Department to work with a research partner to analyze data and produce project-related reports regarding the grant project. The Police Department has partnered with ASU on similar projects in the past. This agreement will reimburse ASU, an amount not to exceed \$33,000, during the contract term, to assess the impacts of the community policing program on police-community relationships from both youth perceptions of police and police perceptions of youth and the community. The City will be reimbursed for applicable ASU expenses through the COPS office grant.

Contract Term

The contract term is Aug. 1, 2020 through July 31, 2021.

Financial Impact

The Community Policing Development grant provides up to a maximum of \$33,000 in funding to reimburse ASU as the grant research partner.

Responsible Department

This item is submitted by Assistant City Manager Jeff Barton and the Police Department.



Agreements for High Intensity Drug Trafficking Area Grant Funds (Ordinance S-47720)

Request authorization for the City Manager, or his designee, to allow the Police Department to enter into various agreements with the Office of National Drug Control Policy and the Maricopa County Sheriff's Office for up to \$2,500,000 in funding through the 2022-23 High Intensity Drug Trafficking Area (HIDTA). Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The Police Department has applied for and accepted HIDTA funds annually for more than 14 years. Historically, HIDTA funds are used to support and enhance the Police Department's Drug Enforcement Bureau's investigations into illegal narcotic distribution enterprises in the Phoenix area and throughout Arizona. These complex investigations usually involve partnerships with other local, state and federal law enforcement agencies. The investigations focus on identifying and disrupting drug organizations, most of which have connections with the Mexican and Columbian drug cartels.

The Arizona Alliance Planning Committee HIDTA Executive Board makes all of the HIDTA funding decisions. The Police Department is requesting approval to accept funds and enter into various agreements for any HIDTA funds made available during the funding period. Funding reimburses the City for salary, overtime, 15 percent of the associated fringe benefits and operational supplies associated with the drug trafficking investigations.

Contract Term

The contract term is for two years beginning Jan. 1, 2022 through Dec. 31, 2023.

Financial Impact

Permission is requested to accept up to \$2,500,000 through the various funding sources to receive HIDTA funds. Cost to the City is in-kind resources only.

Responsible Department

This item is submitted by Assistant City Manager Jeff Barton and the Police Department.



Asis Foundation Grant to Fund Patrol Officer Bicycles (Ordinance S-47721)

Request retroactive authorization for the City Manager, or his designee, to allow the Police Department to apply for, accept, and enter into an agreement with the ASIS Foundation. Funding provided under this grant will not exceed \$4,000. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The purpose of this grant is to provide funding to purchase and maintain new bicycles for the Cactus Park Precinct officers in support of the Neighborhood Safety Initiative and other safety-related programs.

Contract Term

The contract term is for one year from date of award.

Financial Impact

The amount of funding available is \$4,000. No matching funds are required.

Responsible Department

This item is submitted by Assistant City Manager Jeff Barton and the Police Department.



Authorization to Enter into Agreement with Team Kids in Support of FY 2020 Community Policing Development Micro Grant (Ordinance S-47722)

Request authorization for the City Manager, or his designee, to allow the Police Department to enter into an agreement with Team Kids in support of the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) FY 2020 Community Policing Development Micro Grant in an amount not to exceed \$55,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Police Department was awarded \$88,516 from the U.S. Department of Justice, COPS office through the FY 2020 Community Policing Development Micro Grant. The grant and disbursement of grant funds was approved by City Council on April 1, 2020, under Ordinance S-46511. Funding provided under this grant will be used to implement the Team Kids Challenge program in public elementary schools. The goal of the program is to bring police officers and children together to build developmental assets and more positive perceptions of law enforcement.

Contract Term

Aug. 1, 2020 through July 31, 2021.

Financial Impact

The Community Policing Development grant provides up to a maximum of \$55,000 in funding to reimburse Team Kids.

Responsible Department

This item is submitted by Assistant City Manager Jeff Barton and the Police Department.



North Phoenix Police and Fire Infrastructure Pilot Study - RFP 21-034 (Ordinance S-47672)

Request to authorize the City Manager, or his designee, to enter into an agreement with Matrix Consulting Group, LLC, to conduct an infrastructure pilot study, for the City of Phoenix Fire and Police Departments. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate agreement value will not exceed \$245,500.

Summary

The agreement is necessary to provide the Planning and Development Department implementation strategies for Phoenix Police and Fire Department's assets in the City's northern areas. The consultant will conduct a study to include a comprehensive review and analysis to help determine capital facility requirements and associated funding needs to serve new development. The outcomes of this study are expected to inform future updates to the Fire and Police Infrastructure Improvements Plan that supports Fire Protection and Police Impact Fees, as well as other public safety infrastructure and financial plans. The request for proposal was limited in scope to the Fire Department however after further discussion and analysis by staff it was determined that including the Police Department would be in the best interest of the City. As a result of this determination, procurement staff worked with Planning, Police, Fire, and the selected vendor to expand the scope to include the Police Department. The attached memo (**Attachment A**) provides the scope of work for the infrastructure pilot study.

Procurement Information

Request for Proposal, RFP 21-034 for North Phoenix Police/Fire Infrastructure Pilot Study for the Planning and Development Department, was conducted in accordance with Administrative Regulation 3.10. The notification was sent to 1,047 vendors and was publicly posted and available for download from the City's website. There was one offer received by the Procurement Division on March 26, 2021. The proposal was scored by a five-member evaluation panel based on the following criteria:

- Conformance with Scope of Work, Project Approach, Methodology (400 points);
- Firm Experience and Personnel Qualifications (300 points);
- Cost (200 points); and
- Project Schedule and References (100 points)

The Deputy Finance Director recommends acceptance of the offer from Matrix Consulting Group, LLC, as the highest scored, responsive and responsible offer that is most advantageous to the City.

Contract Term

The one-year agreement term shall begin June 1, 2021 through May 31, 2022.

Financial Impact

The aggregate agreement value will not exceed \$245,500. Funding is available in the Planning and Development, Fire and Police Department's budgets.

Location

The pilot study includes the area north of Northern Avenue.
Council Districts: 1, 2, 3, 5 and 6.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

ATTACHMENT A



June 3, 2021

T. J. Martin
Deputy Finance Director
City of Phoenix
251 W. Washington Street
Phoenix, AZ 85003

Dear Ms. Martin:

The Matrix Consulting Group is pleased to provide you with our proposal to Conduct a North Phoenix Police Infrastructure Study. This proposal is based on the original RFP for Fire, your request for a supplemental proposal, our discussion yesterday, and review of the information sent on the Police Department.

1. Scope of Work

The City of Phoenix has selected Matrix Consulting Group Planning to conduct a comprehensive review, analysis and implementation strategies of the Phoenix Fire Department's (PFD) existing and future facilities, equipment and assets in the rapidly growing area north of Northern Avenue. The City would like to expand this analysis to include the asset needs of the Phoenix Police Department (PPD).

As with the Fire Department evaluation, the scope of work for the Police Department portion of the study includes:

- A review of the geographic characteristics, road network and infrastructure systems.
- Development of a land use profile and the associated risks associated with new development projections.
- Identification of the capital facility requirements, impacts of new police facilities.
- Development of recommended ways to reduce costs; including changes to service delivery or deployments, and/or to integrate fire and police facilities.

This project must be highly collaborative, involving input from employees of the Planning Department, Fire Department, Police Department, City representatives and external stakeholders.

2. Task Plan

In developing the proposal for the assessment of the Fire Department’s needs we provided a detailed task plan for its conduct.

Task 1 | Initiate the Project and Document Police Service Trends and Issues.

We would begin the study with interviews with the City (e.g., Mayor, City Manager, and other departments) to obtain views on police service issues and improvement opportunities. We would have comparable initial interviews with the Police Chief and executive command staff.

Task 2 | Document the Police Department’s Staffing, Organization and Deployment Plan in Phoenix.

To establish a basis for structuring and comprehensively evaluating police operational needs in the north Phoenix area, we will develop a profile of the Police Department. We will gather and analyze detailed information about the organizational structure, operations and service levels to use as a basis for planning how services should be delivered in the study area. We will document the organization and operations of the Police Department overall but with greater detail and focus on staffing and deployments in the North Phoenix study area.

Task 3 | Identify Key Organizational and Operational Issues in a Comparative Context.

The project team will develop a diagnostic assessment of the Police Department in order to identify issues in staffing, organization, and deployment practices. The standards used represent the project team’s experience working with police departments around the country, as well as standards from other organizations (e.g., CALEA, CPSM, etc.).

The project team will also contact up to six other agencies considered comparable to Phoenix in order to understand the extent to which ‘best practices’ have been implemented or other efforts that could translate well into Phoenix’s service environment.

Task 4 | Assess the Fire Department Staffing and Deployment Needs

The project team will develop a staffing analysis for the North Phoenix area. To accomplish this will require a variety of techniques depending on the function – for patrol, we will evaluate existing police call responses and service levels, determine net availability and deployments; for investigations, case assignments and management as well as caseload levels for detectives; for other functions, similar workload and service level measures will be evaluated.

Task 5 | Evaluate the Current Capital Assets of the Police Department in the North Phoenix Study Area.

Existing precinct and other facilities in the study area will be toured to ensure they provide an appropriate and safe location for employees to work and operate from now and in the future.

Task 6 | Develop a Projection of Future Staffing Needs Based on Projected Growth in the Study Area.

Staffing projections for field, investigative, special services, and support functions will be developed. The project team will collect data used for the analysis, such as current and proposed road networks, census data, and geographical features. The results of the service need and staffing projections will be developed into an interim deliverable that provides comprehensive projections for staffing needs to meet current services and provide services to the in the North Phoenix region through buildout.

Task 7 | Develop an Analysis of Issues That Impact Future Space Planning

This task will further the projection analysis to evaluate how non-linear aspects of planning need to be incorporated. These couple include but not limited to the following questions: Do service gaps exist which require organizational attention? Should specialized or alternative resources be considered for the area (e.g., mental health techs.)? Are current precinct locations appropriate to meet the current and future needs of the North Phoenix region? Are there opportunities to co-locate with other city facilities, especially fire facilities?

Task 8 | Develop the Final Report and Present the Results of the Study.

Our findings, conclusions, and recommendations will be documented in a final report to the City together with detailed plans for implementation, including financial impacts to

both operational and capital budgetary needs. We would review the draft report with the Department and the City. We are prepared to make a presentation to City management and the City Council.

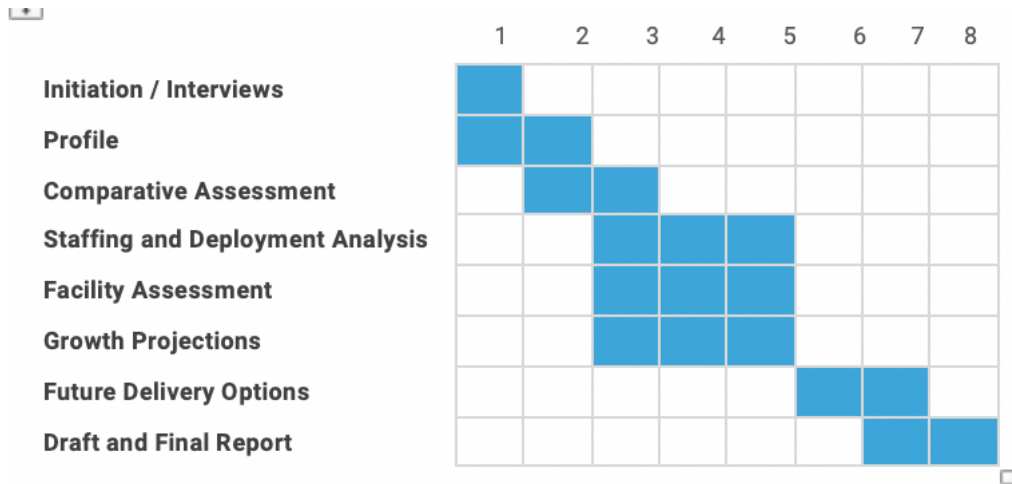
3. Cost and Schedule

Our proposed additional cost to conduct this staffing and asset assessment of the Police Department’s current and projected operations in the North Phoenix study area is provided in the following table.

Task	Project Manager	Senior Manager	Analysts	Total Hours	Total Cost
Initiation / Interviews	16	8	8	32	\$5,880
Profile	8	32	40	80	\$13,520
Comparisons	16	24	24	64	\$11,240
Staffing / Deployment	16	32	32	80	\$13,920
Facility Assessment	8	16	0	24	\$4,560
Growth Projections	16	32	24	72	\$12,720
Future Options	16	32	16	64	\$11,520
Draft and Final Report	24	32	32	88	\$15,520
Total Hours	120	208	176	504	\$88,880
Rate Per Hour	\$200	\$185	\$150		
Total Time Cost	\$24,000	\$38,480	\$26,400		
Travel Related Expense					\$4,620
MWL Architects					\$30,000
RLB Cost Estimators					\$4,500
Total Project Cost					\$128,000

We would be prepared to add this price of **\$128,000** to the fire contract and invoice monthly on a consolidated basis.

The study will take 8 months to conduct. The completion of tasks will be consistent with the Fire Department analysis. The schedule for the Police Department tasks is shown in the following table.



4. Qualifications to Conduct Police Operational Studies

As was the case for fire, a review of our services, experience, and qualifications will show that the Matrix Consulting Group is highly qualified because of its extensive experience evaluating police staffing, deployment, operations, organization, and management studies throughout the United States. Within the approximately 400 police studies conducted were many for large metropolitan police departments, as shown in the following list:

- | | | |
|-----------------|------------------------|-------------------|
| Albuquerque, NM | Kansas City, MO | Rio Rancho, NM |
| Austin, TX | Los Angeles, CA | San Antonio, TX |
| Birmingham, AL | Miami Beach, FL (2x) | San Francisco, CA |
| Columbia, MO | Nashville, TN | San Jose, CA |
| Columbus, OH | Omaha, NE | Spokane, WA |
| Denton, TX | Orange County, FL (2x) | Tacoma, WA (2x) |
| Fort Worth, TX | Portland, OR | Wichita, KS |
| Kansas City, KS | Raleigh, NC (2x) | Winnipeg, MB |

We are also currently completing studies for the Salt Lake City Police Department and the Buda and Fair Oaks Ranch (TX) police departments. About 10 years ago we also conducted a study of Phoenix’s Internal Affairs.

The following references can attest to our qualifications:

Los Angeles, California – Beat Redesign and Community Policing Study

Tyler Munhall, City Administrator’s Office, 213-473-7528, tyler.munhall@lacity.org

Austin, Texas – Community Policing Study

Chris Vallejo, Patrol Commander, 512-974-4452, Chris.Vallejo@austintexas.gov

Columbus, Ohio – Operational Review of the Division of Police

Brian Clark, Chief Advisor to Mayor Ginther, 614-645-6992, BMClark@columbus.gov

A major advantage of working with the Matrix Consulting Group is the training and experience of our staff consulting team. We rarely use subcontractors because of the risk of poor quality, consistency and customer service that can result. All of the experience of our firm is the experience of the project team which would work with you (for example, I was the project manager on our study of Phoenix's internal affairs 10 years ago). Our highly qualified team includes:

- **Richard Brady**, with over 40 years of police analytical experience working with over 400 law enforcement agencies throughout the country and in Canada. He would manage the project and be assisted by a highly qualified team of staff consultants, and would be involved in every facet of the project.
- **Ian Brady**, a Vice President with 10 years of experience in law enforcement consulting; he has developed the firm's deployment and statistical models.
- **John Scruggs**, a Manager, has over 26 years of law enforcement experience. He co-authored legislation on body worn cameras in Oregon.
- **Kelli Sheffer**, a Manager, has 30 years of law enforcement experience. She has served in all facets of law enforcement, both in civilian and sworn roles.
- **Aaron Baggaly**, a Senior Manager who works in our public safety services practice and focuses on resource and facility needs.
- **Ryan Peterson**, a Consultant, specializes in GIS capabilities and has over five years of experience in conducting geospatial analysis for local governments.

Our reputation in the consulting industry is as a 'fact-based' firm which has developed leading-edge models for the assessment of staffing and deployment needs as well as planning future needs. This analytical foundation is closely allied with our emphasis on extensive input and interaction with our clients throughout our projects.

* * *

If you have any questions, please do not hesitate to contact me at 650-858-0507 or via email at rbrady@matrixcg.net. I can also be contacted at the letterhead address.

Richard P. Brady

Matrix Consulting Group

Richard P. Brady
President



*****REQUEST TO CONTINUE (SEE ATTACHED MEMO)*** (CONTINUED FROM JUNE 2, 2021) - Citywide Asbestos and Lead Abatement Job Order Contracting Services - 4108JOC198 (Ordinance S-47647)**

Request to authorize the City Manager, or his designee, to enter into separate master agreements with four contractors to provide Citywide Asbestos and Lead Abatement Job Order Contracting services. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed \$10 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads, and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The Contractors' services will be used on an as-needed basis to provide Citywide Asbestos and Lead Abatement Job Order Contracting (JOC) that includes abatement, transport and disposal, documentation, "put back" of materials, and other environmental services as requested.

These Agreements are essential to the health, safety, and welfare of the public and critical operations for the City.

Procurement Information

The selections were made using a qualifications-based selection process set forth in section 34-604 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S.

section 34-604(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Nine firms submitted proposals and are listed below.

Selected Firms

- Rank 1: East Valley Disaster Services Inc.
- Rank 2: Comprehensive Risk Services, LLC
- Rank 3: Spray Systems of Arizona Inc.
- Rank 4: Southwest Hazard Control, Inc.

Additional Proposers

- Rank 5: ATI Holdings, LLC
- Rank 6: Viking Specialty Services, LLC
- Rank 7: Kary Environmental Services, Inc.
- Rank 8: Belfor Environmental, Inc.
- Rank 9: Square One Builders LLC

Contract Term

The term of each master agreement is for up to four years, or up to \$2.5 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact

The master agreement values for each of the JOC contractors will not exceed \$2.5 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed \$10 million. The value for each job order agreement performed under this master agreement will be up to \$1 million each. In no event will any job order agreement exceed this limit without Council approval to increase the limit.

Funding is available in the Citywide Capital Improvement Program and/or Operating budgets. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department, and the City Engineer.



City of Phoenix

To: Mario Paniagua
Deputy City Manager

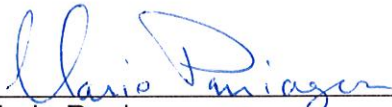
Date: June 14, 2021

From: Eric Froberg 
City Engineer

Subject: REQUEST TO CONTINUE ITEM 77 ON THE JUNE 16, 2021 FORMAL
AGENDA – CITYWIDE ASBESTOS AND LEAD ABATEMENT JOB
ORDER CONTRACTING SERVICES

This memo is to request a continuance of Item 77 (Citywide Asbestos and Lead Abatement Job Order Contracting Services) on the June 16, 2021 Formal Agenda to June 23, 2021 Formal Agenda. The continuance will allow additional time to address questions regarding the procurement process outlined by A.R.S 34-604 from a non-selected proposer.

Approved:



Mario Paniagua
Deputy City Manager



Date



City of Phoenix

To: Mario Paniagua
Deputy City Manager

Date: June 1, 2021

From: Eric Froberg
City Engineer

Subject: REQUEST TO CONTINUE ITEM 95 ON THE JUNE 2, 2021 FORMAL AGENDA – CITYWIDE ASBESTOS AND LEAD ABATEMENT JOB ORDER CONTRACTING SERVICES

This memo is to request a continuance of item 95 (Citywide Asbestos and Lead Abatement Job Order Contracting Services) on the June 2, 2021 Formal Agenda to June 16, 2021 Formal Agenda. The continuance will allow additional time to address questions regarding the procurement process outlined by A.R.S 34-604 from a non-selected proposer.

Approved:

Mario Paniagua
Deputy City Manager

6/1/21
Date



Luggage Cart Service Lease Agreement at Phoenix Sky Harbor International Airport (Ordinance S-47659)

Request to authorize the City Manager, or his designee, to enter into a Luggage Cart Service Lease Agreement with APS USA LLC at Phoenix Sky Harbor International Airport for five years, with no options to extend the term. The Aviation Department will collect eight percent of gross sales from cart rentals, and the free luggage carts program provided for passengers utilizing the Rental Car Center and the federal inspection station will have an annual cost of \$320,000.

Summary

Phoenix Sky Harbor International Airport (PHX) is America's Friendliest Airport when it comes to customer service. As the largest economic engine in the State of Arizona, PHX strives to deliver a world-class experience to every customer, every day. The agreement for airport luggage cart rental services will provide passengers with an option to manage their luggage on demand through PHX to their destinations.

The service is provided at all terminals, parking locations, and Phoenix Sky Train stations. The service will also offer free luggage carts to our passengers using the Phoenix Rental Car Center and international passengers using the federal inspection station.

The current contract with Smarte Cart expires on June 30, 2021 and has an annual cost of \$405,000. On Dec. 9, 2020, the City Council approved the issuance of a revenue contract solicitation (RCS 21-014) for luggage cart services.

Procurement Information

On Feb. 11, 2021, the Aviation Department issued an RCS to select a service provider to provide the required luggage cart rental services. On March 19, 2021, two proposals were received - - one from the current provider, Smarte Cart, was deemed non-responsive and one from APS USA LLC that was deemed responsive. Smarte Cart's response was deemed non-responsive because Smarte Cart refused to accept the terms of the RCS and submitted material exceptions, including mandatory payment terms.

On April 14, 2021, an evaluation panel met and evaluated the responsive respondent based on the published evaluation criteria:

- Respondent's Experience and Qualifications (400 points)
- Management Plan (300 points)
- Operation Plan (150 points)
- Maintenance Plan (150 points)

After a local and national outreach effort and a competitive solicitation, APS USA LLC is recommended for award of the Luggage Cart Service Lease Agreement with 827 out of 1,000 points.

The City's Transparency Policy is in effect until the agreement resulting from this RCS is awarded by the City Council.

Contract Term

The term is five years with no options to extend the term.

Financial Impact

The Aviation Department will collect eight percent of gross sales from cart rentals, and the free luggage carts program provided for passengers utilizing the Rental Car Center and the federal inspection station will have an annual cost of \$320,000. Funding for the agreement is available in the Aviation Department's Budget.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board recommended this item for approval on May 20, 2021 by a vote of 8-0.

Public Outreach

Public outreach included local and national advertising, industry specific advertising, and a pre-proposal meeting was held on Feb. 19, 2021.

Location

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

Responsible Department

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



Aviation Plumbing, Rooter, Jetting and Backflow Related Services - Agreement Recommendation (Ordinance S-47668)

Request to authorize the City Manager, or his designee, to enter into an agreement with PM Plumbing & Mechanical, Inc. to provide supplemental plumbing repairs, gas system repairs, rooster services, sewer line cleaning/jetting preventative maintenance, and backflow preventer testing services on an as-needed basis. Further request to authorize the City Controller to disburse all funds related to this item. The value of the agreement will not exceed \$1,725,000.

Summary

PM Plumbing & Mechanical, Inc. will provide supplemental labor, materials, and equipment for the plumbing, rooster, jetting, and backflow preventer testing services throughout Phoenix Sky Harbor International Airport and its surrounding airport properties, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport. This agreement will be utilized on an as needed basis anytime an immediate or emergency response requires specialized skills, tools, or equipment beyond the scope for general in-house plumbing tasks. Having immediate access to a qualified and specialized contract vendor is critical in order to resolve any situation in which a specialized service is required. This agreement is essential to maintain safe operations at our airports and provide a high level of service to our passengers and business partners.

Procurement Information

The Invitation for Bid (IFB) 21-027 was conducted in accordance with Administrative Regulation 3.10. Bids were requested for two groups: Group 1 was for plumbing repair, rooster, Jetting, and related services, and Group 2 was for backflow preventer testing, maintenance, and repair related services. One vendor submitted bids for both Groups and the bids were found to be responsive and responsible.

Selected Bidder - Group 1

PM Plumbing & Mechanical, Inc.

Selected Bidder - Group 2

PM Plumbing & Mechanical, Inc.

Contract Term

The term of the agreement is five years, which will begin on or about July 1, 2021 with no options to extend the terms.

Financial Impact

The value of the agreement will not exceed \$1,725,000. Funding is available in the Aviation Department's Operating budget.

Location

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

Responsible Department

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



American Airlines Cargo Transfer Point Land Lease - Amendment (Ordinance S-47697)

Request to authorize the City Manager, or his designee, to execute an amendment to American Airlines Cargo Transfer Point Lease Agreement 146359 at Phoenix Sky Harbor International Airport to add five, one-year options to extend the term of the Lease that may be exercised at the sole discretion of the Director of the Aviation Department.

Summary

The City's existing Lease Agreement 146359 (Lease) with American Airlines (AA) is for approximately 85,233 square feet of land at Phoenix Sky Harbor International Airport (Airport) that supports AA's operation of a cargo transfer point (C-Point). AA's C-Point operation was to be relocated during the initial term to enable the construction of Terminal 3's (T3) second North Concourse. Due to the impact of the COVID-19 pandemic, the Airport's construction of the new T3 Concourse has been delayed indefinitely. The Aviation Department and AA would like to amend the term to allow AA's continued use of the existing C-Point until it is required to relocate.

Contract Term

The amendment will add five one-year options to extend the term that may be exercised at the sole discretion of the Director of the Aviation Department.

Financial Impact

Rent for the first year of the extended term will be approximately \$86,213 (\$1.01 per square foot), plus applicable tax. Rent will be adjusted annually thereafter according to the Consumer Price Index using the Phoenix-Mesa index. Total anticipated rent over the five-year extended term, if all options are exercised, will be approximately \$431,068.

Concurrence/Previous Council Action

The City Council approved Lease Agreement 146359 (Ordinance S-37523) on Nov. 17, 2010.

Location

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

Responsible Department

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



United Parcel Service Inc. Ground Lease at Phoenix Sky Harbor International Airport (Ordinance S-47702)

Request to authorize the City Manager, or his designee, to enter into a ground lease for up to 43,560 square feet (approximately one acre) with United Parcel Service, Inc. at Phoenix Sky Harbor International Airport for a term of five years with two five-year options to extend the term.

Summary

United Parcel Service, Inc.(UPS) is an air cargo operator in the South Air Cargo (SAC) facility at Phoenix Sky Harbor International Airport. UPS currently occupies approximately 30,000 square feet (0.68 acres) of undeveloped graveled property under a temporary parking lot license agreement for the staging and storage of tractor trailers during peak season at 2908 E. Old Tower Road. UPS also currently occupies approximately one acre in the East Tonto Lot under a ground lease for employee parking. UPS shuttles employees from the East Tonto Lot to the SAC at its own expense.

UPS now desires to lease and develop the undeveloped graveled property occupied under the license for employee parking. UPS will develop the property into a paved employee parking lot following City Code within the first two years of the lease term. During the lease term, the undeveloped gravel property will only be used for tractor trailer staging and storage. After the property is developed into a paved parking lot, UPS will be allowed to have employees park on the property. UPS will then utilize the East Tonto Lot for tractor trailer staging and storage.

Contract Term

The term is five years with two five-year options to extend the term, which may be exercised at the sole discretion of the Director of Aviation Services.

Financial Impact

Rent for the first year of the term will be approximately \$45,738 (\$1.05 per-square-foot). Rent will be adjusted annually using the Phoenix-Mesa-Scottsdale Consumer Price Index, but not to exceed three percent. Total anticipated revenue over the term, if all options are exercised, is approximately \$686,070.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board recommended this item for approval on May 20, 2021, by a vote of 8-0.

Location

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

Responsible Department

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



Swissport Fueling Inc. Facility Lease at Phoenix Sky Harbor International Airport (Ordinance S-47703)

Request to authorize the City Manager, or his designee, to enter into a facility lease agreement for up to 5,760 square feet (three bays) of cargo bay space with Swissport Fueling, Inc. at Phoenix Sky Harbor International Airport for a term of five years.

Summary

Swissport Fueling, Inc. is a ground service operator that provides ground service equipment maintenance for airlines at Phoenix Sky Harbor International Airport (PHX). Swissport currently occupies 1,920 square feet (one bay) of cargo bay space in the West Air Cargo (WAC) Building A, Bay 13. Swissport wants to relocate and expand by entering into a new facility lease agreement for three bays in the WAC. Swissport will use two bays for maintenance and a third bay will be improved for office, breakroom, and restroom facilities.

Contract Term

The term is five years with no options to extend the term.

Financial Impact

Rent for the first year of the term will be up to \$70,502.40 (\$12.24 per-square-foot). Rent will be adjusted annually based on PHX's Rates & Charges program. Total anticipated revenue over the term will be approximately \$352,512.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board recommended this item for approval on May 20, 2021, by a vote of 8-0.

Location

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

Responsible Department

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



Facility and Ground Leases for PGT Trucking, Inc. (Ordinance S-47706)

Request to authorize the City Manager, or his designee, to enter into a facility lease and a ground lease with PGT Trucking, Inc. at Phoenix Sky Harbor International Airport for one year with one, one-year option to extend the terms. Total rent over the terms of the leases, if options are exercised on both leases, will be approximately \$115,412.

Summary

PGT Trucking, Inc. (PGT) hauls freight to locations throughout the United States. PGT has recently expanded its operations in the Phoenix area and requires office and trailer parking space to support its operations. PGT has requested to up to 2,067 square feet of office space and up to 33,560 square feet of land for parking.

Contract Term

The terms will be one year with one, one-year option to extend the terms.

Financial Impact

Rent for the first year of the facility lease will be approximately \$1,872 per month (\$10.87 per-square-foot per year). Rent for the first year of the ground lease will be approximately \$2,937 per month (\$1.05 per-square-foot per year). Rent will be adjusted based on the Phoenix-Mesa-Scottsdale Consumer Price Index if the options to extend the terms are exercised. Total rent over the terms of the leases, if options are exercised on both leases, will be approximately \$115,412.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board recommended this item for approval on May 20, 2021, by a vote of 8-0.

Location

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

Responsible Department

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



Extension of Airport Concession Consultants Agreement (Ordinance S-47707)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement No. 143140 (Agreement) with ACC Consulting, LLC (ACC) for up to one year on a month-to-month basis to provide consulting services in support of Phoenix Sky Harbor International Airport's Airport Concession Disadvantaged Business Enterprise (ACDBE) Program.

Summary

ACC conducts ACDBE Program compliance reviews for the Equal Opportunity Department and the Aviation Department (Aviation) to ensure that Phoenix Sky Harbor International Airport's (PHX) concessionaires meet federal compliance requirements and abide by Aviation's employee retention requirements. As a large hub primary airport, PHX is required to have an ACDBE program. As a condition of eligibility for Federal Aviation Administration (FAA) financial assistance, the City is required to submit its ACDBE Program and overall goals to the FAA. In addition, the City must conduct regular ACDBE compliance reviews to ensure PHX concessionaires meet federal compliance requirements.

During the COVID-19 pandemic in 2020, monthly passenger traffic was as low as seven percent of 2019 passenger traffic and PHX concession hours and concessionaire staff levels were significantly reduced in response to low customer activity. ACDBE compliance reviews were paused to provide concessionaires the opportunity to focus on keeping their businesses operational and the process to re-solicit the Agreement was postponed. April 2021 data now indicates enplanements and passenger traffic are increasing at a faster rate than projected, which will require initiation of compliance reviews in the near future. The Agreement extension will allow Aviation to develop a new procurement and establish a new five-year consultant agreement.

Contract Term

The term of the Agreement is through June 30, 2021. The amendment would extend the term of the agreement for one year on a month-to-month basis beginning on or about July 1, 2021.

Financial Impact

No additional funds are requested.

Concurrence/Previous Council Action

The City Council approved Agreement 143140 (Ordinance S-42765) on July 1, 2016.

Location

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

Council District: 8

Responsible Department

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



**Distributed Antenna System at Phoenix Sky Harbor International Airport
(Ordinance S-47713)**

Request to authorize the City Manager, or his designee, to enter into an agreement with AT&T Services, Inc. for the design, implementation, and operation of an airport Distributed Antenna System to improve cellular service for all passengers, business partners, and workers at Phoenix Sky Harbor International Airport. AT&T will pay the City a \$750,000 first-year minimum annual guarantee with a three percent annual increase during the agreement term and any option periods exercised by the City.

Summary

The cellular service at Phoenix Sky Harbor International Airport (PHX) is spotty and inconsistent because of the physical structures in and around the airport campus. Terminal buildings, parking garages, and other structures make it difficult to receive optimal cellular service inside the terminals and concourses.

On average, approximately 123,000 passengers pass through PHX facilities per day (pre-COVID-19). A strong and reliable cellular service is essential to provide passengers a world-class experience that enables them to stay connected with friends, family, and work while traveling. Historically, wireless-service providers have tried to address structural impediments by strategically locating outdoor cell towers. This method has made marginal improvements for voice calls. But most cellular traffic today consists of data, video, and streaming services. These services cannot be improved by modifying or adding legacy outdoor towers. And with the launch of 5G technology, passengers expect the next-generation wireless experience while in our facilities. The Federal Communications Commission's designated frequency spectrum allocation for 5G makes it almost impossible to provide ultra-high bandwidth 5G service inside airport terminals and other facilities by relying on common outdoor cell towers.

A Distributed Antenna System (DAS) will help provide the necessary infrastructure to deliver world-class 4G and 5G cellular service to PHX passengers. The DAS will ensure adequate coverage and the capacity needed to support a high-speed wireless experience (such as for streaming, media, video, and online gaming). This connection quality is becoming the expectation that passengers demand while at the airport. The system will also facilitate next-gen applications and services, such as the Internet of

Things (IoT), Virtual/Augmented Reality, and others within the PHX environment.

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

Procurement Information

The Aviation Department issued a Revenue Contract Solicitation (RCS 21-008) for design, build, operation, management, and maintenance of a DAS on Dec.17, 2020. Five responses were received on March 2, 2021. Two respondents were deemed non-responsive.

Evaluation criteria for the responsive and responsible respondents included:

- Method of approach to design, build and operate a DAS (350 Points)
- Revenue to the City (300 Points)
- Qualifications and experience of respondent and key personnel (250 Points)
- Business plan (100 Points)

The evaluation panel recommends AT&T Services, Inc. (AT&T) for award as the best value to the City based on the following consensus scores:

- AT&T - 890 Points
- Crown Castle Fiber, LLC - 850 Points
- Boingo, LLC - 827 Points

Contract Term

The agreement term will be 10 years with two one-year options to extend the term. The options may be exercised at the Director of Aviation Services' sole discretion.

Financial Impact

AT&T will pay the City a \$750,000 first-year minimum annual guarantee with a three percent annual increase during the agreement term and any option periods exercised by the City.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board recommended approval of this item on May 20, 2021 by a vote of 8-0.

Location

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

Responsible Department

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



October 2021 Proposed Bus Service Changes (Ordinance S-47695)

Request to authorize the City Manager, or his designee, to implement proposed bus service changes that would take effect on Oct. 25, 2021.

Summary

The Public Transit Department (PTD) constantly focuses on improving the effectiveness and reliability of Phoenix's transit system to best serve passengers' needs while efficiently operating the City's transit fleet. Accordingly, PTD works with regional transit partners and the public on making schedule changes, implementing service efficiencies, and adding route connections during the regional service change windows each April and October.

During the past year, the COVID-19 pandemic has resulted in significant declines in both transit ridership and fare revenue collections across the region. As a result, bus, rail, and paratransit services are currently operating differently than pre-pandemic methods of service delivery.

Service delivery strategies are expected to transition back to normal operations later this year, it is recognized that fully restoring all transit services at once may not be necessary. At this time, PTD is not proposing major service improvements. As of April 2020, Phoenix bus service ends at approximately 11:00 p.m. (before the pandemic, service ran to 12:00 a.m. on Monday through Thursday, to 2:00 a.m. on Friday and Saturday, and to 11:00 p.m. on Sunday). For all bus routes (and their frequencies, hours of operation, and proposed extensions), PTD continues monitoring ridership closely and will continue proposing service change recommendations as needs arise to address ridership increases, community feedback, economy reopening, and continuation of residential and commercial developments across Phoenix.

Although major service improvements are not recommended at this juncture, PTD does propose some bus route changes resulting from construction for the South Central/Downtown Hub Light Rail Project and its impact on local traffic and bus service. If approved, these route changes would be implemented in October 2021. PTD plans to offset its proposed route changes with improvements to service and frequency for adjacent routes within the corridor.

The proposed changes are as follows:

Route 0A (South Central Shuttle)

Current Route

In October 2020, Route 0 (Central Avenue) was split into two routes to accommodate construction detours more effectively and traffic delays on Central Avenue in downtown and South Phoenix. Those changes resulted in:

- Route 0 (Central Avenue) - for the north end of the route; this route consists of local bus service between the Sunnyslope Transit Center and Van Buren Street; and
- Route 0A (South Central Shuttle) - for the south end of the route; this route consists of local bus service between Van Buren Street and Dobbins Road.

Currently, Route 0A operates every 20 minutes on weekdays and 30 minutes on the weekend, with an additional weekday peak frequency of every 10 minutes between Van Buren Street and Baseline Road. This route has more frequent service than Route 0 (north end of the route), which operates at 20-minute service frequency throughout the weekday.

Proposed Changes

Due to construction along Central Avenue, it has become difficult to maintain the current 10-minute frequency. This often leads to the bunching of multiple buses throughout the corridor. As a result, PTD proposes revising the frequency to 15-minute frequency between 6:00 a.m. and 9:30 p.m. on weekdays, and to 30-minute frequency outside of these core times between Van Buren Street and Baseline Road. These changes would be made along with the proposals to increase service frequency for a section of Route 7 and to extend the end-of-line destination for Route 8, both described below, which would help mitigate the construction impacts on Route 0A. Frequency south of Baseline Road will be revised to every 30 minutes all day.

Route 7 (7th Street)

Current Route

Route 7 currently operates on Seventh Street between Deer Valley and Dobbins roads, with deviations to Central Avenue at Van Buren Street, and at Broadway Road to the Ed Pastor Transit Center. Service frequency is every 20 minutes for most of the day, with 30-minute frequency during off-peak hours and on the weekends.

Proposed Changes

The Public Transit Department proposes removing the route deviation at Broadway Road, while also doubling the number of trips between Van Buren Street and Baseline

Road from 6:00 a.m. to 9:30 p.m. on weekdays. This will result in trips every 10 minutes at peak times and every 15 minutes otherwise.

By increasing frequency along with removing the route deviation, ridership data shows that Route 7 serves as a viable alternative to Route 0A because of existing transit service on all the main crossroads in South Phoenix (Broadway Road, Southern Avenue, etc.).

Route 8 (7th Avenue)

Current Route

Route 8 operates on Seventh Avenue between Dunlap Avenue and Baseline Road with deviations to Central Avenue at Van Buren Street, and at Broadway Road to the Ed Pastor Transit Center. Service operates every 30 minutes seven days a week.

Proposed Changes

As with Route 7, PTD proposes removing the route's deviation at Broadway Road. In addition, the route's end-of-line destination would be extended to Baseline Road and Central Avenue, providing connectivity to Route 0A for riders who may need to travel south to Dobbins Road.

Route 52 (Roeser Road)

Current Route

Route 52 operates on Roeser Road between 19th Avenue and 48th Street, with a deviation at Broadway Road to the Ed Pastor Transit Center. Service operates every 30 minutes, seven days a week.

Proposed Changes

Similar to Route 7 and Route 8, PTD proposes removing the route deviation at Broadway Road.

In summary, the proposed changes include revised frequencies and removal of the route deviation to Central Avenue and Broadway Road. PTD will evaluate each route's ridership, passenger connections, and potential return to the transit center once light rail construction is complete. See **Attachment A** for maps of all proposed service changes.

Financial Impact

The proposed changes result in a cost reduction of \$230,000 annually; each route is summarized below:

- Route 0A (South Central Shuttle) - \$(389,000)

- Route 7 (7th Street) - \$540,000
- Route 8 (7th Avenue) - \$(117,000)
- Route 52 (Roeser Road) - \$(264,000)

Concurrence/Previous Council Action

The Citizen's Transportation Commission recommended approval of this item on May 27, 2021, by a vote of 10-0.

Public Outreach

The Public Transit Department used the locally adopted public outreach process to solicit public feedback on proposed service changes. The process opened on May 3 and ended on June 4, and included methods such as:

- Posting proposed service change details and an online passenger survey;
- Implementing on-board announcements requesting passenger input on the proposed service changes;
- Posting flyers at impacted stops along affected routes; and
- Conducting joint online public hearing with Valley Metro on May 19, 2021.

The Public Transit Department is recommending the proposed service changes because light rail construction will continue to impact overall bus operations and passengers' ability to make connections on time according to the published schedule. By way of example, Route 0A is currently able to adhere to its schedule only 29 percent of the time due to the traffic congestion it is encountering. It is important that passengers be able to rely on established transit schedules in order to ensure they can arrive to their destinations at or near expected times. If these service changes are implemented, PTD believes that they will aid in overall on-time bus performance and passenger connectivity along each route.

Once construction activities are complete, PTD will reevaluate the bus network in South Phoenix to best work in tandem with the South Central rail extension on Central Avenue. As required by Federal Transit Administration Circular 4702.1B, a Title VI analysis for the proposed service changes was conducted. Under the City's Title VI policies, neither service change proposal qualifies as a major service change that would potentially impact low-income and/or minority populations.

See **Attachment B** for the most recent results of feedback received by Valley Metro.

Location

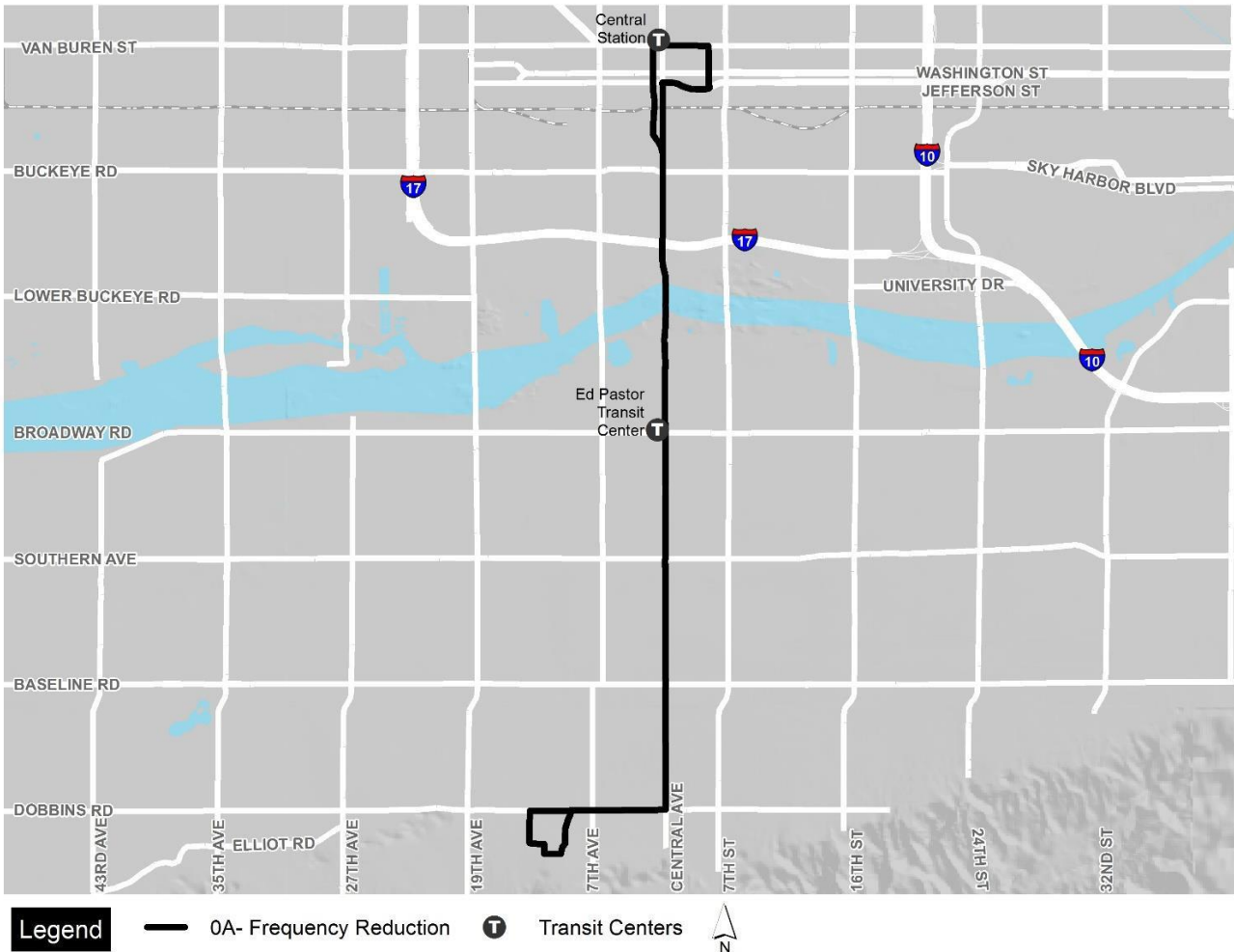
Council Districts: 7 and 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

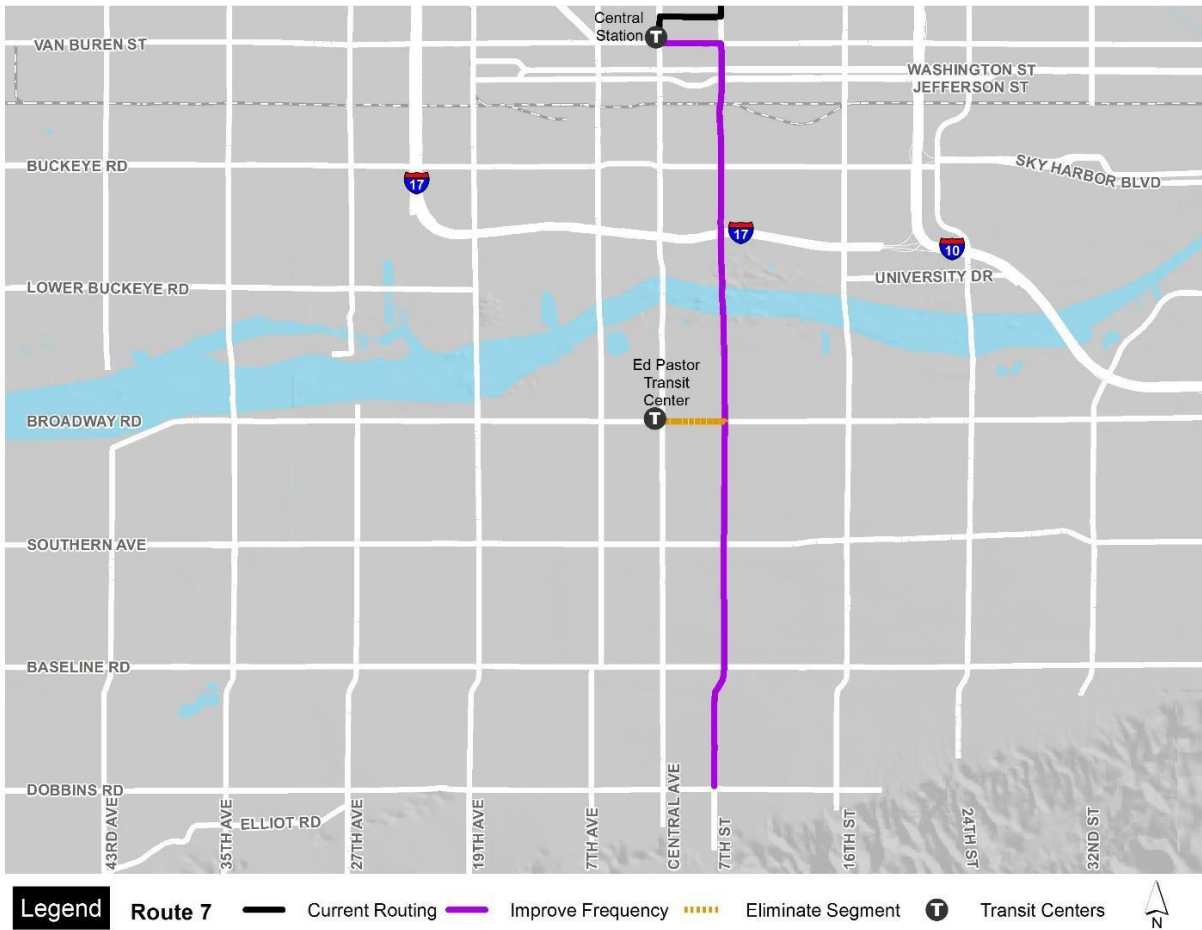
Attachment A - Maps

Route 0A (South Central Shuttle)



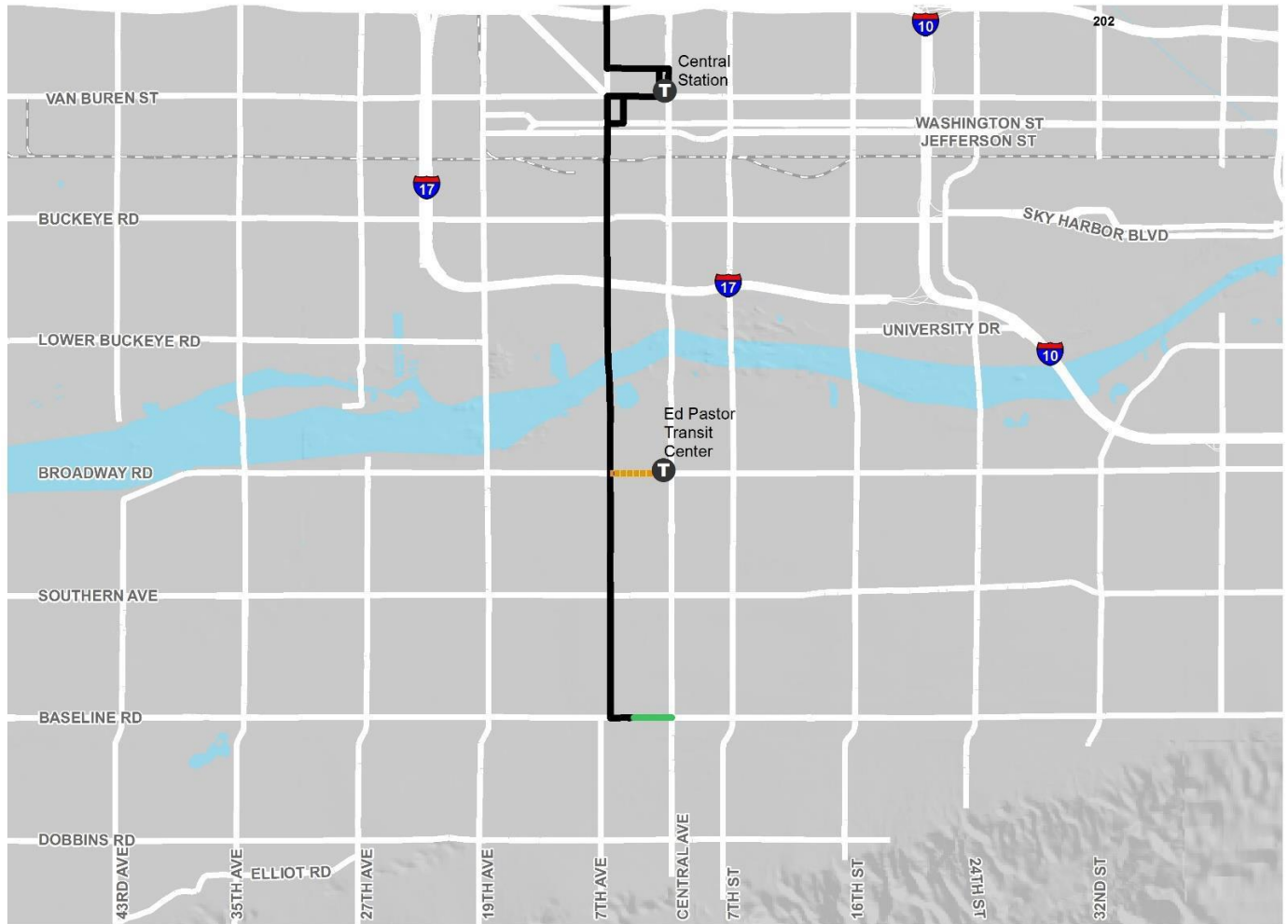
- Revise frequency to:
 - Every 15 minutes between 6 a.m. and 9:30 p.m. weekdays between Van Buren Street and Baseline Road
 - 30 minutes all other times and locations

Route 7 (7th Street)



- Remove the route deviation at Broadway Road
- Increase frequency to:
 - 10-15 minutes during weekday peak hours between Van Buren Street and Baseline Road
 - 30 minutes all other times and locations

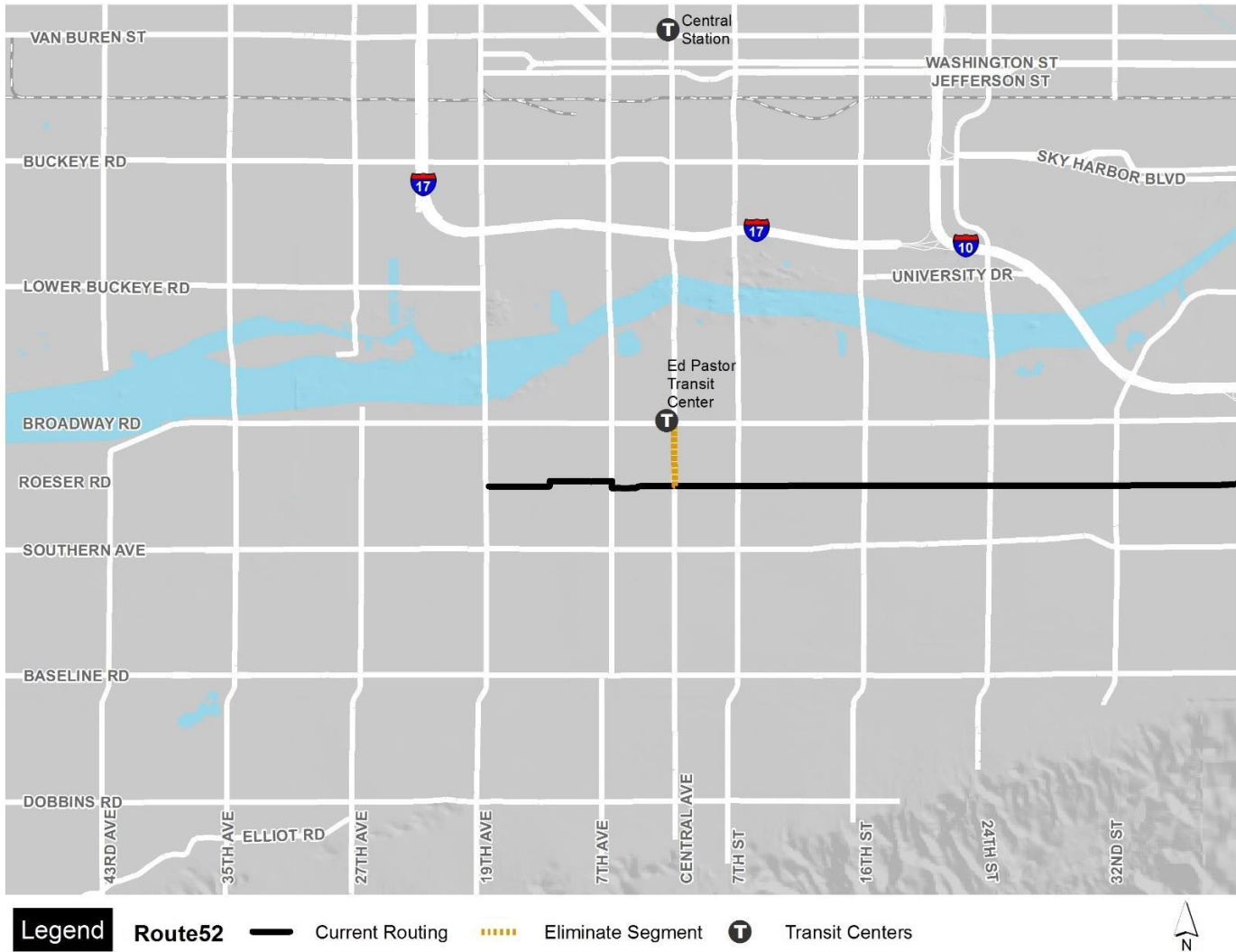
Route 8 (7th Ave)



Legend Route 8 — Current Routing — Eliminate Segment — Extend Route T Transit Centers N

- Remove the route deviation at Broadway Road
- Extend the route to Baseline Road and Central Avenue

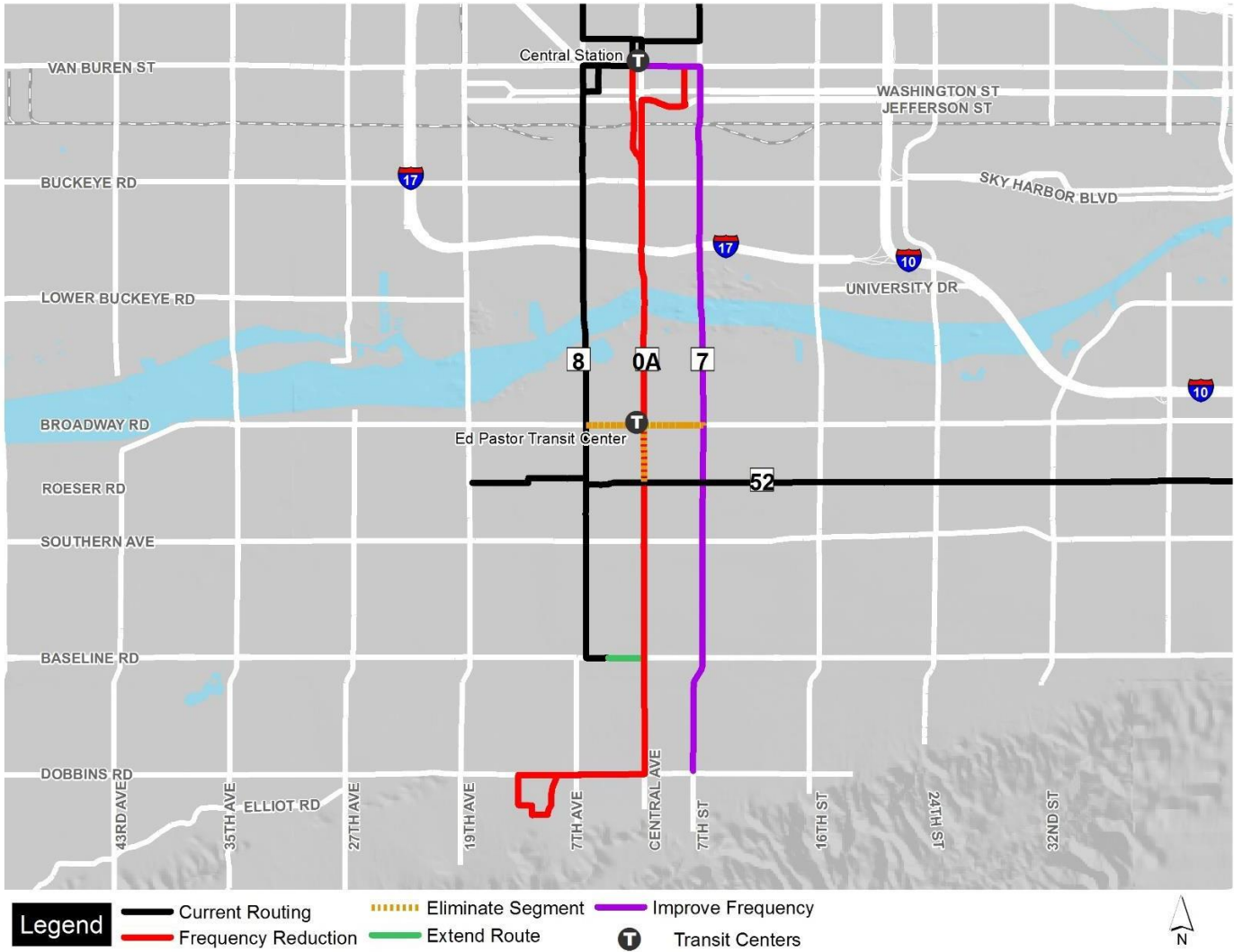
Route 52 (Roeser Rd) – Eliminate Central/Broadway Deviation



- Remove the route deviation at Broadway Road

Maps 5 of 5

All Service Change Proposals



Although three routes are affected by the route deviation to Broadway Road and Central Avenue, the benefit to riders will be to avoid congested construction zones and the ability to make connections via a single transfer to either Route 45 (Broadway Road) or Route 0A (South Central Shuttle).

Attachment B

October 2021 Proposed Service Changes Public Feedback

To date, there have been 743 total comments and suggestions received about Phoenix's proposed service changes, with 468 of those registering an opinion (the remaining comments are unrelated to these particular proposed changes).

The following table summarizes the feedback by route:

Route 0A (South Central Shuttle)

- 44 support (34%)
- 86 against (66%)

Route 7 (7th Street)

- 67 support (55%)
- 54 against (45%)

Route 8 (7th Avenue)

- 60 support (51%)
- 57 against (49%)

Route 52 (Roeser Road)

- 41 support (41%)
- 59 against (59%)



Original and Aftermarket Refuse Truck Parts Agreements (Ordinance S-47685)

Request to authorize the City Manager, or his designee, to enter into separate agreements with: Amrep Manufacturing Company, LLC; Balar Holding Corp. dba Balar Equipment; BTE Body Company, Inc.; Short Equipment, Inc.; and Wastebuilt Environmental Solutions, LLC, for Original Equipment Manufacturer (OEM) and aftermarket refuse truck parts. Further request to authorize the City Controller to disburse all funds related to this item. The total aggregate amount is \$10 million over the life of the agreements.

Summary

The Public Works Department is responsible for maintaining approximately 285 refuse collection trucks. The City-owned refuse trucks require ongoing repairs and maintenance to ensure they are safe, efficient, and reliable for operation to provide refuse collection services to City residents. These agreements will allow OEM and aftermarket refuse truck parts to be purchased for regular maintenance and necessary repairs of the refuse truck fleet.

Procurement Information

Invitation for Bid 22-FSD-005 was conducted in accordance with Administrative Regulation 3.10. Five offers were received by the Public Works Department Procurement Services on April 14, 2021. The offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offers submitted by Amrep Manufacturing Company, LLC; Balar Holding Corp. dba Balar Equipment; BTE Body Company, Inc.; Short Equipment, Inc.; and Wastebuilt Environmental Solutions, LLC were deemed fair and reasonable.

The Award Recommendation can be found in **Attachment A**.

Contract Term

The one-year term of the agreements will begin on or about Aug. 1, 2021. The agreements will contain four, one-year options to extend the term, for a total agreement term of up to five years if all options are exercised.

Financial Impact

The aggregate value of the agreements, including all option years, is \$10 million, including all applicable taxes, with an estimated annual expenditure of \$2 million. Funding is available in the Public Works Department's budget.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.

Attachment A

IFB 22-FSD-005 Original and Aftermarket Refuse Truck Parts

Award Recommendation

Offeror	Manufacturer	Original (OEM) or Aftermarket	Discount	Recommend (X)
Balar Holding Corp. dba Balar Equipment	Heil	OEM	12.50%	X
Amrep Manufacturing Company, LLC	Amrep	OEM	0%	X
	Heil	Aftermarket	25%	X
	NewWay	Aftermarket	25%	X
	Wayne	Aftermarket	25%	X
	Rapid Rail	Aftermarket	25%	X
Wastebuilt Environmental Solutions, LLC	Heil	Aftermarket	30%	X
	Rapid Rail	Aftermarket	30%	X
	Wayne	Aftermarket	30%	X
	Dadee	Aftermarket	30%	X
	NewWay	Aftermarket	30%	X
	Amrep	Aftermarket	30%	X
BTE Body Company, Inc.	Dadee Scorpion	OEM	10%	X
Short Equipment, Inc.	NewWay	OEM	5%	X
	Curbtender	OEM	5%	X



Energy Management Control Systems Repair Services Contract (Ordinance S-47693)

Request to authorize the City Manager, or his designee, to enter into separate agreements with: Arizona Comfort Zone, LLC; Harris Arizona, LLC; and Pueblo Mechanical & Controls, to provide Energy Management Control Systems Repair Services to be used on an as-needed basis. Further request to authorize the City Controller to disburse all funds related to this item. The total aggregate amount is \$1.25 million over the life of the contracts.

Summary

The Public Works Department is responsible for maintaining the Energy Management Control Systems at various City locations. These systems control and monitor energy consuming devices including heating and cooling equipment, fans, and pumps. The City owns and maintains multiple facilities complete with Building Automation Systems (BAS) that control central plant chillers, air distribution systems, and associated equipment. There are several City-owned facilities with aging equipment that require these systems to be repaired.

Procurement Information

Invitation for Bid 22-FMD-007 was conducted in accordance with Administrative Regulation 3.10. Four offers were received by Public Works Department Procurement Services on March 24, 2021. The offers were evaluated based on price, responsiveness to all specification, terms and conditions, and responsibility to provide the required services. The offers submitted by Arizona Comfort Zone, LLC; Harris Arizona, LLC; and Pueblo Mechanical & Controls were deemed to be fair and reasonable.

Arizona Comfort Zone, LLC bid total is \$237.50

Harris Arizona, LLC bid total is \$277.00

Pueblo Mechanical & Controls bid total is \$287.50

Contract Term

The initial agreement term is for three years beginning on or about Aug. 1, 2021 with two, one-year options to extend the term, for a total agreement term of up to five years

if all options are exercised.

Financial Impact

The aggregate value of the agreements, including all option years, is \$1.25 million, including all applicable taxes, with an estimated annual expenditure of \$250,000. Funding is available in the Public Works Department's budget.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.



Heating, Ventilation and Air Conditioning Filter Maintenance Service and Supply - Agreement Recommendation (Ordinance S-47698)

Request to authorize the City Manager, or his designee, to enter into an agreement with American Air Filter Company, Inc. dba AAF International for air filter replacement services and purchase of air filters. Further request authorization for the City Controller to disburse all funds related to this item. The total aggregate amount is \$11.5 million over the life of the agreement.

Summary

The Public Works Department is responsible for maintenance of various City buildings across the Valley. The awarded vendor will provide the City with Heating, Ventilation and Air Conditioning (HVAC) filter replacement services, and supply air filters to allow City staff to change filters as-needed. Due to the City's COVID-19 requirements, all filters have been upgraded to Minimum Efficiency Reporting Value (MERV) 13 rather than MERV 10 to help with filtration of indoor air. This agreement will aid in the citywide effort to maintain quality air in City buildings to support our community, residents, and employees.

Procurement Information

Invitation for Bids (IFB) 22-FMD-008 was conducted in accordance with Administrative Regulation 3.10. Five groups were identified in the bid submittal. Groups 1 - 4 are for supply and filter replacement at multiple locations, with Group 5 being the supply of filters only. The offers were evaluated based on price, responsiveness to specifications, and responsibility to provide the required goods and services.

The award recommendation can be found in **Attachment A**.

Contract Term

The initial one-year term shall begin on or about Sept. 1, 2021, with four option years to extend in increments of up to one year, for a total agreement term of five years.

Financial Impact

This agreement will have an estimated annual expenditure of \$2.3 million, with a total aggregate amount of \$11.5 million over the life of the agreement. Funding is available

in the Public Works Department's budget.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.

Attachment A

HVAC Filter Maintenance Service & Supply IFB 22-FMD-008

Offerors	Group 1: Metro Locations (Filter Supply and installation)		Group 2: Downtown Locations (Filter Supply and installation)		Group 3: Fire Locations (Filter Supply and installation)		Group 4: Police Locations (Filter Supply and installation)		Group 5: Filter Only	
	Monthly	X	Monthly	X	Monthly	X	Monthly	X	Monthly	X
American Air Filter Company, Inc. dba AAF International	\$18,457.87		\$5,352.82		\$6,690.49		\$2,706.89		\$453.66	
Dave Downing & Associates: A Div. of DL Sales Corp	\$57,884.62		\$45,569.22		\$13,632.85		\$9,291.25		\$759.52	



Don Bolles Ceremonial Sign Toppers

Request City Council approval to install ceremonial sign toppers recognizing Don Bolles at the intersections of 4th Avenue and Clarendon Avenue and 4th Avenue and Osborn Road. The fabrication, installation, and maintenance costs of the ceremonial signs will be funded by the Clarendon Hotel. There is no financial impact to the City.

Summary

The Street Transportation Department received a request to install ceremonial sign toppers to honor Donald "Don" Bolles, a reporter for the *Arizona Republic* who was killed by a car bomb in 1976. The request was submitted by representatives of the Clarendon Hotel per the Ceremonial Sign Procedure published on the Street Transportation Department website.

During his roughly 10 years as an Arizona journalist, Don Bolles gained a reputation as an in-depth investigative reporter, tracking stories related to land fraud, influence peddling and corruption. His work led to the criminal indictment against four State commissioners for bribery and conspiracy. Bolles also exposed links between Arizona's horse racing industry and the mafia in the 1960s, and while working at the *Arizona Republic*, published a story that included 200 known mafia members operating in the state, along with their associates. His work also led to legislative action. After wondering why a drunk driver who killed three college students on Interstate 40 in 1971 was allowed a plea deal and later paroled six months early, Don published an interview with the driver. That article pointed out steps the City of Phoenix was taking to curb the rate of drunk driving arrests, which had doubled in four years, and led to stricter DUI laws in Arizona.

In his private life, Don Bolles advocated for special education in Arizona schools, and a provision for their educational accommodations was passed two years ahead of the Federal mandate.

In June 1976, Don Bolles was killed by a car bomb outside the Hotel Clarendon while investigating a story regarding a land deal that presumably connected top-ranking Arizona politicians with the mafia.

This biographical information was based on a compilation of sources, including the Arizona Republic and the Clarendon Hotel.

The blue ceremonial signs will be placed on the sign posts at 4th Avenue and Clarendon Avenue, and 4th Avenue and Osborn Road. These signs will be 8 inches by 30 inches in size and flag-mounted to the existing sign posts.

The Street Transportation Department will enter into an agreement with the requesting private party, the Clarendon Hotel, to establish the costs and maintenance responsibilities of the ceremonial sign toppers.

Financial Impact

The fabrication, installation, and maintenance costs of the ceremonial signs will be funded by the Clarendon Hotel. There is no financial impact to the City.

Location

4th Avenue and Clarendon Avenue, and 4th Avenue and Osborn Road.
Council District: 4

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



Intergovernmental Agreement with Arizona State Land Department for Roadway Improvements near Norterra Parkway and Jomax Road (Ordinance S-47699)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona State Land Department (ASLD) to utilize ASLD owned property for an interim storm water retention basin associated with the Jomax Road widening project located at the north west corner of Norterra Parkway and Jomax Road. The City will apply for a Special Land Use Permit and pay associated cost for the permit, as well as perform routine maintenance of the interim basin as outlined within the IGA. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18.

Summary

The Street Transportation Department is constructing a roadway widening project for the north side of Jomax Road between I-17 Freeway and Norterra Parkway. The City has reached an agreement with ASLD to allow the north half roadway storm water runoff to be retained in an interim retention basin on ASLD owned land. The City agrees to assume general maintenance responsibility of the basin for weed and litter control as outlined with in the IGA until such time that the land is auctioned by ASLD, at which time the permit shall expire and the successful bidder will operate and control the land and be responsible for overall maintenance as required by the City of Phoenix, Storm Water Design Manual.

Financial Impact

The total fee for the Special Land Use Permit application is \$1,800 with a \$300 renewal fee due in two years.

Location

Northwest Corner of Norterra Parkway and Jomax Road.
Council Districts: 1 and 2

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



Authorization to Enter into Development Agreement with AZ Deer Valley Industrial LP (Ordinance S-47709)

Request to authorize the City Manager, or his designee, to enter into a Development Agreement with AZ Deer Valley Industrial LP, for the installation of public roadway infrastructure, and necessary public easement dedications, on behalf of the City related to the north half street of Pinnacle Peak Road from Central Avenue to 7th Street. Further request to authorize the City Controller to disburse funds related to this item. The value of the agreement will not exceed \$2 million.

Summary

The City of Phoenix, in 2007, entered into Development Agreement (DA) 122225 with Airpark 80, LLC for Improvements to and Realignment of Pinnacle Peak Road, Central Avenue to Seventh Street, which was recorded in the Official Records of Maricopa County, Arizona on Sept. 21, 2007, as Document 2007-1046057, pursuant to which, the City agreed to design and construct certain public infrastructure improvements to the north side of Pinnacle Peak Road between Central Avenue and 7th Street. AZ Deer Valley Industrial LP (Developer) has since acquired the subject parcel from Airpark 80, LLC and has requested to complete the north half roadway improvements of Pinnacle Peak Road as outlined in the previous Development Agreement on behalf of the City in advance of the City's scheduled Capital Improvement Project currently budgeted in Fiscal Year 2024.

Developer will publicly procure the roadway design and construction in accord with A.R.S. Title 34 requirements in order to seek reimbursement for the City responsible improvements in an amount not to exceed \$2 million.

Contract Term

Developer shall use commercially reasonable efforts to complete the construction of the Public Infrastructure Improvements by no later than Dec. 31, 2024. Developer acknowledges that if it has not completed the construction of the Public Infrastructure Improvements by Dec. 31, 2024, the City shall have the right to terminate this Agreement by recording a notice of termination in the Official Records of Maricopa County, Ariz.

Financial Impact

Funding is available through the Street Transportation Department's Capital Improvement Program.

Concurrence/Previous Council Action

The City Council approved DA 122225 (Ordinance S-34293) on July 2, 2007.

Location

Pinnacle Peak Road, Central Avenue to 7th Street
Council Districts: 1 and 2

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua on behalf of the Street Transportation Department.



Transportation 2050 Program Management Consultant - Professional Services - ST85100368 and PT00170023 (Ordinance S-47710)

Request to authorize the City Manager, or his designee, to enter into an agreement with AECOM Technical Services, Inc., to provide Professional Services that include program management, project management, programming, planning, support services, design, and possible construction administration and inspection services for the Transportation 2050 Program. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed \$11,025,000.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to provide program management staff support in the planning, programming, and implementation of the City's Transportation 2050 program.

The Consultant's services include, but are not limited to: prioritization and scheduling of projects, construction management, cost estimating and price analysis, federal, state and local agency coordination, technical and legal evaluation of public-private partnerships or alternative financing options, multi-modal transportation planning, design, and construction administration and inspection.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Two firms submitted proposals and are listed below.

Selected Firm

Rank 1: AECOM Technical Services, Inc.

Additional Proposer

Rank 2: Michael Baker International, Inc.

Contract Term

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

Financial Impact

The agreement value for AECOM Technical Services, Inc. will not exceed \$11,025,000, including all subconsultant and reimbursable costs.

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

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department, the Public Transit Department, and the City Engineer.



Vactor Services Agreement - Request for Award (Ordinance S-47666)

Request to authorize the City Manager, or his designee, to enter into an agreement with Pipeline Video Inspection dba AIMS Companies, to provide vactor services for the purpose of keeping sewer lines, process pipelines and storm drains clean and free of debris that could cause blockage. Further request to authorize the City Controller to disburse all funds related to this item. The agreement amount will not exceed \$3,726,250.

Summary

The purpose of this agreement is to provide vactor services for facility sewer lines, which are not infrastructure in the City’s sanitary sewer collection system, decant stations, process pipelines, process tanks, storm drains, basin/rock trap, process liquid holding structure, process liquid conveying structure, flood irrigation lines, interceptor tanks and pool filter/settling tank.

AIMS Companies services include, but are not limited to: providing Closed-Circuit Television (CCTV) recording or still photographs of the interior of the cleaned sewer/process pipelines as requested by the City, removing flood irrigation line blockages in 12- to 24-inch concrete pipes and removal of pool filter sand and sand traps, disposal of materials and cleaning up spills or leaks.

Procurement Information

The recommendation was made using an Invitation for Bids procurement process in accordance with City Administrative Regulation 3.10.

Four vendors submitted bids and are listed below. All bids were found to be responsive and responsible.

Selected Bidder

Pipeline Video Inspection dba AIMS Companies: \$224,775

Other Bidders

StormWater Pros, LLC: \$246,300

Ancon Services: \$249,857.20

Lincoln Constructors, Inc: \$338,000

Contract Term

The agreement will begin on or about Sept. 1, 2021, for a five-year aggregate term with no options to extend.

Financial Impact

The agreement value for Pipeline Video Inspection dba AIMS Companies will not exceed \$3,726,250.

Funding is available in the Water Services and Parks and Recreation departments' operating budgets.

Responsible Department

This item is submitted by Deputy City Managers Karen Peters and Inger Erickson, and the Water Services and Parks and Recreation departments.



16-Inch Zone 1 Carver to Elliot Roads from 51st to 35th Avenues - Construction Manager at Risk Preconstruction Services - WS85500440 (Ordinance S-47674)

Request to authorize the City Manager, or his designee, to enter into an agreement with PCL Construction, Inc. to provide Construction Manager at Risk Preconstruction Services for the 16-Inch Zone 1 Carver to Elliot roads from 51st to 35th avenues project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed \$30,000.

Summary

The purpose of this project is to install approximately 11,339 feet of 16-inch combination transmission and distribution pipe, valves, fittings, hydrants and service connections. Particular care must be exercised in the area of existing and abandoned El Paso Natural Gas lines and a City of Phoenix 54-inch water transmission main, as well as Salt River Project (SRP) irrigation canals, ditches, and pipes in the area. Additionally, the right of way is split between the City of Phoenix and Maricopa County.

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

PCL's services include, but are not limited to: providing a detailed cost estimate and knowledge of marketplace conditions, provide project planning and scheduling, provide for construction phasing and scheduling that will minimize interruption and to City operations and to provide alternate systems evaluation and constructability studies. A Small Business Enterprise goal will be established for this project upon substantial completion of Preconstruction Services and prior to the start of construction.

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

Procurement Information

The selection was made using a qualifications-based selection process set forth in

section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Six firms submitted proposals and are listed below.

Selected Firm

Rank 1: PCL Construction, Inc.

Additional Proposers

Rank 2: Achen-Gardner Construction, LLC

Rank 3: Hunter Contracting Co.

Rank 4: TALIS Construction Corporation

Rank 5: B&F Contracting, Inc.

Rank 6: Haydon Building Corp.

Contract Term

The term of the agreement is 260 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for PCL will not exceed \$30,000, including all subcontractor and reimbursable costs.

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

Location

Carver to Elliot roads from 51st to 35th avenues

Council District: 8

Responsible Department

This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department, and the City Engineer.



Arizona Public Service Trenching Agreement for Electrical Service to City of Phoenix Pressure Reducing Valve Station - WS85500455 (Ordinance S-47677)

Request to authorize the City Manager, or his designee, to enter into a Trenching Agreement with Arizona Public Service to provide new electrical service for a Pressure Reducing Valve station located near 51st Avenue and Union Hills Drive for City of Phoenix project WS85500455. Further request to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. There is no financial impact to the City of Phoenix.

Summary

The City is constructing a pressure reducing valve station that will require new electrical service for operational purposes. The Trenching Agreement is required by Arizona Public Service (APS) in order to proceed with electrical design, as well as installation of necessary facilities to provide power for the City's requested needs and is being executed with a zero dollar cost.

Contract Term

The term of the agreement will begin on or about June 16, 2021, and will expire when the project is completed and accepted.

Financial Impact

There is no financial impact to the City of Phoenix.

Location

Near 51st Avenue and Union Hills Drive
Council District: 1

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Karen Peters, and the Street Transportation and Water Services departments.



Biosolids Removal Services Agreement - Amendment (Ordinance S-47683)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 147292 with Synagro of California, LLC, to provide additional funding to the contract. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$2,596,000.

Summary

Biosolids are a byproduct of the wastewater treatment process. Synagro of California, LLC is responsible for transporting, reusing and disposing of digested biosolids for the Water Services Department 23rd Avenue and 91st Avenue Wastewater Treatment Plants (WWTP).

This amendment is necessary due to an increase in the volume of biosolids being processed at the 91st Avenue WWTP. Load fees are based on weight and frequency, both of which have increased.

Financial Impact

The initial agreement for Biosolids Removal Services was authorized for a fee not-to-exceed \$12 million. An amendment increased the authorization for the agreement by \$741,000, for a total value not-to-exceed \$12,741,000. This amendment will increase the authorization for the agreement by an additional \$2,596,000, for a new total not-to-exceed agreement value of \$15,337,000.

Funding for this amendment is available in the Water Services Department's Operating budget.

Concurrence/Previous Council Action

The City Council approved:

- Biosolids Removal Services Agreement 147292 (Ordinance S-44478) on April 18, 2018; and
- Biosolids Removal Services Agreement 147292 - Amendment (Ordinance S-46608) on May 20, 2020.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Enter into Agreement with Salt River Project to Cost Share for Northern Mexican Garter Snake for Operations of Modified Roosevelt Dam (Ordinance S-47687)

Request to authorize the City Manager, or his designee, to enter into an agreement with Salt River Project to share costs for requirements related to the Northern Mexican Garter Snake, a threatened species, proportional to Phoenix's allotted New Conservation Space storage in Modified Roosevelt Dam's total storage. This will be in alignment with the Modified Roosevelt Dam incidental take permit and associated Roosevelt Habitat Conservation Plan to obtain coverage under the Endangered Species Act for the Northern Mexican Garter Snake for operations of Modified Roosevelt Dam. Further request to authorize the City Controller to disburse all funds related to this item. The agreement value will not exceed \$150,000.

Summary

In 2003, the Fish and Wildlife Service issued Salt River Project (SRP) an incidental take permit under Section 10 of the Endangered Species Act for certain listed species for operation of the Modified Roosevelt Dam. In 2010, near Theodore Roosevelt Lake, the Northern Mexican Garter Snake was found in the vicinity. In 2014, the Northern Mexican Garter Snake was listed as a threatened species. SRP has obtained a research permit to perform scientific research to better understand the Northern Mexican Garter Snake's long-term survival needs in the vicinity of Theodore Roosevelt Lake. The research permit provides short-term coverage for the incidental take of Northern Mexican Garter Snake from operation of the Modified Roosevelt Dam's Active Conservation Space and New Conservation Space storage. The Water Services Department will share costs associated with the long-term survival of the Northern Mexican Garter Snake. In doing so, in collaboration with SRP, the City of Phoenix will safeguard the continued availability of Phoenix's allotted New Conservation Space storage.

Procurement Information

In accordance with City of Phoenix Administrative Regulation 3.10, competitive procurement was waived as a result of a Determination Memo citing there is an unusual nature of the goods or services that require a specific vendor due to SRP's network of private and public partners funding the project for the Northern Mexican Garter Snake. SRP provides a one-of-a-kind opportunity for the City to fund

collaborative projects that positively impact Phoenix's allotted New Conservation Space storage and environmental improvements.

Contract Term

The agreement will expire upon the completion of the project or the full expenditure of Phoenix's \$150,000 share of the cost, whichever occurs first.

Financial Impact

The agreement value of the agreement is not to exceed \$150,000.

Funding for this agreement is available in the Water Services Department's Operating budget.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Liquid Copper Sulfate - Request for Award (Ordinance S-47711)

Request to authorize the City Manager, or his designee, to ratify existing purchase orders and enter into an agreement with TR International Trading Company to provide liquid copper sulfate as an emergency alternative product to acidified copper sulfate used for water treatment. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority, and for the City Controller to disburse all funds related to this item. The expenditures will not exceed \$192,111.

Summary

The purpose of this agreement is to purchase liquid copper sulfate as an alternative product to acidified copper sulfate for the Water Services Department (WSD) Water Production Division's 24th Street and Val Vista Water Treatment Plants (WTPs). During the warmer summer months (May through October), the WTPs normally use acidified copper sulfate crystals to suppress algae growth in treated water. Algae growth is primarily triggered by the high summer temperatures and sun exposure.

WSD has an existing agreement with Chemrite, Inc. (Agreement 153960) to provide acidified copper sulfate. On April 20, 2021, Chemrite, Inc. notified WSD that acidified copper sulfate was no longer available in the marketplace due to shortages of key raw materials. In response, WSD determined that it would be in the best interest of the City to obtain an alternative product to suppress algae growth (liquid copper sulfate) before the inventory of acidified copper sulfate was completely depleted.

Procurement Information

WSD issued a Request for Information (RFI) to identify the availability of liquid copper sulfate and subsequently obtained a quote for the product. An emergency determination was obtained to purchase the liquid copper sulfate from TR International Trading Company.

An exception to the procurement process was determined to select the contractor set forth in City of Phoenix Administrative Regulation 3.10. A direct selection was made because there exists a threat to public health, welfare or safety where the normal procurement sourcing methods and payment authorization was not followed.

Contract Term

The agreement's term will begin on or about June 16, 2021 and extend to Oct. 31, 2021.

Financial Impact

The agreement value for TR International Trading Company will not exceed \$192,111. Funding is available in the Water Services Department's operating budget.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Final Plat - Norterra PUD Parcel 22 - PLAT 200626 - Southwest Corner of Jomax Road and 19th Avenue

Plat: 200626

Project: 15-3108

Name of Plat: Norterra PUD Parcel 22

Owner(s): US Relp Norterra East, LLC

Engineer: Thomas R Gettings

Request: 162 Lot Detached Single Family Subdivision

Reviewed by Staff: May 12, 2021

Final Plat requires Formal Action Only

Summary

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

Location

Generally located at southwest corner of Jomax Road and 19th Avenue

Council District: 1

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.



Final Plat - Red Hawk Garage Suites-DV - PLAT 200588 - Southeast Corner of 15th Ave and Happy Valley Road

Plat: 200588
Project: 18-1700
Name of Plat: 200588
Owner(s): Red Hawk Garage Suites-DV LLC
Engineer: David S. Klein
Request: 1 Lot Commercial Plat
Reviewed by Staff: May 13, 2021
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the southeast corner of 15th Ave and Happy Valley Road
Council District: 1

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.



Final Plat - Hopewell 7th Pinnacle - PLAT 200632 - Northwest Corner of 7th Street and Pinnacle Peak Road

Plat: 200632
Project: 20-2549
Name of Plat: Hopewell 7th Pinnacle
Owner(s): AZ Deer Valley Industrial, LP
Engineer(s): Keako, Inc.
Request: 2 Lot Commercial Plat
Reviewed by Staff: May 11, 2021
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the northwest corner of 7th Street and Pinnacle Peak Road
Council District: 1 and 2

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.



Final Plat - 11th Avenue Subdivision - PLAT 200628 - Northeast Corner of 11th Avenue and Sunland Avenue

Plat: 200628
Project: 19-4421
Name of Plat: 11th Avenue Subdivision
Owner(s): Lexington Communities, LLC
Engineer(s): Keogh Engineering, Inc.
Request: A 11 Lot Residential Plat
Reviewed by Staff: May 6, 2021
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the northeast corner of 11th Avenue and Sunland Avenue.
Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.



Final Plat - Laveen 23 - PLAT 200604 - North of Vineyard Road and East of 43rd Avenue

Plat: 200604

Project: 19-3925

Name of Plat: Laveen 23

Owner(s): AMH Development, LLC

Engineer: Robert Blake; Clouse Engineering, Inc.

Request: 23 Lot Residential Single Family Subdivision Plat

Reviewed by Staff: May 17, 2021

Final Plat requires Formal Action Only

Summary

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

Location

Generally located 223 feet north of the northeast corner of 43rd Avenue and Vineyard Road

Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.



Final Plat - Sunset Farms Parcel 4 North - PLAT 200618 - Northeast Corner of 107th Avenue and Broadway Road

Plat: 200618
Project: 02-2183
Name of Plat: Sunset Farms Parcel 4
Owner: GWH Sunset Farms LLC.
Engineer: Richard G Alcocer
Request: 16 Lot Residential Plat
Reviewed by Staff: May 17, 2021
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with abandonment ABND 210008. The sequence of recording to be followed is that the resolution of abandonment is recorded first, then the plat is recorded second.

Location

Generally located at the northeast corner of 107th Avenue and Broadway Road
Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.



Final Plat - Phoenix Pipelines - PLAT 200559 - Southeast Corner of Winslow Avenue and 38th Street

Plat: 200559
Project: 20-1061
Name of Plat: Phoenix Pipelines
Owner(s): Phoenix Pipelines, Inc.
Engineer(s): Alliance Land Surveying, Inc.
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Sept. 22, 2020
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. Abandonment 200522 must be scheduled concurrently with this plat.

Location

Generally located at the southeast corner of Winslow Avenue and 38th Street.
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.



Final Plat - Take 5 Oil Change - PLAT 200608 - Northwest Corner of 48th Street and Baseline Road

Plat: 200608

Project: 19-4199

Name of Plat: Take 5 Oil Change

Owner(s): The Emas Family Trust, Dated October 1998

Engineer(s): Bryan G. Goetzenberger, RLS

Request: A 2 Lot Commercial Plat

Reviewed by Staff: May 7, 2021

Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the northwest corner of 48th Street and Baseline Road.

Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.



**Abandonment of Easement - ABND 200562 - 9226 North Cave Creek Road
(Resolution 21931)**

Abandonment: ABND 200562

Project: 01-237

Applicant: Cave Creek Road Partners LLC

Request: To abandon the 25-foot Multi Use Trail Easement located along the eastern property line at the parcel on the west side of Cave Creek Road and south of Utopia Road, identified as parcel APN 213-80-452.

Date of Decision/Hearing: February 18, 2021

Location

9226 North Cave Creek Road

Council District: 3

Financial Impact

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.



Abandonment of Easement - ABND 210004 - Southwest Corner of 31st Avenue and Northern Avenue (Resolution 21929)

Abandonment: ABND 210004

Project: 20-952

Applicant: Ashley Zimmerman Marsh, Tiffany & Bosco

Request: To abandon a 1 foot vehicular non-access easement (VNAE) along the western perimeter of APN 151-02-011F.

Date of Decision/Hearing: March 18, 2021

Location

Southwest Corner of 31st Avenue and Northern Avenue

Council District: 5

Financial Impact

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer the Planning and Development Department.



**Abandonment of Easement - ABND 200520 - 6810 & 6815 North 2nd Street
(Resolution 21930)**

Abandonment: ABND 200520

Project: 01-19072

Applicant(s):

Request: To abandon a 4-foot public utility easement at the southern portion of parcel identified APN 161-21-005 and a 4-foot public utility easement at the northern boundary of parcel identified APN 161-21-004, recorded on final subdivision plat for "El Sol," recorded with Maricopa County Recorder, Book 048, page 29.

Date of Decision/Hearing: June 30, 2020

Location

6810 & 6815 North 2nd Street

Council District: 6

Financial Impact

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.



Abandonment of Easement - ABND 210008 - Northeast Corner of 107th Avenue and Broadway Road (Resolution 21933)

Abandonment: ABND 210008

Project: 02-2183

Applicant: Douglas W. Chubin, P.E., Coe and Van Loo Consultants, Inc.

Request: To abandon a 1-foot vehicular non-access easement (VNAE) on Lots 1-16 on Sunset Farms Parcel 4 (APN 101-31-477 through 101-31-492, inclusive). The 1-foot vehicular non-access easement (VNAE) was dedicated through PLAT 190013.

Date of Decision/Hearing: April 9, 2021

Summary

The resolution of the abandonment and PLAT 200618 are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution of abandonment is recorded first, then the plat is recorded second.

Location

Northeast Corner of 107th Avenue and Broadway Road

Council District: 7

Financial Impact

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.



Abandonment of Easement -ABND 200522 - 2849 South 38th Street (Resolution 21932)

Abandonment: ABND 200522

Project: 20-1061

Applicant: Phoenix Pipelines Inc.

Request: To abandon a 16-foot public utility easement on lots 7-14 recorded on final subdivision on plat "Williams Okemah Addition Amended," recorded with Maricopa County Recorder, Book 041, page 26.

Date of Decision/Hearing: September 10, 2020

Summary

The resolution of the abandonment and PLAT 200559 are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

2849 South 38th Street

Council District: 8

Financial Impact

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.



Amend City Code - Official Supplementary Zoning Map 1219 (Ordinance G-6866)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1219. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-89-04 and the entitlements are fully vested.

Summary

To rezone a parcel located approximately 1,091 feet east of the southeast corner of 7th Street and Deer Valley Road.

Application No.: Z-89-04

Zoning: A-1

Owner: KeyBank Natl Assoc & Geupel Family LP

Acreage: 144.64

Location

Approximately 1,091 feet east of the southeast corner of 7th Street and Deer Valley Road..

Council District: 2

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE G-

**AN ORDINANCE AMENDING SECTION 601 OF THE CITY
OF PHOENIX ZONING ORDINANCE BY ADOPTING
OFFICIAL SUPPLEMENTARY ZONING MAP 1219**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That Section 601 of the City of Phoenix Zoning Ordinance is hereby amended by adopting Official Supplementary Zoning Map 1219 signed by the Mayor and City Clerk, which is accompanies and is annexed to this ordinance and declared a part hereof.

PASSED by the Council of the City of Phoenix this 16th day of June, 2021.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

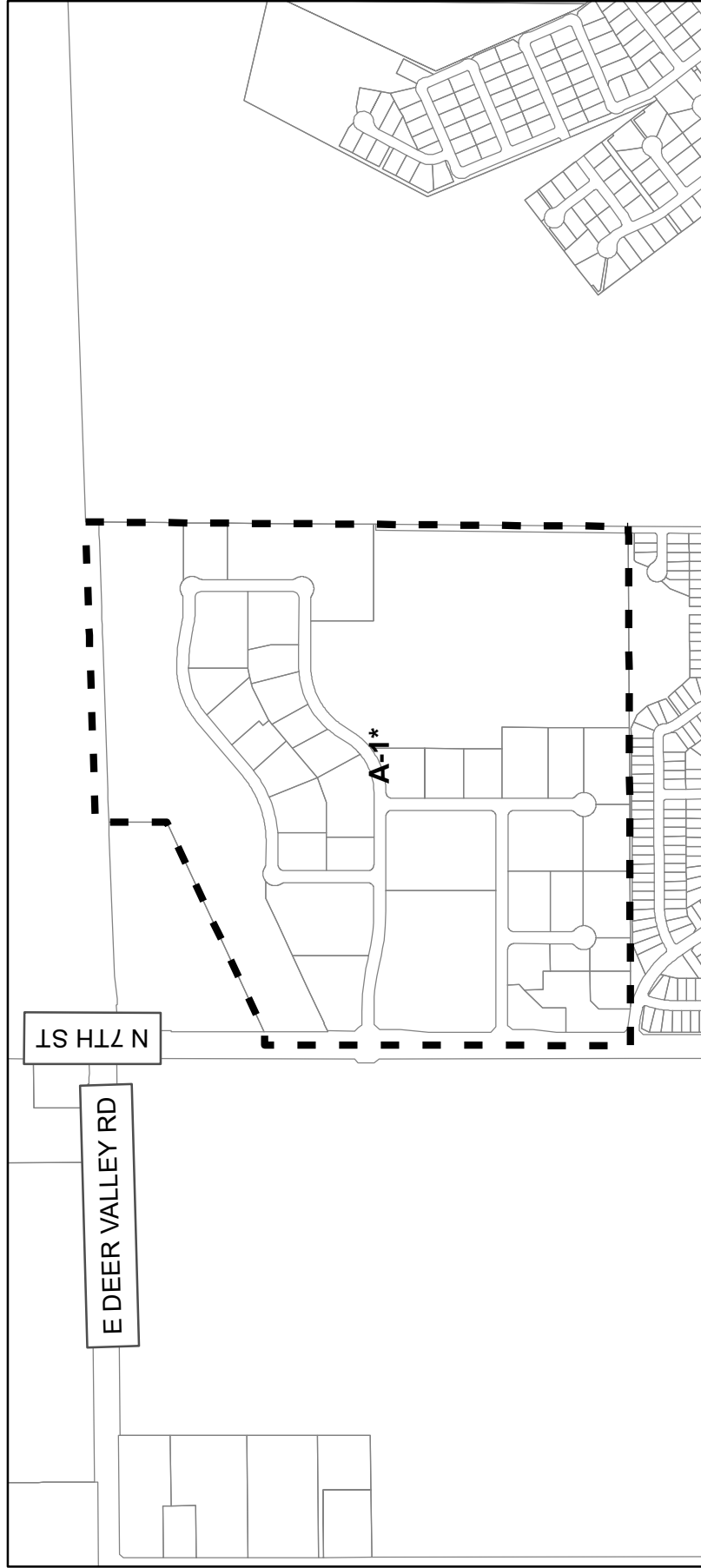
REVIEWED BY:

_____ City Manager

OFFICIAL SUPPLEMENTARY ZONING MAP NO. 1219 Sheet 1 of 1

ORDINANCE NO. _____ AMENDING SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE

Passed by the Council of the City of Phoenix, Arizona this 16th day of June 2021.



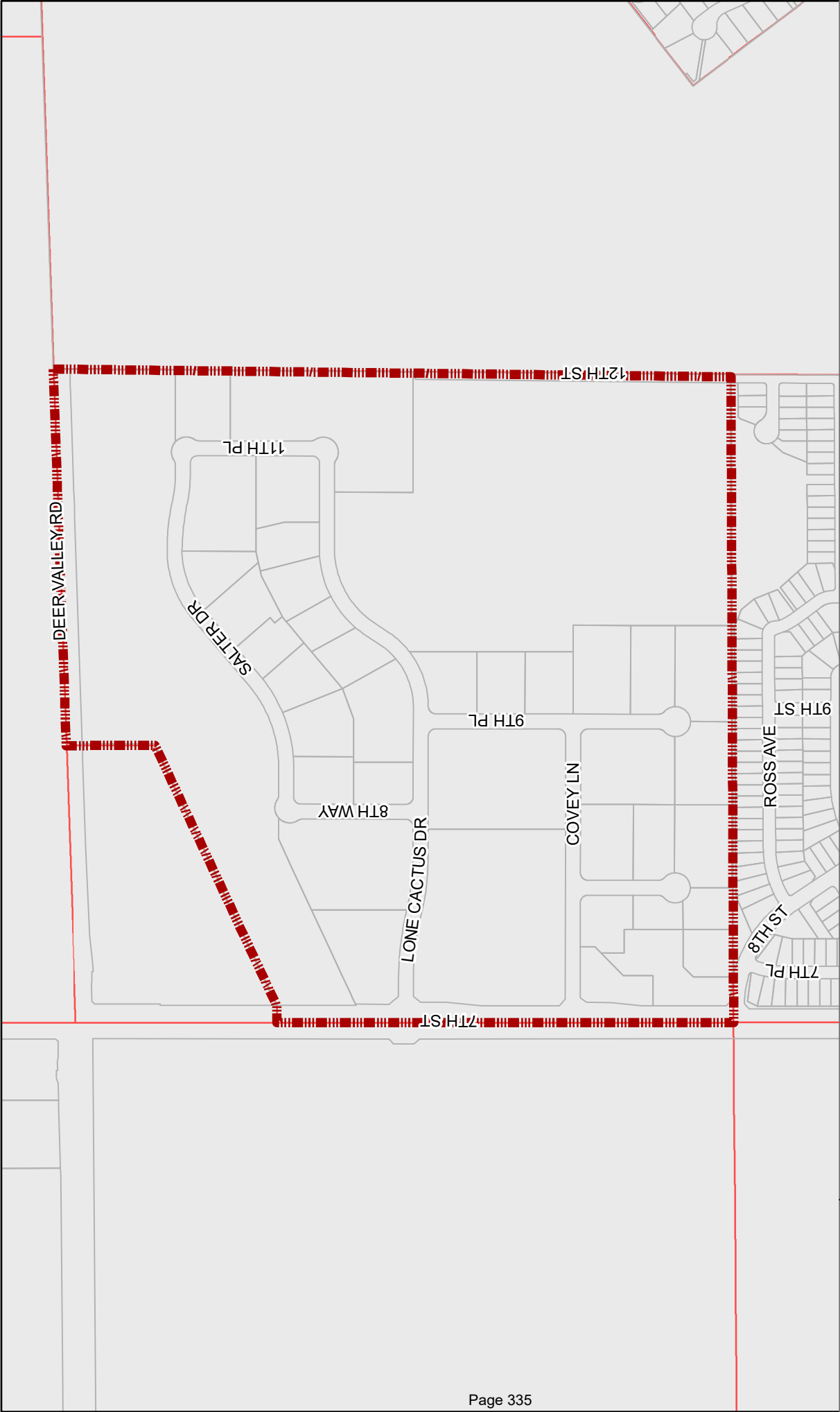
Z-89-04



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Drawn by: LW

ZONING SUBJECT TO STIPULATIONS: *
AREA INVOLVED BOUNDED THUS: ■■■■■



Property Location: Area that requires a Supp Map/ Case:89-04/Zoning: A-1

**Zoning Map: N-8
Quarter Section: 42-29**



Planning & Development Department





City of Phoenix
PLANNING DEPARTMENT

SCANNED

November 16, 2004

KeyBank National Association & Geupel Family LP
127 Public Square, 18th Floor
Cleveland, OH 44114

Dear Applicant:

RE: Z-89-04-2

Southeast corner of 7th Street and Deer Valley Road

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.4 of the Zoning Ordinance, as amended, has on November 3, 2004, concurred in the recommendation of the Planning Commission and the Zoning Hearing Officer and has ratified application Z-89-04-2 from RE-43 to A-1 (154.09 acres), C-2 (5.86 acres), on approximately 159.95 acres, subject to the following stipulations:

Stipulations:

1. That the development shall be in general conformance to the site plan date stamped July 29, 2004 with specific regard to the landscape setback, open space tracts on the hillside and the wash, and single loaded street adjacent to the hillside and wash, as may be modified by stipulations below, and as approved or modified by the Development Services Department.
2. That a minimum 20-foot landscape setback shall be provided adjacent to the residential development along the south property line.
3. That landscaping shall be provided per the landscape plan date stamped July 29, 2004, with regards to landscape palette and density, as approved by the Development Services Department. No driveways, drives, parking or other uses shall be permitted in the 20 foot landscape setback along the south property line.
4. That no development shall occur on Tracts A and B, depicted as open space. Tracts A and B shall be platted as open space tracts of approximately 27 acres and 36 acres, respectively, and shall be dedicated to the City upon final plat approval per the applicant's letter (Exhibit A).
5. That at time of site plan/plat approval, the Development Services Department shall encourage single loaded street access adjacent to the hillside open space and adjacent to the open space on the south side of Cave Creek Wash.
6. That a 25-foot public trail easement shall be provided within Cave Creek Wash and within that easement, an 8-foot multi-use trail shall be provided along the top of the south bank of Cave Creek Wash in accordance with the City of Phoenix

standard trail detail as approved by the Parks and Recreation Department.

7. That subject to appropriate 404 or other permits, Cave Creek Wash shall be treated as a natural amenity per plans approved by the Development Services Department. Structural improvements within the wash shall be designed to blend with the natural setting through use of stain, materials, and landscaping.
8. That rights-of-way shall be dedicated and improvements provided as follows:
 - a. Right-of way totaling 65 feet shall be dedicated for the south half of Deer Valley Drive.
 - b. Right-of way totaling 65 feet shall be dedicated for the east half of 7th Street.
 - c. Right-of way totaling 30 feet shall be dedicated for the north half of Rose Garden Lane.
 - d. A 21 foot by 21 foot right-of-way triangle shall be dedicated at the southeast corner of 7th Street and Deer Valley Drive.
 - e. Sufficient right-of-way shall be dedicated to accommodate a bus bay on Deer Valley Drive at 7th Street.
 - f. Right-of-way and construction of a transit pad, per detail P-1262, shall be provided on northbound 7th Street north of Lone Cactus Drive. (Road)
 - g. The developer shall construct 7th Street south of Cave Creek Wash 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 if developer receives building permits for such development south of Cave Creek Wash prior to the city's going to bid for such street improvements. The developer shall construct or place funds in escrow for construction of Deer Valley Road north of Cave Creek Wash 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 only if developer receives building permits for such development north of Cave Creek Wash prior to the city's going to bid for such street improvements. All improvements shall comply with all ADA accessibility standards.
 - h. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department (602) 262-6193. This form is a requirement of the EPA to meet clean air quality requirements.

SCANNED

9. That no buildings shall be located within 100 feet of the south property line.
10. That building and landscape setbacks along 7th Street and Deer Valley Drive shall conform to General Commerce Park standards. (Section 626.H.1.e.)
11. That no outdoor storage shall be permitted on property north of Cave Creek Wash unless screened by a minimum 6-foot wall. Material stored outdoors shall not be visible above the wall.
12. That no outdoor storage shall be permitted on property north of Cave Creek Wash unless screened by a minimum 6-foot wall. Material stored outdoors shall not be visible above the wall.
13. That prior to final site plan approval, the property owner shall record documents that disclose to purchasers or occupants of the property the existence and operational characteristics of Deer Valley Airport. The form and content of such documents shall be reviewed and approved by the City Attorney.
14. That the applicant file Federal Aviation Form 7460, Notice of Proposed Construction or Alteration with the Federal Aviation Administration prior to any development or construction on site.
15. That a comprehensive sign plan shall be approved for the entire development in accordance with Section 705.F.2 of the Zoning Ordinance.
16. That there shall be no parking of vehicles (including trailers, cars, and trucks) with commercial signage between the street and building façade along 7th Street and Deer Valley Drive.

SCANNED

Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,



Bernadine Alling
Planner II

- cc: City Clerk
Files
Bernadine Alling (email)
Ben Leonard, Public Transit (email)
Kelly Kvetko, Site Planning (email)
Kenneth Black (email)
Mike B. Withey, Withey, Anderson & Morris, 2525 E. Biltmore Circle, Suite. A-212, Phoenix, AZ, 85016
- Jay Neville (email)
Book
Dave Barrier, DSD (email)
Victor Morrison-Vega, NSD (email)
Bob Luxton, Sign Enf. (email)
Lynn West (email)



Amend City Code - Official Supplementary Zoning Map 1218 (Ordinance G-6867)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1218. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-7-12-3 and the entitlements are fully vested.

Summary

To rezone a parcel located approximately 300 feet east of the northeast corner of 42nd Street and Cactus Road.

Application No.: Z-7-12-3

Zoning: R-5 PCD

Owner: WW Cactus 88, LLC

Acreage: 5.06

Location

Approximately 300 feet east of the northeast corner of 42nd Street and Cactus Road

Address: 4232, 4238, and 4242 E. Cactus Road

Council District: 3

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE G-

**AN ORDINANCE AMENDING SECTION 601 OF THE CITY
OF PHOENIX ZONING ORDINANCE BY ADOPTING
OFFICIAL SUPPLEMENTARY ZONING MAP 1218**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That Section 601 of the City of Phoenix Zoning Ordinance is hereby amended by adopting Official Supplementary Zoning Map 1218 signed by the Mayor and City Clerk, which is accompanies and is annexed to this ordinance and declared a part hereof.

PASSED by the Council of the City of Phoenix this 16th day of June, 2021.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

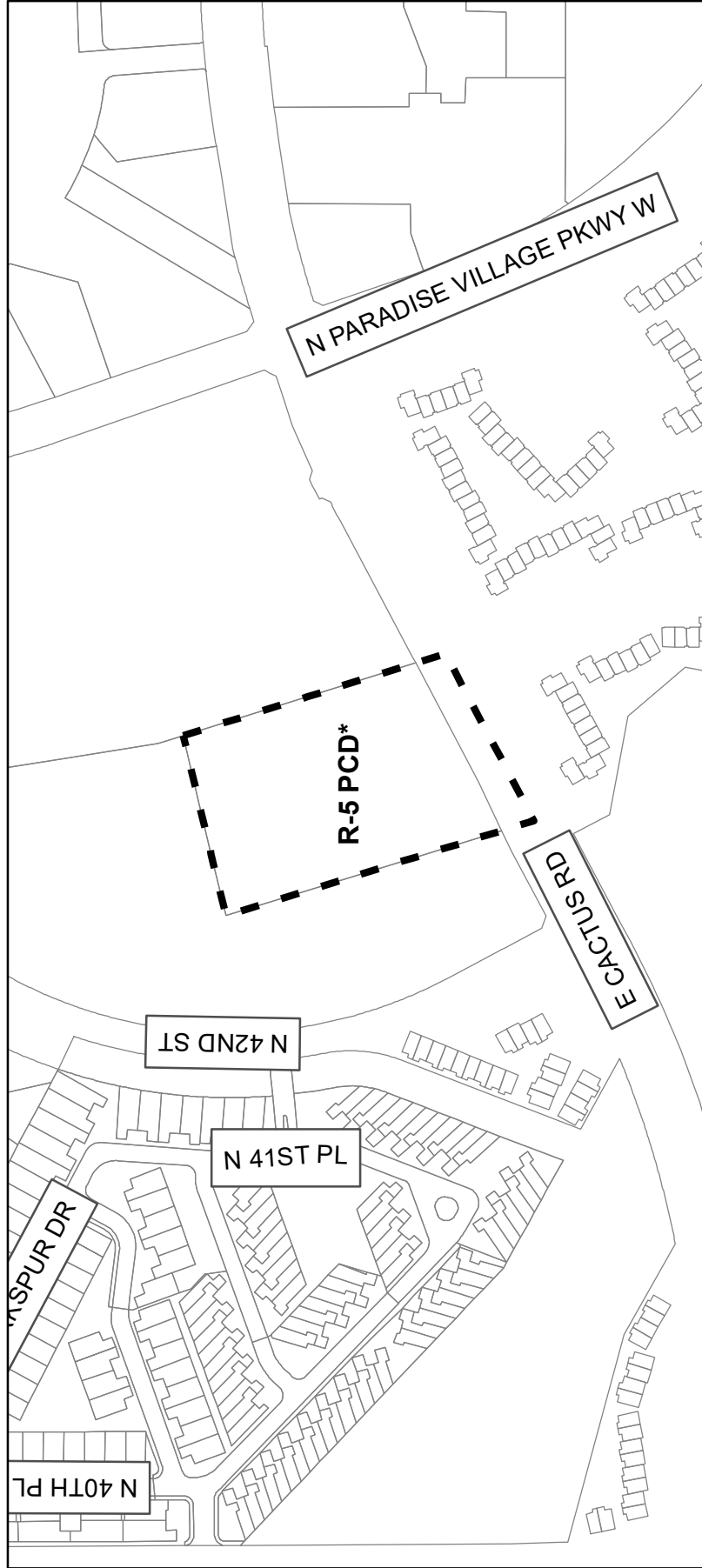
REVIEWED BY:

_____ City Manager

OFFICIAL SUPPLEMENTARY ZONING MAP NO. 1218 Sheet 1 of 1

ORDINANCE NO. _____ AMENDING SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE

Passed by the Council of the City of Phoenix, Arizona this 16th day of June 2021.



Z-7-12

Drawn by: KS



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

ZONING SUBJECT TO STIPULATIONS: *
AREA INVOLVED BOUNDED THUS: ■■■■■



Modification of Stipulation Request for Ratification of May 19, 2021 Planning Hearing Officer Action - PHO-4-21--Z-14-05-1- Southeast Corner of 7th Avenue and Happy Valley Road

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on May 19, 2021. This ratification requires formal action only.

Summary

Application: PHO-4-21--Z-14-05-1

Existing Zoning: A-1 DVAO

Acreage: 16.14

Applicant: Strata Solar

Owner: Happy Valley II LLC

Representative: Chris Webb, Rose Law Group

Proposal:

1. Modification of Stipulation 1 regarding general conformance to site plans date stamped August 13, 2007 (PHO-1-07 and PHO-2-14) and October 3, 2014 (PHO-2-14).
2. Deletion of Stipulation 2 regarding a master architectural theme (PHO-1-07 and PHO-2-14).
3. Deletion of Stipulation 4 regarding two pedestrian access points to the regional trail system (PHO-1-07 and PHO-2-14).
4. Modification of Stipulation 7 regarding recording documents that disclose the existence and characteristics of Goodrich-Universal Propulsion Company (PHO-1-07 and PHO-2-14).
5. Technical corrections to Stipulations 3 and 5 (PHO-1-07).

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee heard this case on May 13, 2021 and recommended approval by a 10-1 vote.

Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on May 19, 2021, and recommended approval with a modification and additional stipulations. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location

Southeast corner of 7th Avenue and Happy Valley Road

Council District: 1

Parcel Address: N/A

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

Attachment A- Stipulations- PHO-4-21--Z-14-05-1

Location: Southeast corner of 7th Avenue and Happy Valley Road

Stipulations: PHO-1-07—Z-14-05-1

PHO recommended legislative edit of stipulations applicable to that portion of the site subject to PHO-1-07—Z-14-05-1.

GENERAL CONFORMANCE	
1.	That development shall be in general conformance with the site plan date stamped August 31, 2007, as approved or modified by the Development Services Department.
2.	That a master architectural theme, that unifies the landscaping and building materials for all development, shall be approved concurrent with preliminary site plan approval for the first phase of development as approved by the Development Services Department.
1. 3.	That An average 20-foot (minimum 10-foot) landscape setback shall be provided along 7th Avenue and Misty Willow Lane and an average 10-foot (minimum 5-foot) landscape setback shall be provided along all internal streets, as approved by the PLANNING AND Development Services Department.
TRAILS	
4.	That the applicant shall provide two pedestrian access points to the regional trail system located adjacent to the CAP Canal via the two public streets adjacent to the canal, as approved by the Development Services Department.
LANDSCAPING	
2. 5.	That Landscaping shall be provided within parking lots per C-2 zoning district standards (Section 701.d), as approved by the PLANNING AND Development Services Department.
ARCHAEOLOGICAL	
3. 6.	That The subject site has the potential to contain archaeological resources. That The applicant shall submit an archaeological survey for review and approval by the City Archaeologist (602) 495-0901 prior to preliminary approval.
NOTIFICATION	
4. 7.	That, At such time as the sale of any parcel, the property owner shall record documents that disclose to purchasers or occupants of property within the development(s) the existence and operational characteristics

	of Deer Valley Airport and Goodrich-Universal Propulsion Company . The form and content of such documents shall be reviewed by the City Attorney.
5.	THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO PROSPECTIVE PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENTS THE NATURE OF ENVIRONMENTAL REMEDIATION ACTIVITIES AT THE FORMER SITE OF THE GOODRICH UNIVERSAL PROPULSION COMPANY. 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.
STREETS AND TRANSPORTATION	
6. 8.	That Right-of-way totaling 70 feet shall be dedicated for the south half of Happy Valley Road.
7. 9.	That A 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 7th Avenue and Happy Valley Road.
8.	THE DEVELOPER SHALL PERFECT THE EXISTING 55-FOOT RIGHT-OF-WAY EASEMENT FOR THE EAST HALF OF 7TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
9.	THE DEVELOPER SHALL DEDICATE A 10-FOOT SIDEWALK EASEMENT FOR THE EAST SIDE OF 7TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
10.	THE DEVELOPER SHALL PROVIDE A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK ALONG PROPERTY FRONTAGES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
11.	THE DEVELOPER SHALL PROVIDE CONDUIT AND JUNCTION BOXES AT THE SOUTHEAST CORNER OF 7TH AVENUE AND HAPPY VALLEY ROAD. THE DEVELOPER SHALL PROVIDE 25% OF THE COST OF THE FUTURE TRAFFIC SIGNAL IN AN ESCROW ACCOUNT WITH THE STREET TRANSPORTATION DEPARTMENT.
12. 10.	That Sufficient right-of-way shall be dedicated to accommodate a bus-bay on Happy Valley Road at 7th Avenue.
13.	THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY AND CONSTRUCT ONE BUS STOP PAD ALONG EASTBOUND HAPPY VALLEY ROAD EAST OF 7TH AVENUE. BUS STOP PAD SHALL BE CONSTRUCTED ACCORDING TO CITY OF PHOENIX STANDARD DETAIL P1260 WITH A MINIMUM DEPTH OF 10 FEET. BUS STOP PAD SHALL BE SPACED FROM THE INTERSECTION OF HAPPY VALLEY ROAD AND 7TH AVENUE ACCORDING TO CITY OF

	PHOENIX STANDARD DETAIL P1258. TREES SHALL BE PLACED TO PROVIDE 50% SHADE COVERAGE TO BUS STOP PAD AT FULL MATURITY.
14. 44.	That 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.
15. 42.	That The applicant shall submit paving plans for all arterial streets within and adjacent to the development, to the Street Transportation Department for review and approval.
16. 43.	That The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
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. A 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.

Stipulations: PHO-2-14—Z-14-05-1

PHO recommended legislative edit of stipulations applicable to that portion of the site subject to PHO-2-14—Z-14-05-1.

1.	That development shall be in general conformance to the site plan date stamped August 13, 2007 and the site plan date stamped October 3, 2014, as approved or modified by the Planning and Development Department.
2.	That a master architectural theme, that unifies the landscaping and building materials for future development, shall be approved concurrent with preliminary site plan approval for the subsequent phases of development as approved by the Planning and Development Department.
1. 3.	That An average 20-foot (minimum 10-foot) landscape setback shall be provided along 7th Avenue and Misty Willow Lane and an average 10-foot (minimum 5-foot) landscape setback shall be provided along all internal streets, as approved by the PLANNING AND Development Services Department.

Trails	
4.	That the applicant shall provide two pedestrian access points to the regional trail system located adjacent to the CAP Canal via the two public streets adjacent to the canal, as approved by the Development Services Department.
Landscaping	
2. 5.	That Landscaping shall be provided within parking lots per C-2 zoning district standards (Section 701.d), as approved by the Planning and Development Department.
Archaeological	
3. 6.	The subject site has the potential to contain archaeological resources. That The applicant shall submit an archaeological survey for review and approval by the City Archaeologist (602) 495-0901 prior to preliminary approval.
Notification	
4. 7.	That, At such time as the sale of any parcel, the property owner shall record documents that disclose to purchasers or occupants of property within the development(s) the existence and operational characteristics of Deer Valley Airport and Goodrich-Universal Propulsion Company. The form and content of such documents shall be reviewed by the City Attorney.
5.	THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO PROSPECTIVE PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENTS THE NATURE OF ENVIRONMENTAL REMEDIATION ACTIVITIES AT THE FORMER SITE OF THE GOODRICH UNIVERSAL PROPULSION COMPANY. 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.
Street Transportation	
6. 8.	That Right-of-way totaling 70 feet shall be dedicated for the south half of Happy Valley Road.
7. 9.	That A 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 7th Avenue and Happy Valley Road.
8.	THE DEVELOPER SHALL PERFECT THE EXISTING 55-FOOT RIGHT-OF-WAY EASEMENT FOR THE EAST HALF OF 7TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

9.	THE DEVELOPER SHALL DEDICATE A 10-FOOT SIDEWALK EASEMENT FOR THE EAST SIDE OF 7TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
10.	THE DEVELOPER SHALL PROVIDE A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK ALONG PROPERTY FRONTAGES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
11.	THE DEVELOPER SHALL PROVIDE CONDUIT AND JUNCTION BOXES AT THE SOUTHEAST CORNER OF 7TH AVENUE AND HAPPY VALLEY ROAD. THE DEVELOPER SHALL PROVIDE 25% OF THE COST OF THE FUTURE TRAFFIC SIGNAL IN AN ESCROW ACCOUNT WITH THE STREET TRANSPORTATION DEPARTMENT.
12. 10.	That Sufficient right-of-way shall be dedicated to accommodate a bus-bay on Happy Valley Road at 7th Avenue.
13.	THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY AND CONSTRUCT ONE BUS STOP PAD ALONG EASTBOUND HAPPY VALLEY ROAD EAST OF 7TH AVENUE. BUS STOP PAD SHALL BE CONSTRUCTED ACCORDING TO CITY OF PHOENIX STANDARD DETAIL P1260 WITH A MINIMUM DEPTH OF 10 FEET. BUS STOP PAD SHALL BE SPACED FROM THE INTERSECTION OF HAPPY VALLEY ROAD AND 7TH AVENUE ACCORDING TO CITY OF PHOENIX STANDARD DETAIL P1258. TREES SHALL BE PLACED TO PROVIDE 50% SHADE COVERAGE TO BUS STOP PAD AT FULL MATURITY.
14. 11.	That 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.
15. 12.	That The applicant shall submit paving plans for all arterial streets within and adjacent to the development to the Street Transportation Department for review and approval.
16. 13.	That The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
17. 14.	That 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. A 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.

Final Stipulations: PHO-4-21—Z-14-05-1

Final stipulations reflecting the PHO recommended legislative edit of both PHO-1-07 and PHO-2-14, resulting in a single approval letter for PHO-4-21—Z-14-05-1. See Finding #1 for detailed information.

1.	An average 20-foot (minimum 10-foot) landscape setback shall be provided along 7th Avenue and Misty Willow Lane and an average 10-foot (minimum 5-foot) landscape setback shall be provided along all internal streets, as approved by the Planning and Development Department.
2.	Landscaping shall be provided within parking lots per C-2 zoning district standards (Section 701.d), as approved by the Planning and Development Department.
3.	The subject site has the potential to contain archaeological resources. The applicant shall submit an archaeological survey for review and approval by the City Archaeologist (602) 495-0901 prior to preliminary approval.
4.	At such time as the sale of any parcel, the property owner shall record documents that disclose to purchasers or occupants of property within the development(s) the existence and operational characteristics of Deer Valley Airport. The form and content of such documents shall be reviewed by the City Attorney.
5.	The property owner shall record documents that disclose to prospective purchasers of property within the developments the nature of environmental remediation activities at the former site of the Goodrich Universal Propulsion Company. 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.
6.	Right-of-way totaling 70 feet shall be dedicated for the south half of Happy Valley Road.
7.	A 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 7th Avenue and Happy Valley Road.
8.	The developer shall perfect the existing 55-foot right-of-way easement for the east half of 7th Avenue, as approved by the Planning and Development Department.
9.	The developer shall dedicate a 10-foot sidewalk easement for the east side of 7th Avenue, as approved by the Planning and Development Department.

10.	The developer shall provide a minimum 5-foot-wide detached sidewalk along property frontages, as approved by the Planning and Development Department.
11.	The developer shall provide conduit and junction boxes at the southeast corner of 7th avenue and happy valley road. The developer shall provide 25% of the cost of the future traffic signal in an escrow account with the street transportation department.
12.	Sufficient right-of-way shall be dedicated to accommodate a bus-bay on Happy Valley Road at 7th Avenue.
13.	The developer shall dedicate right-of-way and construct one bus stop pad along eastbound Happy Valley Road east of 7th Avenue. Bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Bus stop pad shall be spaced from the intersection of Happy Valley Road and 7th Avenue according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50% shade coverage to bus stop pad at full maturity.
14.	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.
15.	The applicant shall submit paving plans for all arterial streets within and adjacent to the development, to the Street Transportation Department for review and approval.
16.	The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
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. A 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.



Modification of Stipulation Request for Ratification of May 19, 2021 Planning Hearing Officer Action - PHO-5-21--Z-111-98-7- Approximately 238 Feet East of the Southeast Corner of 67th Avenue and Lower Buckeye Road

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on May 19, 2021. This ratification requires formal action only.

Summary

Application: PHO-5-21--Z-111-98-7

Existing Zoning: C-1

Acreage: 3.28

Applicant: The Carioca Company

Owner: RG3 Solar LLC

Representative: Jeff Winter, Esencia LLC

Proposal:

1. Deletion of Stipulation 26.c regarding review and approval of conceptual site plan and elevations for Phase II development.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this case on May 18, 2021 and recommended denial, by a 5-0 vote.

Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on May 19, 2021, and recommended denial as filed and approval with a modification and additional stipulation. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location

Approximately 238 feet east of the southeast corner of 67th Avenue and Lower Buckeye Road

Council District: 7

Parcel Address: N/A

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

Attachment A- Stipulations- PHO-5-21--Z-111-98-7

Location: Approximately 238 feet east of the southeast corner of 67th Avenue and Lower Buckeye Road

Stipulations:

1.	The development of the R1-8 shall be in general conformance to the site plan dated October 6, 1998, and the development shall include the open space elements, landscape tracts, and perimeter setbacks as described in the submitted Riverside Heights Rezoning Request and Plan of Development document dated October 9, 1998. If the commercial portion of this request is denied, stub street access shall be provided to accommodate residential development as approved by the Planning and Development Department.
2.	Development shall be under the Planned Residential Development option.
3.	The open space area shall provide active amenities for recreation activities such as tennis courts, volleyball, playgrounds and picnic areas, as approved by the Planning and Development Department.
4.	The minimum residential lot depth shall be 110 feet.
5.	The housing elevations shall provide pop-outs or other window detailing on the front elevations and on those side and rear elevations adjacent to streets.
6.	Garage door windows should be an option on any available model.
7.	The living space of a house and/or the entry shall be set back no more than 10-14 feet from the garage for 75% of those properties that have lot widths of less than 55 feet.
8.	Staggered front yard setbacks shall occur for every third lot for those properties with less than 55 feet in lot width.
9.	There shall be floor plans that have front porches as an optional element.
10.	The project fencing shall consist of block, which shall be finished with a smooth texture or decorative design on the outside surface (no unfinished block) or may be of wrought iron, steel, or aluminum.
11.	Wherever properties face out into the common open space areas, viewing fencing shall be provided.
12.	At least three distinctive elevations shall be provided for each standard plan.
13.	Accent materials including brick or stone shall be options available for all models.

14.	All subdivision entrances located at 63rd Avenue and Lower Buckeye Road and the local streets extending from the entrances to the open space tracts shall include detached sidewalks behind a landscaped strip and the curb. The landscape shall include trees and live ground cover.
15.	The applicant shall utilize dual pane windows, solid core doors, and additional insulation which is higher than R-19 on the east exterior walls of those residential units adjacent to 63rd Avenue.
16.	Right-of-way totaling 40 feet and a 10-foot sidewalk easement shall be dedicated for the south half of Lower Buckeye Road.
17.	Right-of-way totaling 40 feet and a 10-foot sidewalk easement shall be dedicated for the east half of 67th Avenue.
18.	Right-of-way totaling 30 feet shall be dedicated for the west half of 63rd Avenue.
19.	An 18-foot by 18-foot right-of-way triangle shall be dedicated at the southwest corner of 63rd Avenue and Lower Buckeye Road.
20.	Right-of-way dedication and street alignments for local streets within the subdivision will be determined by the Planning and Development Department at the time of Preliminary Subdivision Plat Review.
21.	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.
22.	If the City Council adopts an infrastructure financing program for the Estrella Village, the developer of this property agrees to participate in the program. The Estrella Village boundaries are from Interstate 17/19th Avenue to 107th Avenue and from Interstate 10 to the Rio Salado.
23.	The developer of this property will participate in any future Estrella Village Major Street Landscape Program prior to final site plan/plat approval if such a program is adopted by the City Council. The landscape program will impact the major streets abutting this property.
24.	The developer agrees to participate in a Master Drainage/Open Space Study for the Estrella Village prior to preliminary site plan/plat approval to ensure linkage between developments and the Rio Salado.
25.	The developer agrees to work with the local school district in acquiring and providing infrastructure services for a new school location.
The following stipulations apply to the C-1 portion of the site:	
26.	Site Plan and Elevations:

	a.	The Phase I development shall be in general conformance with the site plan date stamped January 18, 2019, as approved or modified by the Planning and Development Department.
	b.	The developer shall present Phase I elevations to the Estrella Village Planning Committee for review and comment prior to final site plan approval.
	c.	<p>THE PHASE II DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND ELEVATIONS DATE STAMPED MARCH 16, 2021, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p> <p>Conceptual site plan and elevations for the Phase II development shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.</p>
	D.	THE DEVELOPER SHALL PRESENT PHASE II ELEVATIONS FOR THE FUTURE BUILDING PAD, AS DEPICTED ON THE SITE PLAN DATE STAMPED MARCH 16, 2021, TO THE ESTRELLA VILLAGE PLANNING COMMITTEE FOR REVIEW AND COMMENT PRIOR TO FINAL SITE PLAN APPROVAL.
27.		Access shall be limited to two driveways onto 67th Avenue and two driveways onto Lower Buckeye Road as approved by the Planning and Development Department.
28.		The site shall be developed with a similar architectural and landscape theme to include minimum 24-inch box size shade trees (spaced 20 feet on center) along the south and east property lines, together with a minimum 50' x 50' landscaped entryway feature at the southeast corner of 67th Avenue and Lower Buckeye Road as approved by the Planning and Development Department.
29.		The developer shall dedicate a 30-foot wide Multi-Use Trail Easement (MUTE) along the south side of Lower Buckeye Road and construct a 10' wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail, as approved or modified by the Parks and Recreation Department.
30.		A pedestrian circulation pathway shall be provided across and through the site by utilizing concrete sidewalks, or similar. Where said path crosses a drive-aisle or parking surface, a material that contrasts any asphalt surface shall be used, such as stamped concrete or brick pavers. Said path shall connect with the northeast, northwest, and southwest corners of the site to allow easy pedestrian access to the structure and through the site, as approved or modified by the Planning and Development Department.

31.	If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
32.	If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
33.	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

REPORT OF PLANNING HEARING OFFICER ACTION
Adam Stranieri, Planner III, Hearing Officer
Daniel Jordan, Planner I, Assisting

May 19, 2021

ITEM NO: 3

DISTRICT 7

SUBJECT:

Application #: PHO-5-21--Z-111-98-7
Location: Approximately 238 feet east of the southeast corner of 67th Avenue and Lower Buckeye Road
Existing Zoning: C-1
Acreage: 3.28
Request: 1) Deletion of Stipulation 26.c regarding review and approval of conceptual site plan and elevations for Phase II development.
Applicant: The Carioca Company
Owner: RG3 Solar LLC
Representative: Jeff Winter, Esencia LLC

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with a modification and additional stipulation.

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this case on May 18, 2021 and recommended denial by a 5-0 vote.

DISCUSSION

Jeff Winter, the representative, gave an overview of the request. He stated that the subject property of this request is a portion of the larger commercially zoned site at the southeast corner of 67th Avenue and Lower Buckeye Road which is being developed as a gas station and is planned to open in approximately one week. He stated the current request is intended to address a development proposal for the back portion of their property which was identified as a future phase area in the prior PHO request. He stated the development would include a gas canopy for RVs on the east side of the property and a future pad on the south side of the property. He stated that their initial request was for the deletion of Stipulation 26.c regarding Planning Hearing Officer review for a conceptual site plan and elevations for the Phase II development. He stated that concerns were expressed at the Estrella Village Planning Committee meeting regarding

the deletion and they are open to alternative modifications or additional stipulations as needed. He noted that the Village recommended denial of the request.

Adam Stranieri stated he had spoken with the Estrella Village Planner who noted that the Committee was concerned that the site could be developed without public participation if Stipulation 26.c was deleted. He asked Mr. Winter what aspects of the submitted conceptual site plan they intended to develop immediately. Mr. Winter stated both the driveway from 67th Avenue and the RV gas canopy on the east would be developed in the short term. Mr. Stranieri clarified by asking Mr. Winter if the plan is to dustproof the site, make a continuation of the driveway, and develop the canopy on the east. Mr. Winter agreed that is their plan, and they would provide additional landscaping around the perimeter as well.

Mr. Stranieri stated he believed the Committee's area of concern was the portion of the site labeled as "future building pad." Mr. Winter confirmed this was how he interpreted their recommendation as well. Mr. Stranieri stated that there were a few possible options that could address these concerns. He stated he could retain the stipulation as recommended by the VPC but expressed concern that this would halt the project for even the RV canopy and driveway. He stated that he could establish a general conformance requirement for the canopy only and leave the future building pad site for review at a future PHO. However, he noted that the general conformance requirement applied to the entire site would also limit modifications to the pad site in terms of setbacks, height, footprint, and other considerations. Finally, he noted he could establish a future review requirement for the future building pad. He stated that it was clear that the Estrella Village Planning Committee would like to be involved in the review process for the future building. He stated that he would recommend the Estrella Village Planning Committee review the conceptual building elevations in a review and comment session which would allow staff to utilize these comments during plan review.

FINDINGS

- 1) The subject property consists of approximately 3.28 gross acres located east of the southeast corner of 67th Avenue and Lower Buckeye Road. Rezoning Case No. Z-114-06 established Approved C-2 (Intermediate Commercial) zoning on approximately 2.01 gross acres at the hard corner of this intersection. These two cases do not directly correlate to the existing parcel lines for the commercially zoned property at this corner. In 2019, Case Nos. PHO-1-19--Z-114-06 and PHO-4-19--Z-111-98-7 were approved concurrently with multiple stipulation modifications, including establishing a site plan conformance requirement for the Phase I area (Current Stipulation 26.a in this case). The Phase II area, the subject

- property of this request, did not contain any specific development proposal and therefore a PHO review requirement was established (Current Stipulation 26.c in this case). The applicant's proposal in this request is to conform with this requirement for PHO review and to delete the stipulation.
- 2) The proposed conceptual site plan includes an RV fuel canopy with an approximate footprint of 1,940 square feet at 20 feet in height. The fuel canopy will serve as a component of the gas station use that is in the Phase I development, located almost entirely within the subject property of Rezoning Case No. Z-114-06, as described in Finding #1. The proposed elevations depict fuel canopies consisting of painted metal panels. The site plan and elevations are consistent with the approved gas station plans on the adjacent parcel to the west. However, the applicant's request for deletion of the stipulation is recommended for denial as filed and approval with a modification. The modification is to instead require general conformance to the conceptual plans.
 - 3) The conceptual site plan depicts a future building pad on the site with no specific land use or tenant. The conceptual elevations do not include any design for this building. The Estrella Village Planning Committee expressed concerns regarding the unknown character of this building and a desire to have an opportunity to evaluate future proposals for this building. The general conformance requirement to the site plan in this recommendation will control the development standards regarding this building and a future public hearing would be required if the footprint, height, or setbacks of this building change significantly. However, an additional stipulation is required to require a public process once the developer establishes conceptual building elevations. The recommended stipulation is a review and comment session by the Estrella Village Planning Committee prior to final site plan approval which will allow staff to collect public comments for use in the plan review process.
 - 4) The site was identified as archaeologically sensitive and archaeological survey and testing may be required. Stipulations 31-33 were previously established regarding these standards and no additional stipulations are required.
 - 5) There is a proposed privately maintained multi-use trail along the south side of Lower Buckeye Road. Stipulation 29 was previously established regarding the standards for this trail and no additional stipulation is required.

DECISION: The Planning Hearing Officer recommended denial as filed and approval with a modification and additional stipulation.

STIPULATIONS

1.	The development of the R1-8 shall be in general conformance to the site plan dated October 6, 1998, and the development shall include the open space elements, landscape tracts, and perimeter setbacks as described in the submitted Riverside Heights Rezoning Request and Plan of Development document dated October 9, 1998. If the commercial portion of this request is denied, stub street access shall be provided to accommodate residential development as approved by the Planning and Development Department.
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32.	If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
33.	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33- foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.



Public Hearing - Biennial Certified Audit of Land Use Assumptions, Infrastructure Improvement Plan and Development Fees

Request to hold a public hearing regarding the Biennial Certified Audit of Land Use Assumptions, Infrastructure Improvement Plan and Development Fees, as required by State statute.

Summary

Arizona Revised Statute 9-463.05 requires a biennial certified audit of municipalities' land use assumptions (LUA), infrastructure improvements plans (IIP) and development fees to be conducted by a qualified professional, and the City is required to conduct a public hearing on the audit within 60 days of posting the findings of the audit on the City's website. Raftelis Financial Consultants (RFC) was retained to perform the biennial audit. The audit reviewed development impact fees and water resource acquisition fees for the period of July 1, 2018, through June 30, 2020. City Council approved changes to the development impact fee program that took effect during the audit period on April 13, 2020. As such, the audit considered two sets of LUAs, IIPs and development fees - those that were in effect from April 6, 2015 through April 12, 2020, as well as the current LUAs, IIPs and development fees that have been in place since April 13, 2020.

The intent of the audit is to allow stakeholders who pay the impact fees to receive a third party analysis of the assumptions, plans and how fees are spent by each municipality. The next required biennial audit will review the period of July 1, 2020, through June 30, 2022.

The final audit report titled: *City of Phoenix Biennial Certified Audit of Land Use Assumptions, Infrastructure Improvement Plan and Development Fees (July 1, 2018 - June 30, 2020)* is attached (**Attachment A**) and available on the Planning and Development website at : www.phoenix.gov/pdd/devfees/impactfeedocs

Biennial Audit Conclusions

The audit of LUAs found that actual new development in the impact fee areas was less than the average two-year forecast from the 2015 Infrastructure Financing Plan Update. RFC noted that these trends should be monitored but were not an issue of

immediate concern. RFC further noted that the LUAs have been updated as part off the 2020 Infrastructure Financing Plan Update; illustrating the correcting aspect of the LUA forecasts as part of regular five-year updates.

The revenue audit (review of charges) did not find material discrepancies between adopted development fees and actual charges assessed to permits over the audit period. The following discrepancy was found:

1. Five permits with Water Resources Acquisition Fee (WRAF) charges (out of 3,786 total WRAF transactions) were identified that were assessed the 2015 WRAF fee amounts resulting in over-charges. The over-payments were refunded by the City.

Review of expenditures found that all costs incurred against impact fee funds went towards eligible projects that are identified in the approved IIPs.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

CITY OF
Phoenix

**Biennial Certified Audit of Land Use
Assumptions, Infrastructure
Improvement Plan, and Development
Fees (July 1, 2018 – June 30, 2020)**

Final Report / February 16, 2021

February 16, 2021

Adam Q. Miller, Team Leader
Growth and Infrastructure Section
200 W. Washington Street, 3rd Floor
Phoenix, AZ 85003

Subject: Biennial Certified Audit of Land Use Assumptions, Infrastructure Improvements Plan and Development Fees (July 1, 2018 – June 30, 2020)

The City of Phoenix (City) retained Raftelis Financial Consultants Inc. (Raftelis) to complete an audit of the City's land use assumptions (LUA), infrastructure improvement plan (IIP), development impact fee (DIF), and water resource acquisition fee (WRAF) revenues and expenditures over the period of July 1, 2018 through June 30, 2020 (Audit Period) per Arizona Revised Statutes (ARS) §9-463.05. This report summarizes the results of the LUA, IIP, DIF, and WRAF audit.

The scope of the audit is limited to an audit of the LUA, IIP and DIF, and WRAF assessments and expenditures outlined in the Annual Development Impact Fee Reports for Fiscal Years (FY) 2018-19 and 2019-20 dated September 9, 2019 and September 11, 2020, respectively. All fee amounts assessed and expenditures outlined are audited pursuant to the provisions in in the City Code Section 29 (Development Impact Fees) and Section 30 (Water Resource Acquisition Fees), as supported by the Infrastructure Financing Plan and Water Resources Acquisition Fee Report that took effect April 2015 (2015 IFP and WRAF Report)¹, and the Infrastructure Financing Plan Update that took effect April 2020 (2020 IFP)².

Per the statutory requirements of ARS §9-463.05, the study focused on charges assessed consistent with the adopted DIF and WRAF schedules. The City maintains DIF and WRAF assessment schedules varying by land use designation and/or customer classification and amongst multiple service areas. The City does not assess DIFs in portions of the City. The 2015 IFP provides for up to eight (8) service areas within the City and up to eight (8) service categories, based on the characteristics of development and services provided. New DIFs were implemented using nine (9) service areas beginning April 13, 2020. The WRAF are charged to recover funds that will be used for the acquisition of water resources and related infrastructure consistent with the WRAF Report. The City has been partitioned into two primary water resource service areas; On-Project areas that do not require additional water resources and Off-Project which do require additional water resources.

An additional provision of ARS §9-463.05 includes a "grandfathering" clause whereby a new or increased DIF or WRAF is not assessed against a new development for a period of up to 24-months after:

- the City issues the final approval for a commercial, industrial, or multifamily development OR

¹ Infrastructure Financing Plan 2015, April 6, 2015, and Water Resources Acquisition Fee Update Report and Infrastructure Improvements Plan, November 14, 2014.

² Infrastructure Financing Plan: 2020 Update, November 18, 2019; this report incorporates the material previously included in the WRAF Report, including water resource acquisition fees and infrastructure improvement plan.

- the date that the first building permit is issued for a residential development pursuant to an approved site plan or subdivision plat, provided that no subsequent changes are made to the approved site plan or subdivision plan that would increase the service units.

The City has administered this provision by assessing previously adopted DIFs and WRAFs until the grandfathering period expires for applicable development(s). Additionally, the City has entered into various developer credit agreements whereby the DIF and/or WRAFs were referenced and the City has administered those agreements. The application of developer credits and grandfathering provisions is beyond the scope of the Biennial Audit requirements, but Raftelis worked with City staff to identify instances where either the grandfathering provision or developer credit agreements were applied to permits during the Audit Period in situations where the assessed DIFs and/or WRAFs varied from the adopted DIFs and WRAFs.

The City deposits DIF and WRAF revenues into separate funds for each fee category and each fee area. Accordingly, the City maintains unique funds which are updated as new and/or amended IFPs are completed. For example, additional funds were created following the 2020 IFP and updated DIFs effective in 2020 and the WRAF update completed in 2014. Expenditures or uses of DIFs by category and WRAFs over the Audit Period are consistent with the uses documented in the adopted IFP and WRAF Reports.

The overall audit approach followed by Raftelis was to:

1. Review the reported Audit Period growth by each land use classification against the categories provided for in the IFP and WRAF Report.
2. Review the DIF and WRAF revenues reported against independently calculated amounts based on the appropriate criteria, to check the accuracy of assessed charges.
3. Compare the actual expenditures reported over the Audit Period against the IFP and WRAF Report to verify that funded projects were included in each report.

Raftelis worked with City staff following the initial identification of calculated permit revenues varied from reported DIF or WRAF revenues provided by the City over the Audit Period. Additional discussion regarding the process of the Biennial Audit of the DIF and WRAF LUA, IIP, revenues, and expenditures as detailed in the body of this report.

The following provides a summary of each of the study elements.

- **LUA Audit:** The permit data provided by the City are used to review actual growth over the Audit Period to the forecasted level of growth in the City's IFP and WRAF Report. The growth identified in the IFP and WRAFs provided for a 10-year period and is not broken out into individual annual forecasts. Raftelis used 2/10 (2 years to reflect the period from July 1, 2018 through June 30, 2020) of the LUA forecasted growth as a baseline of what might be expected over the Audit Period.
- **IIP Audit:** The City met the requirements of the IIP as part of the IFP and WRAF Report previously identified which support the DIFs and WRAFs in place over the Audit Period. The IIP related audit requirements are limited to confirming actual uses of DIF and WRAF revenues over the Audit Period were consistent with the improvements identified, and fees were assessed to development by fee category and/or service area as detailed within the IFP and WRAF Report.
- **Revenue Audit:** To test for revenue assessment accuracy, the DIFs identified in the IFP and WRAFs identified in the WRAF Report were applied by Raftelis to each of the permits, based on the service area, fee category, Equivalent Development Units (EDUs) and land use classification provided. These calculated DIF and WRAF revenues were compared to the unadjusted DIF amount reported by the City during the Audit Period. Any record showing a difference was considered a potential error, subject to additional review and validation.

- Expense Audit: Audit Period expenditures are identified in the Development Impact Fee Annual Reports for FY 2018-19 and FY 2019-20.

Pursuant to the discussion and analysis contained in this report the following findings are provided:

1. The difference between growth forecasted in the LUA as part of the 2020 IFP and the actual growth experienced by the City should be monitored but is not an area of immediate concern. As previously discussed, the City adjusted the LUA EDU growth forecasts as part of the 2020 IFP. This adjustment illustrates the self-correcting aspect of the LUA forecasts as part of comprehensive DIF and WRAF updates completed at least every five years. Additionally, growth often occurs less linearly as certain development may occur more rapidly than others and can be influenced by various external factors. Lastly, as the City DIFs are assessed within certain service areas where new development is anticipated that will require expansions to facilities providing necessary public services and WRAFs assessed only within Off-Project areas, growth may occur within the City, but in areas where DIFs and/or WRAFs are not currently assessed increasing the difficulty in projecting where future growth may occur in a given year.
2. The completed revenue audit has not found any material discrepancies when compared to the DIFs identified in the IFP and the WRAFs identified in the WRAF Report.
3. Based on the information obtained through the City's annual DIF reports, there are no discrepancies between expenditures identified in the IFP and WRAF reports and the IFP.

Raftelis is pleased to present our findings and analysis of the third Biennial Audit of the City's DIF and WRAF program to the City. Please contact Andrew Rheem or Hannah Palmer-Dwore regarding this report.

Sincerely,

RAFTELIS



Andrew Rheem
Senior Manager



Hannah Palmer-Dwore
Senior Consultant

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1. Introduction and Background

1.1. Scope of Work

The City of Phoenix (City) retained Raftelis Financial Consultants Inc. (Raftelis) to complete an audit of the City's Land Use Assumptions (LUA), Infrastructure Improvement Plan (IIP), Development Impact Fee (DIF), and Water Resource Acquisition Fee (WRAF) revenues and expenditures over the period of July 1, 2018 through June 30, 2020 (Audit Period) per Arizona Revised Statutes (ARS) §9-463.05. The scope of the audit is limited to an audit of the LUA, IIP, DIF, and WRAF assessments and planned expenditures outlined in the Development Impact Fee Annual Reports for Fiscal Year (FY) 2018-19 and FY 2019-20 dated September 9, 2019 and September 11, 2020, respectively. All fee amounts and expenditures outlined are audited pursuant to the provisions in the City Code Section 29 – Development Impact Fees and Section 30 – Water Resource Acquisition Fees, as supported by the Infrastructure Financing Plan and Water Resources Acquisition Fee Report that took effect April 2015 (2015 IFP and WRAF Report)³, and the Infrastructure Financing Plan Update that took effect April 2020 (2020 IFP)⁴. The City Code and the IFP were amended May 2016⁵ to reflect updated land use assumptions, defining a new land use category known as “mini warehouse”. Because this land use type did not exist at the time of the 2015 IFP publication, it has been included in Industrial land use for the purposes of this study.

The three areas of focus of the audit include:

- A review and comparison of the LUA forecast within the 2015 IFP to actual development by classification and service area.
- An audit of the DIF and WRAF revenues assessed as authorized by DIF and WRAF category and/or service area match the adopted DIF and WRAF assessment schedules.
- An audit of the expenditures or use of funds from DIFs and WRAFs by fee category and/or service area were identified within the 2015 IFP and WRAF Reports.

1.2. ARS §9-463.05 Summary

ARS §9-463.05 contains the Arizona statutory guidance, restrictions and requirements governing assessment, collection, and reporting of DIFs. Per ARS §9-463.05⁶, as a condition of assessing DIFs, the City is required to either:

- Establish an infrastructure improvements advisory committee or
- Complete a biennial audit

The City did not establish an infrastructure improvement advisory committee and is therefore completing the biennial audit for the 2-year audit period. The most recent audit for FY 2016-17 and FY 2017-18 was also completed by Raftelis with the results documented in the report dated February 9, 2020. The statutory requirements for the audit per ARS §9-463.05⁷ is detailed as follows.

³ Infrastructure Financing Plan 2015, April 6, 2015, and Water Resources Acquisition Fee Update Report and Infrastructure Improvements Plan, November 14, 2014.

⁴ Infrastructure Financing Plan: 2020 Update, November 18, 2019; this report incorporates the material previously included in the WRAF Report, including water resource acquisition fees and infrastructure improvement plan.

⁵ Draft Infrastructure Financing Plan 2015, 1st Amendment, April 29, 2016

⁶ Subsection G, paragraphs 1 and 2.

⁷ Subsection G, paragraph 2.

In lieu of creating an advisory committee pursuant to paragraph 1 of this subsection, provide for a biennial certified audit of the municipality's land use assumptions, infrastructure improvements plan and development fees. An audit pursuant to this paragraph shall be conducted by one or more qualified professionals who are not employees or officials of the municipality and who did not prepare the infrastructure improvements plan. The audit shall review the progress of the infrastructure improvements plan, including the collection and expenditures of development fees for each project in the plan, and evaluate any inequities in implementing the plan or imposing the development fee. The municipality shall post the findings of the audit on the municipality's website or the website of an association of cities and towns if the municipality does not have a website and shall conduct a public hearing on the audit within sixty days of the release of the audit to the public.

Based on the statutory requirements, the study focused on charges assessed consistent with the adopted DIF and WRAF schedules. The City maintains DIF and WRAF assessment schedules varying by land use designation and/or customer classification and amongst multiple service areas. The City does not assess DIFs in portions of the City. Figures 1, 2, and 3 detail the service area boundaries for DIFs and WRAF. The WRAF applies City-wide but is currently set to \$0 per EDU within the "On-Project" fee area, as shown in Figure 3.

Expenditures or uses of DIFs by category and WRAFs over the Audit Period are consistent with the uses documented in the adopted 2015 IFP and WRAF Reports.

1.2.1. GRANDFATHER PROVISIONS

As will be presented and discussed in this report, the City implemented the grandfather provisions over the course of the audit period pursuant to subsection F of ARS §9-463.05 that reads in part:

A municipality's development fee ordinance shall provide that a new development fee or an increased portion of a modified development fee shall not be assessed against a development for twenty-four months after the date that the municipality issues the final approval for a commercial, industrial or multifamily development or the date that the first building permit is issued for a residential development pursuant to an approved site plan or subdivision plat, provided that no subsequent changes are made to the approved site plan or subdivision plat that would increase the number of service units.

1.2.2. DESIGNATED DIF FUNDS

The City deposits DIF and WRAF revenues into separate funds for each fee category and each fee area. Accordingly, the City maintains unique funds to implementing the IFP and WRAF update. Fund numbers reflect the date ranges for which DIF revenues were collected.

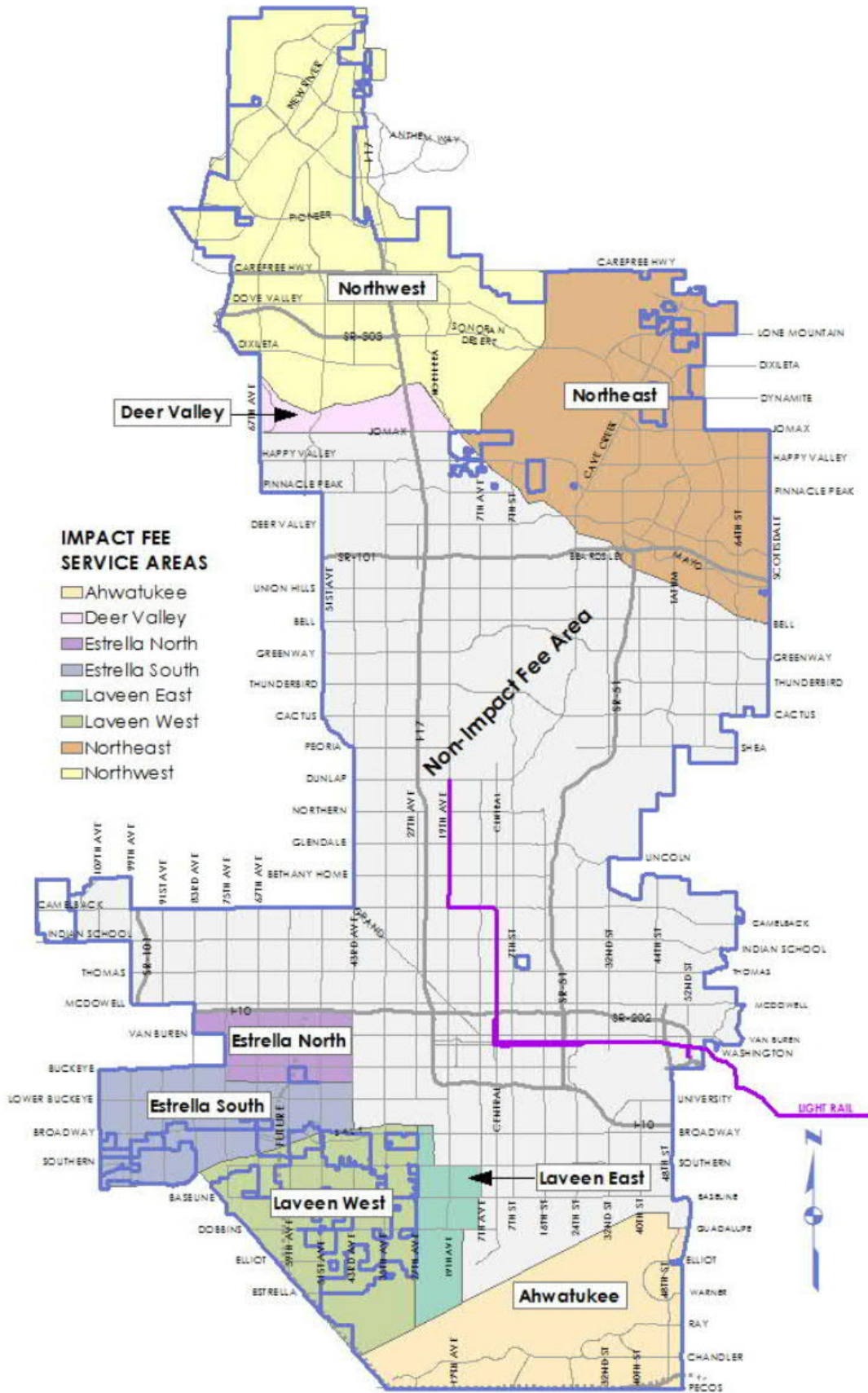
- Fund Series 1000/0000: DIFs collected prior to January 1, 2012
- Fund Series 2000: DIFs collected between January 1, 2012 and April 5, 2015
- Fund Series 3000: DIFs collected since April 6, 2015
 - Funds 3045, 3053, and 3079: DIFS collected since April 13, 2020

1.3. Existing DIFs and WRAFs

The 2015 IFP provides for up to eight service areas within the City and up to eight service categories, based on the characteristics of development and services provided. The service areas prior to April 13, 2020 are depicted within Figure 1⁸.

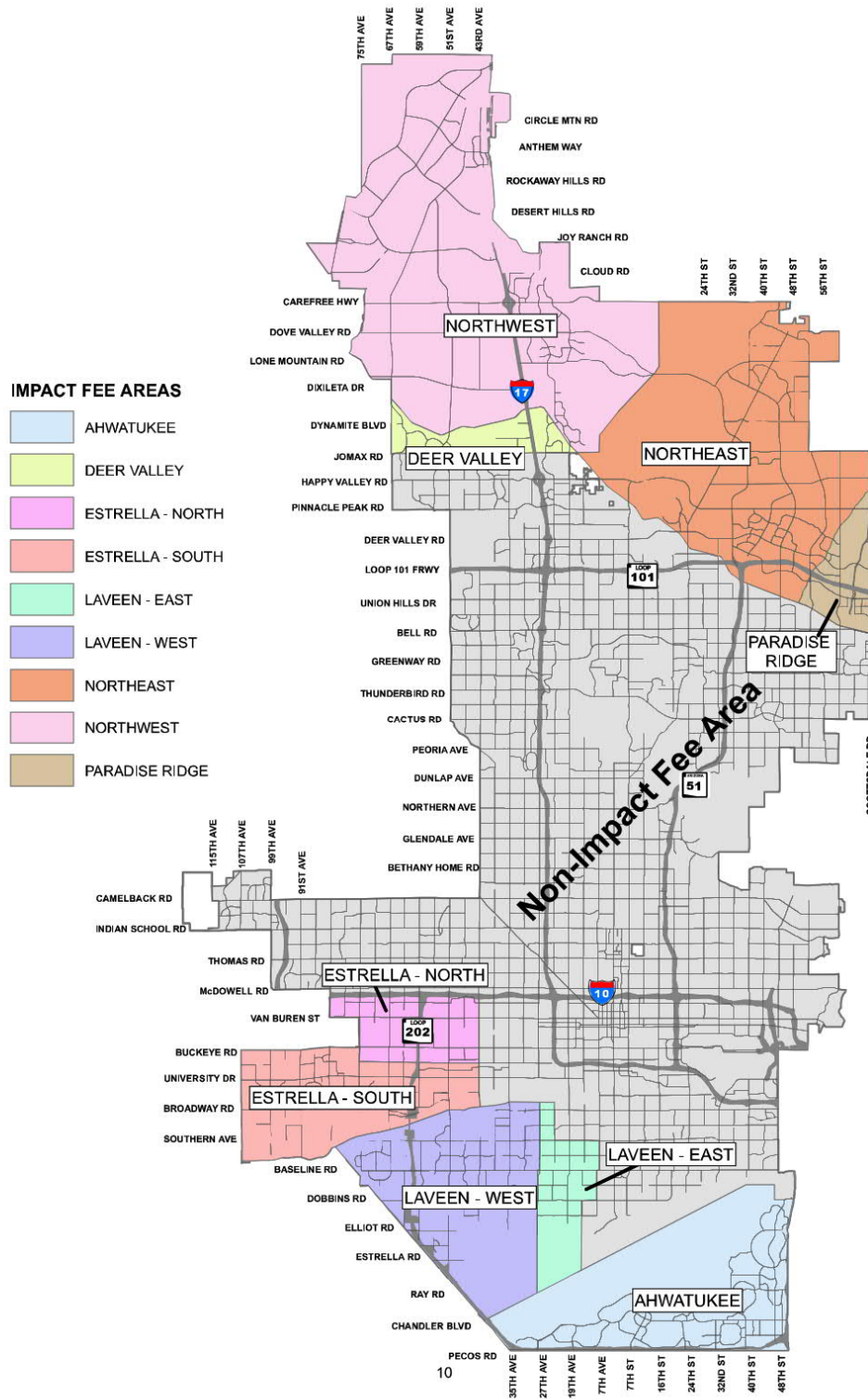
⁸ Map used in Figure 1 obtained from Annual Development Impact Fee Report FY 2018-19, dated September 9, 2019.

Figure 1: DIF Service Areas effective prior to April 13, 2020



New DIFs were implemented using nine (9) service areas beginning April 13, 2020 as shown in Figure 2: DIF Service Areas effective April 13, 2020⁹. For the purposes of comparison to the 2015 IFP, Paradise Ridge has been included as part of the Northeast service area in this report, except where noted.

Figure 2: DIF Service Areas effective April 13, 2020



⁹ Map used in Figure 2 obtained from Annual Development Impact Fee Report FY 2019-20, dated September 11, 2020.

For fire protection, police, park, library, and major arterials, DIFs for residential development are assessed per dwelling unit. DIFs for non-residential classes (commercial, office, industrial, mini warehouse, and institutional) are assessed per 1,000 square feet of building space, with the exception of major arterial assessments for hotel and lodging projects that are assessed per room. Storm Drainage DIFs are assessed to single family (SF) residential per dwelling unit; assessments for all other classes, including multifamily (MF) residential, are based on acreage.

DIFs were adjusted effective April 13, 2020. Permits issued before April 13, 2020 were subject to the previous DIF, while those issued since April 13, 2020 were subject to the amended DIFs. The original and amended net fees¹⁰ are shown in Table 1 through Table 1612.

Table 1: Fire Protection DIFs prior to 4/13/20

Description Unit	Single Family Per Dwelling	Multi-family Per Dwelling	Commercial Per 1000 sqft	Office Per 1000 sqft	Industrial Per 1000 sqft	Institutional Per 1000 sqft
Northwest [1]	\$444	\$289	\$346	\$315	\$124	\$306
Northeast	519	337	405	368	145	358
Southwest [2]	616	400	480	437	172	425
Ahwatukee	513	333	400	364	144	354

[1] Includes the Northwest and Deer Valley areas.

[2] Includes the Estrella North, Estrella South, Laveen East and Laveen West areas.

Table 2: Fire Protection DIFs effective 4/13/20

Description Unit	Single Family Per Dwelling	Multi-family Per Dwelling	Commercial Per 1000 sqft	Office Per 1000 sqft	Industrial Per 1000 sqft	Institutional Per 1000 sqft
Northwest [1]	\$516	\$387	\$418	\$330	\$144	\$299
Northeast [3]	551	413	446	353	154	320
Southwest [2]	487	365	394	312	136	282
Ahwatukee	470	353	381	301	132	273

[1] Includes the Northwest and Deer Valley areas.

[2] Includes the Estrella North, Estrella South, Laveen East and Laveen West areas.

[3] Includes the Northeast and Paradise Ridge areas.

Table 3: Police DIFs prior to 4/13/20

Description Unit	Single Family Per Dwelling	Multi-family Per Dwelling	Commercial Per 1000 sqft	Office Per 1000 sqft	Industrial Per 1000 sqft	Institutional Per 1000 sqft
Northwest [1]	\$500	\$325	\$390	\$355	\$140	\$345
Northeast	506	329	395	359	142	349
Southwest [2]	489	318	381	347	137	337
Ahwatukee	459	298	358	326	129	317

[1] Includes the Northwest and Deer Valley areas.

[2] Includes the Estrella North, Estrella South, Laveen East and Laveen West areas.

¹⁰ Net fees are the unadjusted fees assessed to properties initially calculated within the IFP and WRAF reports. They are inclusive of gross impact fees and offsets, including development occupational fee (DOF) offsets, which are calculated for all users and are distinct from development agreements.

Table 4: Police DIFs effective 4/13/20

Description Unit	Single Family Per Dwelling	Multi-family Per Dwelling	Commercial Per 1000 sqft	Office Per 1000 sqft	Industrial Per 1000 sqft	Institutional Per 1000 sqft
Northwest [1]	\$293	\$220	\$237	\$188	\$82	\$170
Northeast [3]	314	236	254	201	88	182
Southwest [2]	285	214	231	182	80	165
Ahwatukee	342	257	277	219	96	198

[1] Includes the Northwest and Deer Valley areas.

[2] Includes the Estrella North, Estrella South, Laveen East and Laveen West areas.

[3] Includes the Northeast and Paradise Ridge areas.

Table 5: Parks DIFs prior to 4/13/20

Description Unit	Single Family Per Dwelling	Multi-family Per Dwelling	Commercial Per 1000 sqft	Office Per 1000 sqft	Industrial Per 1000 sqft	Institutional Per 1000 sqft
Northwest [1]	\$1,120	\$728	\$56	\$78	\$22	\$56
Northeast	1,953	1,269	98	137	39	98
Southwest [2]	2,291	1,489	115	160	46	115
Ahwatukee	703	457	35	49	14	35

[1] Includes the Northwest and Deer Valley areas.

[2] Includes the Estrella North, Estrella South, Laveen East and Laveen West areas.

Table 6: Parks DIFs effective 4/13/20

Description Unit	Single Family Per Dwelling	Multi-family Per Dwelling	Commercial Per 1000 sqft	Office Per 1000 sqft	Industrial Per 1000 sqft	Institutional Per 1000 sqft
Northwest [1]	\$1,368	\$1,028	\$68	\$96	\$27	\$68
Northeast [3]	1,236	927	62	87	25	62
Southwest [2]	1,241	931	62	87	25	62
Ahwatukee	1,225	919	61	86	25	61

[1] Includes the Northwest and Deer Valley areas.

[2] Includes the Estrella North, Estrella South, Laveen East and Laveen West areas.

[3] Includes the Northeast and Paradise Ridge areas.

Table 7: Library DIFs prior to 4/13/20

Description Unit	Single Family Per Dwelling	Multi-family Per Dwelling	Commercial Per 1000 sqft	Office Per 1000 sqft	Industrial Per 1000 sqft	Institutional Per 1000 sqft
Northwest [1]	\$0	\$0	\$0	\$0	\$0	\$0
Northeast	232	151	12	16	5	12
Southwest [2]	112	73	6	8	2	6
Ahwatukee	0	0	0	0	0	0

[1] Includes the Northwest and Deer Valley areas.

[2] Includes the Estrella North, Estrella South, Laveen East and Laveen West areas.

Table 8: Library DIFs effective 4/13/20

Description Unit	Single Family Per Dwelling	Multi-family Per Dwelling	Commercial Per 1000 sqft	Office Per 1000 sqft	Industrial Per 1000 sqft	Institutional Per 1000 sqft
Northwest [1]	\$105	\$79	\$5	\$7	\$2	\$5
Northeast [3]	105	79	5	7	2	5
Southwest [2]	105	79	5	7	2	5
Ahwatukee	105	79	5	7	2	5

[1] Includes the Northwest and Deer Valley areas.

[2] Includes the Estrella North, Estrella South, Laveen East and Laveen West areas.

[3] Includes the Northeast and Paradise Ridge areas.

Table 9: Major Arterial DIFs prior to 4/13/20

Description Unit	Single Family Per Dwelling	Multi-family Per Dwelling	Commercial Per 1000 sqft	Office Per 1000 sqft	Industrial Per 1000 sqft	Institutional Per 1000 sqft
Northwest [1]	\$2,208	\$1,546	\$3,027	\$1,389	\$979	\$1,337
Northeast	2,392	1,675	3,279	1,505	1,061	1,449
Southwest [2]	573	401	785	361	254	347
Ahwatukee	0	0	0	0	0	0

[1] Includes the Northwest and Deer Valley areas.

[2] Includes the Estrella North, Estrella South, Laveen East and Laveen West areas.

Table 10: Major Arterial DIFs effective 4/13/20

Description Unit	Single Family Per Dwelling	Multi-family Per Dwelling	Commercial Per 1000 sqft	Office Per 1000 sqft	Industrial Per 1000 sqft	Institutional Per 1000 sqft	Mini Warehouse Per 1000 sqft	Lodging Per Room
Northwest [1]	\$3,080	\$2,310	\$3,758	\$1,694	\$986	\$1,386	\$277	\$1,078
Northeast [3]	3,080	2,310	3,758	1,694	986	1,386	277	1,078
Southwest [2]	1,928	1,446	2,352	1,060	617	868	174	675
Ahwatukee	0	0	0	0	0	0	0	0

[1] Includes the Northwest and Deer Valley areas.

[2] Includes the Estrella North, Estrella South, Laveen East and Laveen West areas.

[3] Includes the Northeast and Paradise Ridge areas.

Table 11: Storm Drainage DIFs prior to 4/13/20

Description Unit	Single Family Per Dwelling	Multi-family Per Acre	Commercial Per Acre	Office Per Acre	Industrial Per Acre	Institutional Per Acre
Northwest [1]	\$0	\$0	\$0	\$0	\$0	\$0
Northeast	0	0	0	0	0	0
Estrella [2]	1,278	5,112	5,112	5,112	5,112	5,112
Laveen [3]	1,277	5,108	5,108	5,108	5,108	5,108
Ahwatukee	0	0	0	0	0	0

[1] Includes the Northwest and Deer Valley areas.

[2] Includes the Estrella North and Estrella South areas within the southwest region of the City.

[3] Includes the Laveen East and Laveen West areas within the southwest region of the City.

Table 12: Storm Drainage DIFs effective 4/13/20

Description Unit	Single Family Per Dwelling	Multi-family Per Acre	Commercial Per Acre	Office Per Acre	Industrial Per Acre	Institutional Per Acre
Northwest [1]	\$0	\$0	\$0	\$0	\$0	\$0
Northeast	0	0	0	0	0	0
Paradise Ridge	1,715	6,860	6,860	6,860	6,860	6,860
Estrella [2]	770	3,080	3,080	3,080	3,080	3,080
Laveen [3]	1,037	4,148	4,148	4,148	4,148	4,148
Ahwatukee	0	0	0	0	0	0

[1] Includes the Northwest and Deer Valley areas.

[2] Includes the Estrella North and Estrella South areas within the southwest region of the City.

[3] Includes the Laveen East and Laveen West areas within the southwest region of the City.

For utility service, new development is generally responsible for purchasing capacity in the system based on potential demand. Potential demand is measured in many ways throughout the water and wastewater utility industry, with meter size serving as a relatively simple and commonly used assessment option. For the water and wastewater services identified in

Table 13 through Table 16, DIFs are based on the number of dwelling units or assessed pursuant to the water meter size and meter type. MF residential developments are assessed per dwelling unit regardless of meter size serving the connection. SF residential developments are assessed per dwelling unit for meter sizes of 1-inch and smaller and increase by meter size for 1 1/2-inch or 2-inch water meters. The City uses both meter size and type for assessment of water and wastewater DIFs for non-residential development and dedicated irrigation meters for all types of development.

Water DIFs are assessed in two service areas which are comprised of sub-areas shown in Figures 1 and 2 and summarized below:

- The Northern water service area consists of the Northwest, Deer Valley, Northeast, and Paradise Ridge areas.
- The Southern water service area consists of the Estrella North, Estrella South, Laveen East, Laveen West, and Ahwatukee sub-areas.

Table 13: Water DIFs until 4/12/20

Description	Unit	Northern Area [1]	Southern Area [2]
Multifamily (Domestic)	Dwelling	\$2,123	\$1,198
SF Less 1 1/2-inch	Dwelling	5,935	3,499
SF 1.5-inch	Meter	21,162	13,050
SF 2.0-inch	Meter	34,232	21,248
Non-res 3/4-inch	Meter	13,254	8,090
Non-res 1-inch	Meter	21,634	13,010
Non-res 1.5-inch	Meter	43,377	26,179
Non-res 2-inch displacement	Meter	69,346	41,819
Non-res 2-inch turbine	Meter	80,500	47,809
Non-res 3-inch compound	Meter	152,436	92,169
Non-res 3-inch turbine	Meter	184,686	109,803
Non-res 4-inch compound	Meter	262,084	158,798
Non-res 4-inch turbine	Meter	328,355	199,247
Non-res 6-inch compound	Meter	595,839	363,445
Non-res 6-inch turbine	Meter	701,347	425,933
Non-res 8-inch compound	Meter	690,847	415,433
Non-res 8-inch turbine	Meter	1,239,015	757,028

[1] Includes the Northwest, Deer Valley and Northeast areas.

[2] Includes the Estrella North, Estrella South, Laveen East, Laveen West and Ahwatukee areas.

Table 14: Water DIFs effective 4/13/20

Description	Unit	Northern Area [1]	Southern Area [2]
Multifamily (Domestic)	Dwelling	\$2,273	\$1,394
SF Less 1 1/2-inch	Dwelling	6,330	4,016
SF 1.5-inch	Meter	22,477	14,771
SF 2.0-inch	Meter	36,337	24,003
Non-res 3/4-inch	Meter	14,092	9,186
Non-res 1-inch	Meter	23,032	14,841
Non-res 1.5-inch	Meter	46,166	29,829
Non-res 2-inch displacement	Meter	73,809	47,661
Non-res 2-inch turbine	Meter	85,801	54,747
Non-res 3-inch compound	Meter	162,09	104,960
Non-res 3-inch turbine	Meter	196,829	125,696
Non-res 4-inch compound	Meter	278,832	180,719
Non-res 4-inch turbine	Meter	349,290	226,648
Non-res 6-inch compound	Meter	633,522	412,767
Non-res 6-inch turbine	Meter	746,006	484,385
Non-res 8-inch compound	Meter	735,506	473,885
Non-res 8-inch turbine	Meter	1,317,170	859,322

[1] Includes the Northwest, Deer Valley, Northeast, and Paradise Ridge areas.

[2] Includes the Estrella North, Estrella South, Laveen East, Laveen West and Ahwatukee areas.

Wastewater DIFs are assessed within the same service areas identified in Figures 1 and 2, with four different DIF assessment schedules as summarized below.

- The Northern Area consists of the Northwest, Northeast, and Paradise Ridge service areas.

- Deer Valley, Estrella North, Laveen East, and Ahwatukee service areas comprise the Multiple Areas shown in Table 15 and Table 16. These areas share a common fee level for wastewater treatment capacity only; the fee in these areas does not include network expansion costs.
- Estrella South and Laveen West have separate fees which include both wastewater treatment capacity as well as varying network expansion costs.

Table 15: Wastewater DIFs until 4/12/20

Description	Unit	Northern Area [1]	Multiple Areas [2]	Estrella South	Laveen West
Multifamily (Domestic)	Dwelling	\$1,468	\$532	\$1,454	\$1,378
SF Less 1 1/2-inch	Dwelling	3,130	1,221	3,102	2,947
SF 1.5-inch	Meter	11,821	5,464	11,728	11,212
SF 2.0-inch	Meter	19,281	9,106	19,132	18,306
Non-res 3/4-inch	Meter	7,793	3,497	7,730	7,381
Non-res 1-inch	Meter	12,525	5,347	12,420	11,837
Non-res 1.5-inch	Meter	25,178	10,879	24,968	23,807
Non-res 2-inch displacement	Meter	40,223	17,334	39,887	38,029
Non-res 2-inch turbine	Meter	45,915	18,731	45,516	43,309
Non-res 3-inch compound	Meter	88,710	38,579	87,975	83,904
Non-res 3-inch turbine	Meter	105,510	43,219	104,596	99,539
Non-res 4-inch compound	Meter	152,850	66,945	151,590	144,615
Non-res 4-inch turbine	Meter	191,813	84,431	190,238	181,519
Non-res 6-inch compound	Meter	350,063	156,776	347,228	331,534
Non-res 6-inch turbine	Meter	410,063	181,002	406,703	388,108
Non-res 8-inch compound	Meter	399,563	170,502	396,203	377,605
Non-res 8-inch turbine	Meter	729,263	328,392	723,383	690,835

[1] Includes the Northwest, Northeast, and Paradise Ridge service areas.

[2] Includes the Deer Valley, Estrella North, Laveen East, and Ahwatukee areas.

Table 16: Wastewater DIFs effective 4/13/20

Description	Unit	Northern Area [1]	Multiple Areas [2]	Estrella South	Laveen West
Multifamily (Domestic)	Dwelling	\$1,552	\$610	\$1,789	\$1,712
SF Less 1 1/2-inch	Dwelling	3,303	1,380	3,787	3,630
SF 1.5-inch	Meter	12,397	5,993	14,008	13,486
SF 2.0-inch	Meter	20,203	9,953	22,782	21,946
Non-res 3/4-inch	Meter	8,182	3,855	9,271	8,917
Non-res 1-inch	Meter	13,175	5,945	14,995	14,405
Non-res 1.5-inch	Meter	26,473	12,070	30,098	28,922
Non-res 2-inch displacement	Meter	42,297	19,240	48,100	46,218
Non-res 2-inch turbine	Meter	48,379	20,995	55,271	53,035
Non-res 3-inch compound	Meter	93,252	42,754	105,962	101,839
Non-res 3-inch turbine	Meter	111,155	48,407	126,948	121,825
Non-res 4-inch compound	Meter	160,635	74,100	182,415	175,350
Non-res 4-inch turbine	Meter	201,544	93,375	228,769	219,937
Non-res 6-inch compound	Meter	367,579	172,875	416,584	400,687
Non-res 6-inch turbine	Meter	430,821	200,080	488,896	470,058
Non-res 8-inch compound	Meter	420,321	189,580	478,396	459,558
Non-res 8-inch turbine	Meter	765,591	361,780	867,226	834,258

[1] Includes the Northwest, Northeast, and Paradise Ridge service areas.

[2] Includes the Deer Valley, Estrella North, Laveen East, and Ahwatukee areas.

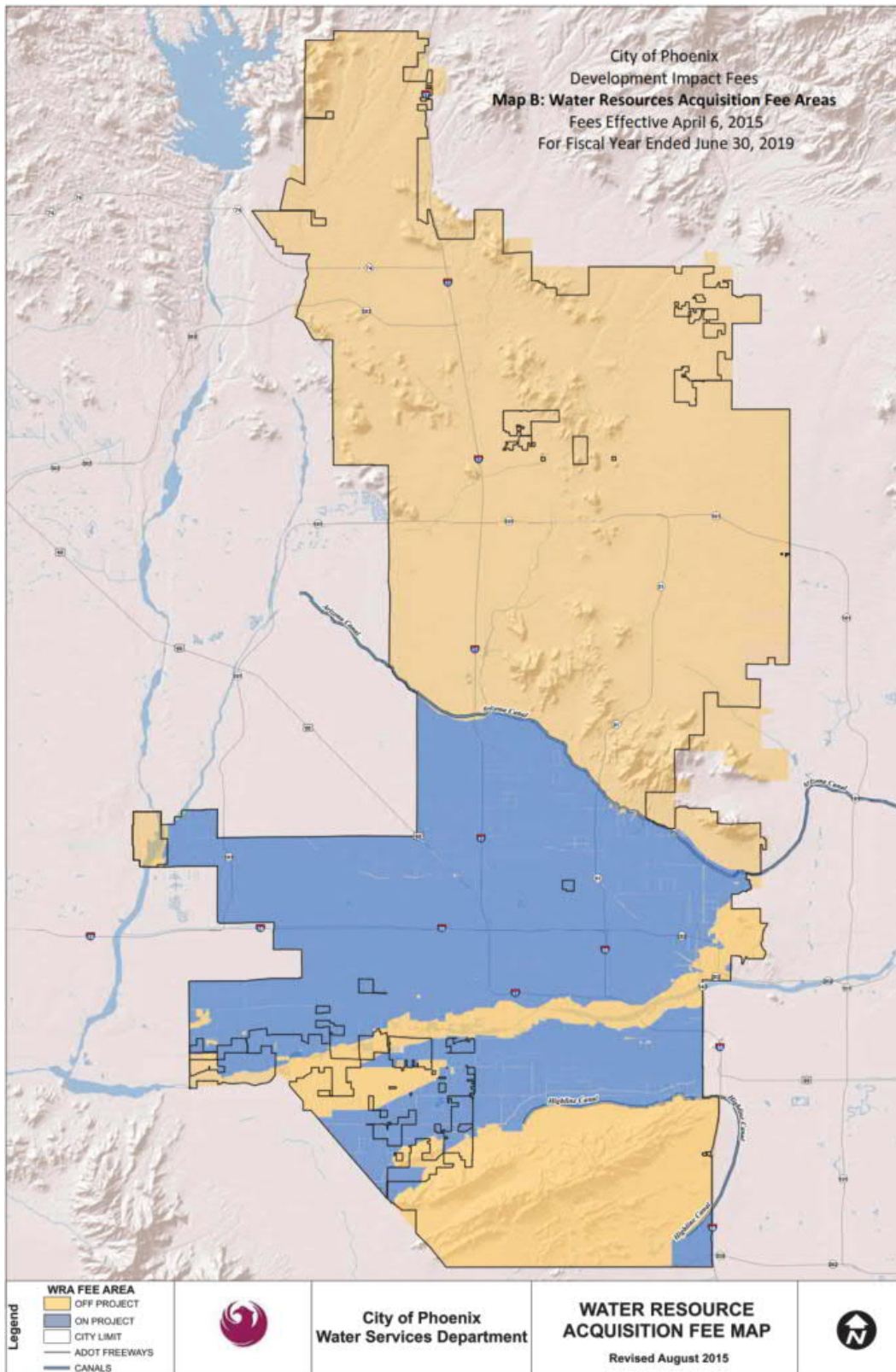
The WRAF are charged to recover funds that will be used for the acquisition of water resources and related infrastructure. The WRAF are charged to recover funds that will be used for the acquisition of water resources and related infrastructure. The City has been partitioned into two primary service areas for the WRAF as follows:

- On-Project: Areas provided water by the Salt River Project (SRP) primarily from the Salt and Verde river systems. These areas are designated as having water resources to provide a 100-year assured water supply under moderate shortage and moderate demand conditions. Development is controlled by the Salt River Water Users Association. Adequate water supplies and associated infrastructure are currently available for new development in the On-Project areas and the City is not actively developing alternative water sources to serve them.¹¹
- Off-Project areas: Areas provided water from sources other than the SRP. These areas require additional water resources to provide a 100-year assured water supply under moderate shortage and moderate demand conditions. Lands do not have prior specific water rights from the Salt and Verde rivers and associated reservoirs, and as a result, more costly water resources from sources like the Central Arizona Project are required to serve new development or additional demands by existing users.

Figure 3: WRAF Service Areas summarizes the two primary service areas.

¹¹ Water Resources Acquisition Fee Update Report and Infrastructure Improvements Plan, November 14, 2014.

Figure 3: WRAF Service Areas¹²



¹² From Annual Development Impact Fee Report FY 2018-19, September 9, 2019.

Table 17 and Table 18 summarize the WRAF assessed to Off-Project areas within the City prior to April 13, 2020 and effective April 13, 2020. Similar to water and wastewater, MF residential developments are assessed a WRAF per dwelling unit regardless of meter size serving the connection. SF residential developments are assessed per dwelling unit for meter sizes of 1-inch and smaller and increase with meter size for 1 1/2 -inch and 2-inch water meters. The City uses both meter size and type to assess WRAFs for non-residential development and dedicated irrigation meters for all types of development.

Table 17: WRAFs until April 12, 2020

Meter Type	Meter Size	Customer Type [1]	Off-Project	On-Project
Multifamily Unit	Unit	MF	\$296	\$0
Displacement	3/4-inch	SF	778	0
Displacement	1-inch	SF	778	0
Displacement	1-1/2-inch	SF	2,590	0
Displacement	2-inch	SF	4,145	0
Displacement	3/4-inch	ICIL	1,649	0
Displacement	1-inch	ICIL	2,754	0
Displacement	1-1/2-inch	ICIL	5,491	0
Displacement	2-inch	ICIL	8,788	0
Turbine Class II	2-inch	ICIL	10,437	0
Compound Class II	3-inch	ICIL	19,242	0
Turbine Class II	3-inch	ICIL	23,908	0
Compound Class II	4-inch	ICIL	32,976	0
Turbine Class II	4-inch	ICIL	41,220	0
Compound Class II	6-inch	ICIL	74,196	0
Turbine Class II	6-inch	ICIL	87,931	0
Compound Class II	8-inch	ICIL	87,931	0
Turbine Class II	8-inch	ICIL	153,883	0

[1] SF = single family; MF = multifamily and mobile home (domestic/indoor use only); ICIL = industrial, commercial, institutional and landscape meters.

Table 18: WRAFs effective April 13, 2020

Meter Type	Meter Size	Customer Type [1]	Off-Project	On-Project
Multifamily Unit	Unit	MF	\$221	\$0
Displacement	3/4-inch	SF	583	0
Displacement	1-inch	SF	583	0
Displacement	1-1/2-inch	SF	1,940	0
Displacement	2-inch	SF	3,106	0
Displacement	3/4-inch	ICIL	1,235	0
Displacement	1-inch	ICIL	2,063	0
Displacement	1-1/2-inch	ICIL	4,114	0
Displacement	2-inch	ICIL	6,584	0
Turbine Class II	2-inch	ICIL	7,820	0
Compound Class II	3-inch	ICIL	14,416	0
Turbine Class II	3-inch	ICIL	17,912	0
Compound Class II	4-inch	ICIL	24,707	0
Turbine Class II	4-inch	ICIL	30,884	0
Compound Class II	6-inch	ICIL	55,590	0
Turbine Class II	6-inch	ICIL	65,881	0
Compound Class II	8-inch	ICIL	65,881	0
Turbine Class II	8-inch	ICIL	115,295	0

[1] SF = single family; MF = multifamily and mobile home (domestic/indoor use only);
 ICIL = industrial, commercial, institutional and landscape meters

2. Study Process

2.1. Audit Approach

Raftelis first reviewed the DIF and WRAF revenues reported against independently calculated amounts based on the appropriate criteria to check the accuracy of assessed charges. Next, the actual expenditures reported over the Audit Period were compared against the IFP and WRAF Report to verify that funded projects were included. Finally, the reported Audit Period growth by each land use classification was reviewed against the categories provided for in the IFP and WRAF Report.

2.2. Data Provided by City

To assist with the review of the DIF charges, the City provided an MS-Excel based report with DIF charges for the Audit Period. For each DIF charge, this data includes:

- Service area
- Issue date
- Calculated date
- Equivalent demand units (EDUs¹³)
- Land Use
- Fee category
- Unadjusted DIF amount
- Adjusted DIF amount
- Developer credits
- Permit status

The DIF charges provided span eight fee categories and total over \$78.6 million in unadjusted DIF revenues over the Audit Period. The unadjusted DIF revenue was calculated using the DIF assessment schedules identified in the IFP. DIF revenues may then be adjusted by the City to account for grandfathering provisions (per ARS §9-463.05F) and/or developer credits. The total charges, EDUs, and unadjusted revenue amounts by DIF category are provided in Table 19.

¹³ One EDU has been established as the demand for a public service by one single-family home. EDUs are assigned to all other land uses based on the demand as compared to one single-family home.

Table 19: Audit Period DIF Charges, EDUs, and Revenues by Fee Category

<u>Description</u>	<u>DIF Charges</u>	<u>EDUs</u>	<u>Unadjusted DIF Revenues</u>
Fire	4,287	7,352	\$4,008,168
Library	4,128	5,207	799,084
Major Arterials	4,139	8,015	12,251,363
Parks	4,287	5,529	10,229,560
Police	4,287	7,352	3,533,465
Storm Drainage	2,130	3,294	3,954,102
Wastewater	4,125	5,398	15,552,693
Water	4,265	5,952	28,282,795
Total	31,648	48,099	\$78,611,230

Additionally, the City reported 3,786 charges and \$4.8 million in revenue from WRAFs over the Audit Period. Table 20 presents the number of charges, EDUs, and unadjusted revenue amounts for the WRAFs.

Table 20: Audit Period WRAF Charges, EDUs, and Revenues

<u>Description</u>	<u>Charges</u>	<u>EDUs</u>	<u>Unadjusted WRAF Revenues</u>
WRA Fees	3,786	6,831	\$4,804,159

2.3. Land Use Assumptions Audit

The permit data provided by the City were used to compare actual growth over the Audit Period to the forecasted level of growth in the City’s IFP and WRAF Report. The growth identified in the IFP was provided for a 10-year period and not broken out into annual forecasts. Raftelis used 2/10 (two years to reflect the period from July 2018 through June 2020) of the LUA forecasted growth as a baseline of what might be expected over the Audit Period. A table is provided for each fee category that compares the actual growth in EDUs, EDUs forecast by the LUA, and the actual growth as a percentage of the LUA forecast growth. The Storm Drainage and WRAF growth forecasts are different as the fees are not broken out by the various land uses. Appendix C provides more detailed information related to actual and projected growth for each service area.

The LUA forecast is compared to actual development over the two-year Audit Period for the following:

- Fire Protection and Police – Table 21
- Library – Table 22
- Parks – Table 23
- Major Arterials – Table 24
- Storm Drainage – Table 25
- Water – Table 26
- Wastewater – Table 27
- WRAF – Table 28

Table 21: Fire Protection and Police LUA Audit

Description	Actual EDUs	LUA Forecast EDUs	Actual as % of LUA
Single Family	4,020	10,786	37.3%
Multi-family	1,362	1,380	98.7%
Commercial	283	712	39.8%
Institutional	221	374	59.2%
Office	267	323	82.8%
Industrial ¹⁴	<u>1,198</u>	<u>592</u>	202.6%
Total	7,352	14,167	51.9%

Table 22: Library LUA Audit

Description	Actual EDUs	LUA Forecast EDUs	Actual as % of LUA
Single Family	4,017	10,786	37.2%
Multi-family	1,068	1,380	74.3%
Commercial	8	46	17.5%
Institutional	5	27	18.5%
Office	26	32	81.8%
Industrial ¹²	<u>82</u>	<u>42</u>	194.5%
Total	5,207	12,313	42.3%

Table 23: Parks LUA Audit

Description	Actual EDUs	LUA Forecast EDUs	Actual as % of LUA
Single Family	4,020	10,786	37.3%
Multi-family	1,362	1,380	98.7%
Commercial	18	46	39.5%
Institutional	16	27	59.3%
Office	26	32	81.8%
Industrial ¹²	<u>86</u>	<u>42</u>	203.8%
Total	5,529	12,313	44.9%

Table 24: Major Arterials LUA Audit

Description	Actual EDUs	LUA Forecast EDUs	Actual as % of LUA
Single Family	3,876	10,552	36.7%
Multi-family	1,462	1,389	105.3%
Commercial	467	1,213	38.5%
Institutional	193	324	59.6%
Office	237	258	91.9%
Industrial ¹²	<u>1,780</u>	<u>929</u>	191.6%
Total	8,015	14,664	54.7%

¹⁴ Includes permits with land use designation of "Mini warehouse"; this designation was created after the publication of the IFP and was therefore not considered in original projections.

Table 25: Storm Drainage LUA Audit

Description	Actual EDUs	LUA Forecast EDUs	Actual as % of LUA
All Classes	3,294	11,736	28.1%

Table 26: Water LUA Audit

Description	Actual EDUs	LUA Forecast EDUs	Actual as % of LUA
Single Family	4,087	10,786	37.9%
Multi-family	703	1,104	63.7%
Commercial	695	392	177.3%
Institutional	131	119	110.1%
Office	40	127	31.5%
Industrial ¹³	<u>296</u>	<u>465</u>	63.7%
Total	5,952	12,994	45.8%

Table 27: Wastewater LUA Audit

Description	Actual EDUs	LUA Forecast EDUs	Actual as % of LUA
Single Family	4,021	10,786	37.3%
Multi-family	850	1,040	81.7%
Commercial	138	365	37.8%
Institutional	121	119	101.7%
Office	36	114	31.6%
Industrial ¹⁵	<u>227</u>	<u>465</u>	48.8%
Total	5,393	12,889	41.8%

Table 28: WRAF Growth Audit

Description	Actual EDUs	Forecast EDUs	Actual as % of Forecast
All Classes	6,831	7,465	91.5%

As shown in Table 21 through Table 28, the overall growth in EDUs for the study period is lower than the forecast provided in the City's IFP for an average 2-year period. Actual growth in single family land use ranged from approximately 36.7% to 37.9% of forecast for all fee categories.

Despite this trend, several fee programs and land use categories experienced more growth than anticipated. Growth in institutional land use ranged from lower than forecast (18.5% for library) to over forecasted growth (110.1% for water). Similarly, growth in multifamily land use ranged from 63.7% for water permits to 105.3% for major arterials.

¹⁵ Includes permits with land use designation of "Mini warehouse"; this designation was created after the publication of the IFP and was therefore not considered in original projections.

The differences in actual and forecast growth are not a cause for immediate concern or action as growth is not always consistent. The previous audit reported a much greater difference from forecast to actual growth; this analysis demonstrates that this gap has closed slightly for most categories and noticeably for other categories. The City has monitored these trends and adjusted anticipated EDU growth accordingly. As part of the 2020 IFP, the City adjusted the LUA and growth forecast for 2020 through 2029 recognizing differences in growth patterns observed during this and previous Audit Periods. This includes overall lower rates of growth as well as proportionally less SF growth and more MF and non-residential growth.

2.4. Infrastructure Improvements Plan Audit

Multiple elements are required to be included as part of the IIP per ARS §9-463.05. These elements include identifying existing facilities with available capacity to serve new customers, documenting the respective service levels, and identifying future improvements and capacity added which may also be necessary to serve future customers over a 10- to 15-year period. The City met the requirements of the IIP as part of the IFP and WRAF Report previously identified which support the DIFs and WRAFs in place over the Audit Period.

Many aspects of the IIP will be updated in future DIF and WRAF updates as required by ARS §9-463.05, similar to the process the City completed as documented within the 2020 IFP. This audit is focused on how the City has administered the DIF and WRAF in assessing new and increased development consistent with the adopted fee schedules and using the restricted revenues for the purpose stated within the adopted reports. As a result, the IIP-related audit requirements are limited to:

1. DIFs were assessed to development by fee category and service area as detailed within the adopted IIP and
2. Confirming that actual uses of DIF and WRAF revenues over the Audit Period were consistent with the improvements identified. Raftelis compared DIF and WRAF revenues and expenses against the IIP section of the IFP and WRAF report.

2.5. IFP and WRAF Expense Audit

During the Audit Period, there were several expenditures from both the DIF and WRAF funds associated with the IFP and WRAF Report, respectively. The expenditures are identified in the Development Impact Fee Annual Reports for FY 2018-19 and FY 2019-20. Schedule B of the FY 2019-20 Development Impact Fee Annual Report identifies the DIF project expenditures by fee category, fund number, description, expenditure amount, and a few additional items. A footnote to Schedule B identifies that any funds numbered 3001-3078 reflect the funds collected and used pursuant to the IFP. These DIF funds are the focus of this audit. The expenses listed in the FY 2018-19 and FY 2019-20 Annual Development Impact Fee Reports are shown below.

Table 29: Expenditures in Funds 3001 – 3078, FY 2018 - 2019

Program Area	Service Area	Fund	Project Number	Project Description	Total Impact Fee Fund Uses
Fire	Northwest	3001	FD57100021	Fire Station 55	\$987,786
		3043	ST85100413	Roadway Widening, Bikeways, and Pedestrian Safety Improvements	1,765,490
Major Arterials	Southwest	3052	ST83110073	72-Inch Storm Drain Construction	<u>1,171,263</u>
Storm Drainage	Laveen				
Total					\$3,924,539

Table 30: Expenditures in Funds 3001 – 3078, FY 2019 - 2020

Program Area	Service Area	Fund	Project Number	Project Description	Total Impact Fee Fund Uses
Fire	Northwest	3001	FD57100021	Fire Station 55	\$89,562
Fire	Southwest	3003	FD57100024	Fire Station 58	251,213
			PA75200624	Tierra Montana Park	
Parks	Southwest	3032		Development	632,240
Storm Drainage	Laveen	3052	ST83110073	72-inch Storm Drain Construction (Olney Avenue)	151,766
Water	Southern	3062	WS85500428	Water Main Construction (Dobbins Road)	127,657
Water	Southern	3062	WS85500429	Water Main Construction (Dobbins Road)	147,806
Water	Southern	3062	WS85500436	Water Main Construction (Dobbins Road)	124,023
Water	Southern	3062	WS85500440	Water Main Construction (Carver Road)	216,522
Wastewater	Deer Valley 4	3072	-	Wastewater Treatment Plant Debt Repayment	420,834
Wastewater	Estrella North	3074	-	Wastewater Treatment Plant Debt Repayment	375,314
Wastewater	Laveen East	3077	-	Wastewater Treatment Plant Debt Repayment	682,368
Wastewater	Ahwatukee	3078	-	Wastewater Treatment Plant Debt Repayment	<u>590,984</u>
Total					\$3,810,289

Schedule E of the Annual Development Impact Fee Reports identifies the WRAF project expenditures by project description, location, and expenditure amount net of recoveries. Expenditures reported in the FY 2018-19 and FY 2019-20 Reports are shown below.

Table 31: WRAF Expenditures, FY 2018 - 2019

Program	Fund	Project	Location	WRA Expenditures Net of Recoveries
Water	0050	Aquifer Storage Recover Well 314	4002 East Dynamite Road	<u>(545,822)</u>
Total				\$(545,822)

Table 32: WRAF Expenditures, FY 2019 - 2020

Program	Fund	Project	Location	WRA Expenditures Net of Recoveries
Water	0050	Aquifer Storage Recover Well 314	4002 East Dynamite Road	<u>(6,010,084)</u>
Total				\$(6,010,084)

Expenses totaling \$14,400 that are listed in the FY 2018-19 Report were for internal project costs for the future Superblock 8 ARS well site. These expenditures are probably eligible for WRA funds. However, out of an abundance of caution, the City reimbursed the WRA fund for these expenditures from a non-impact fee revenue

source. Future expenditures for design and construction (including project management) of the Superblock 8 ARS Well are expected to be paid with WRA funds.

2.6. DIF and WRAF Revenue Audit

Using the DIF charges discussed in Section 2.2, the unadjusted DIF amount for each of the 31,648 charges provided was re-calculated by Raftelis and compared to the amount reported. To test for revenue assessment errors, the DIFs identified in the IFP were applied to each of the charges by Raftelis, based on the service area, DIF category, EDUs, and land use classification provided. These calculated DIF revenues were compared to the unadjusted DIF amount reported. Any record showing a discrepancy was considered a potential inaccuracy subject to additional review and validation. Similar information was provided for the WRAFs. Raftelis completed the WRAF revenue audit using the same process and the appropriate fee schedule.

Because the City has a significant number of developer agreements and ongoing developments that have outstanding credits and/or qualify for the grandfathering provisions, Raftelis used the amount calculated before adjustments for comparison. The application of developer credits and grandfathering provisions is beyond the scope of the Biennial Audit requirements.

As shown in Table 33, 124 DIF records or approximately 0.38% of all DIF charges were initially identified for additional review within Water and Wastewater DIFs. For the WRAF records, 23 were initially identified for additional review in the preliminary review.

Table 33: DIF and WRAF Records for Additional Review

Description	Number of Records
Fire	0
Library	0
Major Arterials	0
Parks	0
Police	0
Storm Drainage	0
Wastewater	57
Water	67
WRAF	<u>23</u>
Total	147

As previously discussed, Raftelis compared independent calculations of DIF and WRAF amounts to the unadjusted amount provided by the City. The preliminary records identified for further review for both DIFs and WRAFs have been discussed with the City and addressed in further detail in the “Adjustments and Feedback from City” subsection. Appendix A includes the validation for all records subject to additional review.

2.7. Adjustments and Feedback from City

A majority of water and wastewater permit records subject to additional review were the result of lack of data used by Raftelis to calculate the appropriate charges. Although the data provided by the City included land use type, unit or meter type was unavailable. This is particularly problematic with water and wastewater DIFs, which are

calculated based on unit or meter type. Appendix A details each DIF record subject to additional review and includes City feedback and comments.

With this response from the City, Raftelis could validate each of the 147 records identified for additional review.

WRAF – 23 records subject to review

- Five WRAF records were determined to have incorrect charges.
- Two records were related to meter size upgrades.
- Two records were related to fee corrections that occurred prior to the audit.
- 13 records were related to lack of data used by Raftelis to assess a fee. These records were verified by Raftelis as additional data was provided.
- One record was related to a new fee that has yet to be paid.

Water – 67 records subject to review

- All records were related to lack of data used by Raftelis to assess a fee. These records were verified by Raftelis as additional data was provided.

Wastewater – 57 records subject to review

- All records were related to lack of data used by Raftelis to assess a fee. These records were verified by Raftelis as additional data was provided.

2.8. Additional WRAF Feedback from City

Upon receipt of the WRAF permits deemed to have been inaccurately charged, the City sought to determine the source of the inaccuracy, issue refunds where permit fees were overpaid, and apply payment from an internal fund when the permit fee had been under collected. This effort from the City resulted in the following findings.

1. Five records were determined to have inaccurately used the old fee instead of the new fees, resulting in an overcharge to customers a total of \$8,151. The City acted to correct the fee in the KIVA billing system and issue refunds to customers.

Appendix B details each WRA record subject to additional review and includes City feedback and comments.

2.9. Overall Findings

Pursuant to the discussion above the following findings are provided:

1. The difference between growth forecasted in the LUA as part of the 2020 IFP and the actual growth experienced by the City should be monitored but is not an area of immediate concern. As previously discussed, the City adjusted the LUA EDU growth forecasts as part of the 2020 IFP. This adjustment illustrates the self-correcting aspect of the LUA forecasts as part of comprehensive DIF and WRAF updates completed at least every five years. Additionally, growth often occurs less linearly as certain development may occur more rapidly than others and can be influenced by various external factors. Lastly, as the City DIFs are assessed within certain service areas where new development is anticipated that will require expansions to facilities providing necessary public services and WRAFs assessed only within Off-Project areas, growth may occur within the City, but in areas where DIFs and/or WRAFs are not currently assessed increasing the difficulty in projecting where future growth may occur in a given year.
2. The completed revenue audit has not found any material discrepancies when compared to the DIFs identified in the IFP and the WRAFs identified in the WRAF Report.

3. Based on the information obtained through the City's annual DIF reports, there are no discrepancies between expenditures identified in the IFP and WRAF reports and the IFP.

APPENDIX A:

**DIF Records Subject to
Additional Review with Response
from City**

Appendix A
DIF Records Subject to Additional Review with Response from City

Line No.	Permit Number	Impact Fee Service Area2	Issue Date	Total EDUs	Land Use	DIF Category	Unadjusted DIF	Adjusted DIF	City Comments
1	19006372	Northeast	02/28/2019	7.06	MF	WATER-L	46,137	46,137	Correct see attached REM 20016006, same calculation.
2	20011887	Northeast	02/11/2020	7.06	COM-RET	WATER-D	41,997	41,997	Correct see attached.
3	19016265	Laveen East	05/23/2019	7.06	COM-RET	WATER-D	41,997	41,997	Correct see attached.
4	19016265	Northwest	05/23/2019	22.60	COM-RET	WATER-D	134,191	134,191	Correct see attached. 2 meter for 2"
5	19012172	Deer Valley	04/18/2019	50.54	MF	WATER-D	282,389	282,389	Correct. 133 units, multifamily land use.
6	19001775	Northeast	01/17/2019	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
7	19001777	Laveen West	01/17/2019	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
8	19001777	Northeast	01/17/2019	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
9	19006485	Northeast	03/01/2019	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
10	19006486	Northeast	03/01/2019	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
11	19006488	Northeast	03/01/2019	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
12	20009706	Northeast	01/22/2020	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
13	20009709	Northeast	01/22/2020	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
14	20009710	Northeast	01/22/2020	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
15	20009711	Northeast	01/22/2020	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
16	20014295	Northeast	03/03/2020	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
17	20014299	Northeast	03/03/2020	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
18	20014300	Northeast	03/03/2020	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
19	18038142	Northeast	12/13/2018	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
20	18038143	Northeast	12/13/2018	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
21	18038144	Northeast	12/13/2018	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
22	18038145	Northeast	12/13/2018	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
23	18038147	Northwest	12/13/2018	1.90	MF	WATER-D	10,616	10,616	Correct. See attached BLD 19012174, Multifamily land use
24	20024897	Northwest	06/18/2020	9.12	MF	WATER-D	33,458	28,743	Correct. See attached BLD 20024896, same calculation.
25	20024899	Northwest	06/18/2020	9.12	MF	WATER-D	33,458	28,743	Correct. See attached BLD 20024896, same calculation.
26	20024900	Northwest	06/18/2020	9.12	MF	WATER-D	33,458	28,743	Correct. See attached BLD 20024896, same calculation.
27	19023925	Northwest	07/26/2019	9.12	MF	WATER-D	50,959	50,959	Correct. See attached BLD 20024896, same calculation.
28	19023926	Northwest	07/26/2019	9.12	MF	WATER-D	50,959	50,959	Correct. See attached BLD 20024896, same calculation.
29	19023927	Northwest	07/26/2019	9.12	MF	WATER-D	50,959	50,959	Correct. See attached BLD 20024896, same calculation.
30	19023928	Northwest	07/26/2019	9.12	MF	WATER-D	50,959	50,959	Correct. See attached BLD 20024896, same calculation.
31	19023929	Northwest	07/26/2019	9.12	MF	WATER-D	50,959	50,959	Correct. See attached BLD 20024896, same calculation.
32	19023930	Northwest	07/26/2019	9.12	MF	WATER-D	50,959	50,959	Correct. See attached BLD 20024896, same calculation.
33	19023931	Northwest	07/26/2019	9.12	MF	WATER-D	50,959	50,959	Correct. See attached BLD 20024896, same calculation.
34	19023932	Northwest	07/26/2019	9.12	MF	WATER-D	50,959	50,959	Correct. See attached BLD 20024896, same calculation.
35	19023933	Northwest	07/26/2019	9.12	MF	WATER-D	50,959	50,959	Correct. See attached BLD 20024896, same calculation.
36	19039919	Northwest	12/11/2019	3.54	COM-RET	WATER-D	20,884	20,884	Correct. See attached WSOC 19016265. Same calculation
37	19016265	Northwest	05/23/2019	3.54	COM-RET	WATER-L	-46,137	-46,137	Correct. See attached.
38	20016006	Northwest	03/17/2020	7.06	COM-RET	WATER-L	-46,137	-46,137	Correct. See attached.
39	18038452	Northwest	12/17/2018	11.30	MF	WATER-L	73,846	73,846	Correct. See attached.
40	20022005	Northwest	05/18/2020	11.30	MF	WATER-L	52,161	52,161	Correct. See attached.
41	19020827	Northwest	07/01/2019	7.06	IND-WH	WATER-D	24,799	24,799	Correct. See attached.
42	18029451	Northwest	09/24/2018	3.42	MF	WATER-D	19,110	19,110	Correct. See attached.
43	20008750	Northwest	01/14/2020	4.94	MF	WATER-D	27,603	27,603	Correct. See attached.
44	19007735	Northwest	03/13/2019	6.46	MF	WATER-D	36,096	36,096	Correct. See attached.
45	20024896	Northwest	06/18/2020	9.12	MF	WATER-D	33,458	28,743	Correct. See attached.
46	19029990	Northwest	09/17/2019	11.40	MF	WATER-D	63,699	63,699	Correct. See attached.
47	19029991	Northwest	09/17/2019	13.30	MF	WATER-D	74,316	74,316	Correct. See attached.
48	19012173	Northwest	04/18/2019	23.94	MF	WATER-D	133,768	133,768	Correct. See attached.
49	19007736	Northwest	03/13/2019	30.40	MF	WATER-D	169,864	169,864	Correct. See attached.
50	18021632	Northwest	07/16/2018	34.96	MF	WATER-D	195,343	195,343	Correct. See attached.
51	18034472	Northwest	11/08/2018	38.00	MF	WATER-D	212,330	212,330	Correct. See attached.
52	19005344	Northwest	02/20/2019	3.42	MF	WATER-D	19,110	19,110	Correct. See attached. BLD 18029451, Multifamily land use.
53	19015925	Northwest	05/21/2019	3.42	MF	WATER-D	19,110	19,110	Correct. See attached. BLD 18029451, Multifamily land use.
54	19020581	Northwest	06/28/2019	3.42	MF	WATER-D	19,110	19,110	Correct. See attached. BLD 18029451, Multifamily land use.
55	19020582	Deer Valley	06/28/2019	3.42	MF	WATER-D	19,110	19,110	Correct. See attached. BLD 18029451, Multifamily land use.
56	19012174	Northwest	04/18/2019	1.90	MF	WATER-D	10,616	10,616	Correct. See attached. Multifamily land use
57	20024895	Northwest	06/18/2020	3.54	MF	WATER-L	16,341	14,510	Correct. See attached. Qualifies for grandfather fee.
58	19012174	Northwest	04/18/2019	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached.
59	19012175	Northwest	04/18/2019	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bld 19012174, same calculation.
60	19012175	Northwest	04/18/2019	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bld 19012174, same calculation.
61	19012175	Northwest	04/18/2019	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bld 19012174, same calculation.
62	19001775	Northwest	01/17/2019	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bld 19012174, same calculation.
63	19001776	Northwest	01/17/2019	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bld 19012174, same calculation.

Line No.	Permit Number	Impact Fee Service Area2	Issue Date	Total EDUs	Land Use	DIF Category	Unadjusted DIF	Adjusted DIF	City Comments
64	19001777	Northeast	01/17/2019	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
65	19006485	Northeast	03/01/2019	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
66	19006486	Northeast	03/01/2019	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
67	19006488	Northeast	03/01/2019	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
68	20009706	Northeast	01/22/2020	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
69	20009709	Northeast	01/22/2020	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
70	20009710	Northeast	01/22/2020	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
71	20009711	Northeast	01/22/2020	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
72	20014295	Northeast	03/03/2020	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
73	20014299	Northeast	03/03/2020	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
74	20014300	Northeast	03/03/2020	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
75	18038142	Northwest	12/13/2018	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
76	18038143	Northwest	12/13/2018	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
77	18038144	Northwest	12/13/2018	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
78	18038145	Northwest	12/13/2018	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
79	18038147	Northwest	12/13/2018	2.45	MF	WASTEWATER-M	7,338	7,338	Correct. See attached. Bid 19012174, same calculation.
80	18029451	Northeast	09/24/2018	4.41	MF	WASTEWATER-M	13,209	13,209	Correct. See attached. Bid 19012174, same calculation.
81	19005344	Northeast	02/20/2019	4.41	MF	WASTEWATER-M	13,209	13,209	Correct. See attached. Bid 19012174, same calculation.
82	19015925	Northeast	05/21/2019	4.41	MF	WASTEWATER-M	13,209	13,209	Correct. See attached. Bid 19012174, same calculation.
83	19020581	Northeast	06/28/2019	4.41	MF	WASTEWATER-M	13,209	13,209	Correct. See attached. Bid 19012174, same calculation.
84	19020582	Northeast	06/28/2019	4.41	MF	WASTEWATER-M	13,209	13,209	Correct. See attached. Bid 19012174, same calculation.
85	20008750	Northeast	01/14/2020	6.37	MF	WASTEWATER-M	19,080	19,080	Correct. 13 units, multifamily land use.
86	20008751	Northeast	01/14/2020	6.37	MF	WASTEWATER-M	19,080	19,080	Correct. 13 units, multifamily land use.
87	19008481	Estrella South	03/20/2019	7.49	IND-WH	WASTEWATER-M	10,879	10,879	Correct. See attached.
88	19020827	Laveen West	07/01/2019	7.49	IND-WH	WASTEWATER-M	22,427	22,427	Correct. See attached above permit, same calculation.
89	19007735	Northeast	03/13/2019	8.33	MF	WASTEWATER-M	24,951	24,951	Correct. 17 units, multifamily land use.
90	20024896	Laveen East	06/18/2020	11.76	MF	WASTEWATER-M	14,645	14,645	Correct. See attached.
91	20024897	Laveen East	06/18/2020	11.76	MF	WASTEWATER-M	14,645	14,645	Correct. See attached BLD 20024896, same calculation.
92	20024899	Laveen East	06/18/2020	11.76	MF	WASTEWATER-M	14,645	14,645	Correct. See attached BLD 20024896, same calculation.
93	20024900	Laveen East	06/18/2020	11.76	MF	WASTEWATER-M	14,645	14,645	Correct. See attached BLD 20024896, same calculation.
94	19023925	Northwest	07/26/2019	11.76	MF	WASTEWATER-M	35,225	35,225	Correct. 24 units, multifamily land use.
95	19023926	Northwest	07/26/2019	11.76	MF	WASTEWATER-M	35,225	35,225	Correct. 24 units, multifamily land use.
96	19023927	Northwest	07/26/2019	11.76	MF	WASTEWATER-M	35,225	35,225	Correct. 24 units, multifamily land use.
97	19023928	Northwest	07/26/2019	11.76	MF	WASTEWATER-M	35,225	35,225	Correct. 24 units, multifamily land use.
98	19023929	Northwest	07/26/2019	11.76	MF	WASTEWATER-M	35,225	35,225	Correct. 24 units, multifamily land use.
99	19023930	Northwest	07/26/2019	11.76	MF	WASTEWATER-M	35,225	35,225	Correct. 24 units, multifamily land use.
100	19023931	Northwest	07/26/2019	11.76	MF	WASTEWATER-M	35,225	35,225	Correct. 24 units, multifamily land use.
101	19023932	Northwest	07/26/2019	11.76	MF	WASTEWATER-M	35,225	35,225	Correct. 24 units, multifamily land use.
102	19023933	Northwest	07/26/2019	11.76	MF	WASTEWATER-M	35,225	35,225	Correct. 24 units, multifamily land use.
103	19023934	Northwest	07/26/2019	11.76	MF	WASTEWATER-M	35,225	35,225	Correct. 24 units, multifamily land use.
104	19023935	Northwest	07/26/2019	11.76	MF	WASTEWATER-M	35,225	35,225	Correct. 24 units, multifamily land use.
105	19023946	Northwest	07/26/2019	11.76	MF	WASTEWATER-M	35,225	35,225	Correct. 24 units, multifamily land use.
106	19029890	Northeast	09/17/2019	14.70	MF	WASTEWATER-M	44,031	44,031	Correct. 30 units, multifamily land use.
107	19029891	Northeast	09/17/2019	17.15	MF	WASTEWATER-M	51,370	51,370	Correct. 35 units, multifamily land use.
108	19012173	Northeast	04/18/2019	30.87	MF	WASTEWATER-M	92,465	92,465	Correct. 65 units, multifamily land use.
109	19007736	Northeast	03/13/2019	39.20	MF	WASTEWATER-M	117,416	117,416	Correct. 80 units, multifamily land use.
110	18021632	Northeast	07/16/2018	45.08	MF	WASTEWATER-M	135,028	135,028	Correct. 92 units, multifamily land use.
111	18034472	Northeast	11/08/2018	49.00	MF	WASTEWATER-M	146,770	146,770	Correct. 100 units, multifamily land use.
112	19012172	Northeast	04/18/2019	65.17	MF	WASTEWATER-M	195,204	195,204	Correct. 133 units, multifamily land use.
113	19012169	Northeast	04/18/2019	67.43	MF	WASTEWATER-M	201,075	201,075	Correct. 137 units, multifamily land use.
114	18038452	Deer Valley	12/17/2018	69.09	MF	WASTEWATER-M	75,053	75,053	Correct. 141 units, multifamily land use.
115	20008749	Northeast	01/14/2020	75.95	MF	WASTEWATER-M	227,493	227,493	Correct. 155 units, multifamily land use.
116	19001408	Northeast	01/14/2019	96.04	MF	WASTEWATER-M	287,669	287,669	Correct. 196 units, multifamily land use.

APPENDIX B:

**WRAF Records Subject to
Additional Review with Response
from the City**

**Appendix B
WRAF Records Subject to Additional Review with Response from City**

Line No.	Permit Number	Issue Date	Fee Code	Fee		Fee Amount		City Comment
				Quantity	Amount	Total		
1	19008685	03/21/2019	WRAOFF2"	1	6,584	6,584		correct paid on 05.05.2020
2	19010432	04/04/2019	WRAOFF1"	1	2,063	2,063		Fee not paid yet, new fee should be applied. See attached.
3	19027735	08/28/2019	WRAOFFC4"	1	24,707	24,707		correct paid on 05.01.2020
4	19029202	09/10/2019	WRAOFF1"	1	2,063	2,063		correct paid on 04.30.2021
5	20010130	01/27/2020	WRAOFF1"	1	2,063	2,063		correct paid on 04.22.2022
6	20018514	04/14/2020	WRAOFFSF34	1	-778	-778		You are missing one more line for this permit
7	20018514	04/14/2020	WRAOFFSF34	1	778	778		You are missing one more line for this permit
8	20018952	04/17/2020	WRAOFFSF34	1	778	778		Refund in process
9	20019360	04/22/2020	WRAOFF2"	1	8,788	8,788		Refund in process
10	20019361	04/22/2020	WRAOFF2"	1	8,788	8,788		Refund in process
11	20013709	04/24/2020	WRAOFF1"	1	2,063	2,063		correct, this is for a landscape meter
12	20020146	04/30/2020	WRAOFF1"	1	2,063	2,063		correct this is a commercial 1" water meter
13	20022196	05/20/2020	WRAOFF1"	1	2,754	2,754		Refund in process
14	20022196	05/20/2020	WRAOFF1.5"	1	5,491	5,491		Refund in process
15	20023305	06/03/2020	WRAOFF1"	1	2,063	2,063		correct, this is for a landscape meter
16	20023695	06/08/2020	WRAOFF1"	1	2,063	2,063		correct this is a commercial 1" water meter
17	20025003	06/19/2020	WRAOFF1"	1	2,063	2,063		correct, this is for a landscape meter
18	20024978	06/19/2020	WRAOFF1"	1	2,063	2,063		correct this is a commercial 1" water meter
19	19003211	01/30/2019	WRAOFFSF15	1	1,812	1,812		correct meter upgrade from 5/8 inch to 1.5" - (\$2590 WRA for new 1.5" - \$778 WRA for old 5/8= \$1812)
20	19007588	03/12/2019	WRAOFF1"CL	1	778	778		correct, it is for 1" single family home
21	19010827	04/08/2019	WRAOFF1"CL	1	778	778		correct, it is for 1" single family home
22	19020827	07/01/2019	WRAOFFSF15	1	5,491	5,491		Correct, it is for 1.5" commercial
23	20025577	06/24/2020	WRAOFFSF1.5	1	1,357	1,357		Correct this is a upgrade from 1" to 1.5" SF (\$1940 WRA for 1.5" -\$583 WRA for old 1"=\$1357.00)

APPENDIX C:
**LUA Audit Tables by Service
Area**

Appendix C
 LUA Audit Tables by Service Area

Single Family Fire Protection	Police			Libraries			Parks		
	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast
Ahwatukee	169	234	234	Ahwatukee	167	234	Ahwatukee	169	234
Deer Valley	73	40	40	Deer Valley	73	40	Deer Valley	73	40
Estrella North	0	145	145	Estrella North	0	145	Estrella North	0	145
Estrella South	1,136	1,758	1,758	Estrella South	1,136	1,758	Estrella South	1,136	1,758
Laveen East	242	843	843	Laveen East	242	843	Laveen East	242	843
Laveen West	601	2,530	2,530	Laveen West	601	2,530	Laveen West	601	2,530
Northeast	1,427	3,164	3,164	Northeast	1,427	3,164	Northeast	1,427	3,164
Northwest	372	2,072	2,072	Northwest	371	2,072	Northwest	372	2,072
Total	4,020	10,786	10,786	Total	4,017	10,786	Total	4,020	10,786

Multi-family Fire Protection	Police			Libraries			Parks		
	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast
Ahwatukee	0	90	90	Ahwatukee	0	90	Ahwatukee	0	90
Deer Valley	90	0	0	Deer Valley	0	0	Deer Valley	90	0
Estrella North	0	91	91	Estrella North	0	91	Estrella North	0	91
Estrella South	0	24	24	Estrella South	0	24	Estrella South	0	24
Laveen East	72	7	7	Laveen East	72	7	Laveen East	72	7
Laveen West	0	90	90	Laveen West	0	90	Laveen West	0	90
Northeast	996	618	618	Northeast	996	618	Northeast	996	618
Northwest	203	460	460	Northwest	0	460	Northwest	203	460
Total	1,362	1,380	1,380	Total	1,068	1,380	Total	1,362	1,380

Commercial Fire Protection	Police			Libraries			Parks		
	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast
Ahwatukee	18	21	21	Ahwatukee	0	1	Ahwatukee	1	1
Deer Valley	0	0	0	Deer Valley	0	0	Deer Valley	0	0
Estrella North	0	0	0	Estrella North	0	0	Estrella North	0	0
Estrella South	14	98	98	Estrella South	1	6	Estrella South	1	6
Laveen East	8	51	51	Laveen East	1	3	Laveen East	1	3
Laveen West	102	63	63	Laveen West	7	4	Laveen West	7	4
Northeast	1	372	372	Northeast	0	24	Northeast	0	24
Northwest	141	106	106	Northwest	0	7	Northwest	9	7
Total	283	711	711	Total	8	45	Total	18	45

Appendix C
LUA Audit Tables by Service Area

Single Family Major Arterials	Water			Wastewater		
	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast
Ahwatukee				Ahwatukee	170	234
Deer Valley	73	40	1,102	Deer Valley	72	40
Estrella North	0	145	1,759	Estrella North	0	145
Estrella South	1,136	1,758	1,102	Estrella South	1,136	1,758
Laveen East	242	843	1,102	Laveen East	242	843
Laveen West	601	2,530	1,102	Laveen West	602	2,530
Northeast	1,427	3,164	1,759	Northeast	1,428	5,236
Northwest	372	2,072	1,759	Northwest	371	0
Total	3,851	10,552	10,787	Total	4,021	10,786

Multi-family Major Arterials	Water			Wastewater		
	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast
Ahwatukee			48	Ahwatukee	0	68
Deer Valley	97	0	288	Deer Valley	69	0
Estrella North	0	98	48	Estrella North	0	69
Estrella South	0	25	48	Estrella South	0	18
Laveen East	72	7	48	Laveen East	47	5
Laveen West	0	97	48	Laveen West	0	68
Northeast	1,073	666	288	Northeast	580	813
Northwest	219	496	288	Northwest	153	0
Total	1,462	1,389	1,104	Total	850	1,041

Commercial Major Arterials	Water			Wastewater		
	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast
Ahwatukee			26	Ahwatukee	23	11
Deer Valley	0	0	88	Deer Valley	2	0
Estrella North	0	0	26	Estrella North	4	0
Estrella South	25	173	26	Estrella South	16	50
Laveen East	15	90	26	Laveen East	11	26
Laveen West	178	111	26	Laveen West	56	32
Northeast	1	653	88	Northeast	0	245
Northwest	248	187	88	Northwest	26	0
Total	467	1,214	394	Total	138	364

Appendix C
LUA Audit Tables by Service Area

Institutional Fire Protection	Police			Libraries			Parks		
	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast
Ahwatukee	0	0	8	Ahwatukee	0	1	Ahwatukee	0	1
Deer Valley	0	0	0	Deer Valley	0	0	Deer Valley	0	0
Estrella North	0	0	0	Estrella North	0	0	Estrella North	0	0
Estrella South	0	0	0	Estrella South	0	0	Estrella South	0	0
Laveen East	6	6	0	Laveen East	0	0	Laveen East	0	0
Laveen West	0	0	229	Laveen West	0	17	Laveen West	0	17
Northeast	60	60	137	Northeast	5	10	Northeast	5	10
Northwest	155	155	0	Northwest	0	0	Northwest	11	0
Total	221	221	374	Total	5	28	Total	16	28

Office Fire Protection	Police			Libraries			Parks		
	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast
Ahwatukee	0	0	32	Ahwatukee	0	3	Ahwatukee	0	3
Deer Valley	0	0	0	Deer Valley	0	0	Deer Valley	0	0
Estrella North	1	1	0	Estrella North	0	0	Estrella North	0	0
Estrella South	0	0	32	Estrella South	0	3	Estrella South	0	3
Laveen East	0	0	0	Laveen East	0	0	Laveen East	0	0
Laveen West	23	23	1	Laveen West	2	0	Laveen West	2	0
Northeast	243	243	161	Northeast	24	16	Northeast	24	16
Northwest	0	0	97	Northwest	0	10	Northwest	0	10
Total	267	267	323	Total	26	32	Total	26	32

Industrial Fire Protection	Police			Libraries			Parks		
	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast
Ahwatukee	0	0	0	Ahwatukee	0	0	Ahwatukee	0	0
Deer Valley	0	0	0	Deer Valley	0	0	Deer Valley	0	0
Estrella North	293	293	238	Estrella North	21	17	Estrella North	21	17
Estrella South	781	781	269	Estrella South	56	19	Estrella South	56	19
Laveen East	7	7	0	Laveen East	1	0	Laveen East	1	0
Laveen West	0	0	0	Laveen West	0	0	Laveen West	0	0
Northeast	69	69	42	Northeast	5	3	Northeast	5	3
Northwest	49	49	42	Northwest	0	3	Northwest	3	3
Total	1,198	1,198	591	Total	82	42	Total	86	42

Appendix C
 LUA Audit Tables by Service Area

Institutional Major Arterials	Water			Wastewater		
	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast
Ahwatukee				Ahwatukee	0	2
Deer Valley	0	0	15	Deer Valley	0	0
Estrella North	0	0	15	Estrella North	0	0
Estrella South	0	0	15	Estrella South	0	0
Laveen East	6	0	15	Laveen East	7	0
Laveen West	0	202	15	Laveen West	0	73
Northeast	50	122	15	Northeast	0	44
Northwest	137	0	15	Northwest	114	0
Total	193	324	120	Total	121	119

Office Major Arterials	Water			Wastewater		
	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast
Ahwatukee				Ahwatukee	0	11
Deer Valley	0	0	34	Deer Valley	0	0
Estrella North	1	0	5	Estrella North	0	0
Estrella South	0	28	5	Estrella South	0	11
Laveen East	0	0	5	Laveen East	0	0
Laveen West	20	1	5	Laveen West	36	0
Northeast	216	143	34	Northeast	0	91
Northwest	0	86	34	Northwest	0	0
Total	237	258	127	Total	36	113

Industrial Major Arterials	Water			Wastewater		
	Service Area	Audit Period	IFP Forecast	Service Area	Audit Period	IFP Forecast
Ahwatukee				Ahwatukee	0	0
Deer Valley	0	0	80	Deer Valley	0	0
Estrella North	459	374	22	Estrella North	75	187
Estrella South	1,227	423	80	Estrella South	130	211
Laveen East	5	0	80	Laveen East	0	0
Laveen West	0	0	80	Laveen West	7	0
Northeast	40	66	22	Northeast	19	66
Northwest	49	66	22	Northwest	0	0
Total	1,780	929	466	Total	232	464

Appendix C
 LUA Audit Tables by Service Area

Storm Drainage
 All Classes

Service Area	Audit Period	IFP Forecast
Ahwatukee		
Deer Valley		
Estrella North	246	2,709
Estrella South	1,931	2,709
Laveen East	300	3,159
Laveen West	710	3,159
Northeast		
Northwest		
Total	3,186	11,736



Public Hearing - Amend City Code - Ordinance Adoption - Landscape Maintenance - Z-TA-5-15 (Ordinance G-6868)

Request to hold a public hearing on a proposed text amendment Z-TA-5-15 and to request that City Council approve Z-TA-5-15 as proposed which amends portions of Chapters 5 (Development Review Procedures) and 7 (Development Standards of General Applicability) of the Zoning Ordinance to address landscape maintenance.

Summary

Application: Z-TA-5-15

Proposal: Request to amend Chapter 5, Section 507.I. (Guidelines For Design Review - Review of technical documents) and Section 507.K. (Effect of development review approval), amend Chapter 5, Section 507 Tab A.I.B.1. (Urban Design Principles - Amenity/Comfort), Section 507 Tab A.I.G.2. (Urban Design Principles - Definition of Space), Section 507 Tab A.II.A.3.1.10 (Guidelines for Design Review - Site Design/Development - Landscape Architecture), add Section 507 Tab A.II.A.3.1.16 (Guidelines for Design Review - Site Design/Development - Landscape Architecture), amend Section 507 Tab A.II.A.3.2. (Guidelines for Design Review - Site Design/Development - Landscape Architecture), amend Section 507 Tab A.II.A.4. (Guidelines for Design Review - Site Design/Development - Open Space/Amenities), Section 507 Tab A.II.B.6.1 (Guidelines for Design Review - Building Design/Construction - Public Amenities/Environmental Protection), add Section 507 Tab A.II.C.1.9 (Guidelines for Design Review - Subdivision Design/Development - Streets/Circulation), amend Section 507 Tab A.II.C.4. (Guidelines for Design Review - Subdivision Design/Development - Open Space/Amenities), and amend Chapter 7, Section 703 (Landscaping, Fences and Walls) to add new subsection "E" to address landscape maintenance.

Applicant: City of Phoenix, Planning Commission

Representative: City of Phoenix, Planning and Development Department

This text amendment responds to direction from the Phoenix City Council to update existing codes and ordinances to support the provision of trees and shade throughout Phoenix. The text amendment proposes several changes to Chapters 5 and 7 of the Zoning Ordinance. The proposed changes can be generally classified as an

enhancement of existing procedures, standards and the codification of best practices related to landscape plan submittals and landscape maintenance.

Concurrence/Previous Council Action

Staff Recommendation: Staff recommends approval of Z-TA-5-15, per the **Attachment E** - Addendum A Staff Report Exhibit A language.

VPC Action: Informational presentations were provided through January and February of 2021, as reflected in **Attachment C** - VPC Informational Summary. The request was heard by all fifteen Village Planning Committees (VPCs) through April and May of 2021. Four VPCs recommended approval, seven VPCs recommended approval with additional language, three recommended approval with direction, and one made no recommendation due to lack of quorum, as reflected in **Attachment D** - VPC Recommendation Summary.

PC Action: The Planning Commission heard this case on June 3, 2021 and recommended Approval, per the language in Exhibit A of the Addendum A Staff Report by a vote of 8-0, as reflected in **Attachment F** - PC Summary.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING PORTIONS OF THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX BY AMENDING CHAPTER 5, SECTION 507.I. (GUIDELINES FOR DESIGN REVIEW - REVIEW OF TECHNICAL DOCUMENTS) AND SECTION 507.K. (EFFECT OF DEVELOPMENT REVIEW APPROVAL), AMEND CHAPTER 5, SECTION 507 TAB A.I.B.1. (URBAN DESIGN PRINCIPLES - AMENITY/COMFORT), SECTION 507 TAB A.I.G.2. (URBAN DESIGN PRINCIPLES - DEFINITION OF SPACE), SECTION 507 TAB A.II.A.3.1.10 (GUIDELINES FOR DESIGN REVIEW - SITE DESIGN/DEVELOPMENT - LANDSCAPE ARCHITECTURE), ADD SECTION 507 TAB A.II.A.3.1.16 (GUIDELINES FOR DESIGN REVIEW - SITE DESIGN/DEVELOPMENT - LANDSCAPE ARCHITECTURE), AMEND SECTION 507 TAB A.II.A.3.2. (GUIDELINES FOR DESIGN REVIEW - SITE DESIGN/DEVELOPMENT - LANDSCAPE ARCHITECTURE), AMEND SECTION 507 TAB A.II.A.4. (GUIDELINES FOR DESIGN REVIEW - SITE DESIGN/DEVELOPMENT - OPEN SPACE/AMENITIES), SECTION 507 TAB A.II.B.6.1 (GUIDELINES FOR DESIGN REVIEW - BUILDING DESIGN/CONSTRUCTION - PUBLIC AMENITIES/ENVIRONMENTAL PROTECTION), ADD SECTION 507 TAB A.II.C.1.9 (GUIDELINES FOR DESIGN REVIEW - SUBDIVISION DESIGN/DEVELOPMENT - STREETS/CIRCULATION), AMEND SECTION 507 TAB A.II.C.4. (GUIDELINES FOR DESIGN REVIEW - SUBDIVISION DESIGN/DEVELOPMENT - OPEN SPACE/AMENITIES), AND AMEND CHAPTER 7, SECTION 703 (LANDSCAPING, FENCES AND WALLS) TO ADD NEW SUBSECTION "E" OF THE PHOENIX ZONING ORDINANCE TO ADDRESS LANDSCAPE MAINTENANCE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as

follows:

SECTION 1: That Chapter 5, Section 507.I. (Guidelines for Design Review - Review of technical documents) is amended to read as follows:

I. Review of ~~technical~~ DEVELOPMENT REVIEW documents.

2. Technical plans and ~~improvements~~ DEVELOPMENT REVIEW DOCUMENTS. The following plans indicating dedications and improvements should be shown, as determined by the Planning and Development Department, and are required for review and approval:

- a. Grading and drainage plans including, but not limited to, hillside and floodplain reviews.
- b. Paving plans.
- c. Water and sewer line plans.
- d. ~~Landscaping plans.~~ **LANDSCAPE PLANS, PLANT INVENTORY PLANS, AND PLANT SALVAGE AND TREE PROTECTION PLANS.** Each applicant shall submit landscaping plans showing the information required on the checklist provided and in the format required by the Planning and Development Department including:
 - (1) ~~Landscape conservation plan.~~ **Landscape conservation plan.** Prior to clearing and grubbing a site or obtaining a grading permit, an applicant shall submit a landscape conservation plan indicating existing vegetation and salvage items. The Planning and Development Department will determine if this plan is necessary following the review of the context plan.
 - (2) ~~Landscape plan.~~ **Landscape plan.** Each applicant shall submit a landscape plan which must show the information required on the checklist provided and in the format required by the Planning and Development Department.
 - (3) ~~Standards.~~ **Standards.** Plant material sizes and specifications must conform to American Nursery Association standards.
 - (4) ~~Installation and maintenance.~~ **Installation and maintenance.** All plant material as shown on approved landscape plans is to be installed and maintained with an appropriate watering system in a living and viable state.
- e. Architectural plans and elevations.

SECTION 2: That Chapter 5, Section 507.K. (Effect of development review approval) is amended to read as follows for paragraphs K.1., K.4., and K.6.:

K. Effect of development review approval.

1. **Construction document submittal and building permit issuance.** Approved development review documents ~~shall be~~ ARE binding upon the ~~applicant's~~ PROPERTY OWNERS and their successors or assignees and ~~shall~~ nullify all previously approved plans. Copies of the approved development review documents or exemption must be included in any construction documents submitted for building permit approval. No building permit ~~shall~~ MAY be issued for any building or structure not in accordANCE with the approved development review documents and conditions of approval. The construction, location, use, ~~or~~ operation, OR MAINTENANCE of all land and structures within the site ~~shall~~ MUST conform to all conditions and limitations set forth in the development review documents. Evidence of development review approval in the form of a copy of the approved development review documents or exemption must be available on the construction site. In the event THE SITE HAS NOT BEEN DEVELOPED OR MAINTAINED IN ACCORDANCE WITH THE APPROVED ~~property owner does not comply with the conditions imposed on the~~ development review documents, ~~this shall~~ IT WILL be considered a violation of the Zoning Ordinance.
2. **Temporary construction facilities.** Temporary construction facilities shall be permitted for the purpose of developing the project. In case of a question the Planning and Development Department shall determine if facilities proposed qualify as temporary and related to construction. Such facilities shall be removed within seven days after completion of initial construction or prior to issuance of the certificate of occupancy, whichever first occurs.
3. **Amendments.** No structure, use or element of approved development review documents shall be eliminated, altered, or provided in another manner unless an amendment is approved in accordance with the standards for new reviews.
4. **Site inspection and issuance of certificate of occupancy.** The Planning and Development Department ~~shall~~ MUST inspect each project FOR COMPLIANCE WITH THE APPROVED DEVELOPMENT REVIEW DOCUMENTS prior to ISSUING A certificate of occupancy OR CERTIFICATE OF COMPLETION. No final certificate of occupancy OR CERTIFICATE OF COMPLETION ~~shall~~ WILL be issued if ~~the project does not meet the requirements of~~ THE STRUCTURE AND ASSOCIATED SITE IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO SITE UTILITIES,

PAVING, GRADING, PLANT SALVAGE AND TREE PROTECTION, AND LANDSCAPE INSTALLATION, INCLUDING IRRIGATION, HAVE NOT BEEN INSTALLED, PROTECTED, OR SALVAGED IN ACCORDANCE WITH the approved development review documents. The Planning and Development Department may issue conditional OR TEMPORARY certificates of occupancy in conformance with the provisions of the Construction Code. In the case of subdivision development, the Planning and Development Department will monitor the buildout of each subdivision approved through the development review process for conformance to approved development review documents and exhibits. The Planning and Development Department may withhold the release of building permits within a subdivision if, at the discretion of the Planning and Development Director, the buildings within the subdivision are not conforming to diversity standards set by the approved development review documents.

5. **Enforcement.** Development review documents approved under this section shall be enforced by the Planning and Development Department under the supervision of the Zoning Administrator. Whenever enforcement personnel find that any proposed construction or occupancy or completed facility does not or will not comply with the approved development review documents, they shall require the property owner to comply with the conditions of the development review documents.

In the event the property owner does not comply with the conditions imposed on the development review documents, it will be considered a violation of the Zoning Ordinance.

6. **Validity.**

- a. *Preliminary approval.* Approval of the preliminary development review documents ~~shall be~~ IS valid for a period of 24 months. In a phased project, if preliminary development review documents are filed over the total site and final development review approval is achieved on a portion of the site within the 24-month period, the preliminary development review documents will remain valid for an additional 12 months. Additional time beyond the 36 months ~~shall require~~ WRITTEN approval by THE PLANNING AND DEVELOPMENT DIRECTOR ~~City Manager's representative.~~
- b. *Final approval.* Approved development review documents ~~shall be~~ ARE valid for a period of 24 months and continue in effect beyond 24 months if a building permit has been issued and has not expired. ~~or IF~~ a FINAL certificate of occupancy OR CERTIFICATE OF COMPLETION has been issued FOR THE SITE, APPROVED DEVELOPMENT REVIEW DOCUMENTS WILL REMAIN VALID AND ENFORCEABLE UNTIL SUCH TIME THAT REVISED OR

REPLACEMENT DOCUMENTS FOR THE SITE ARE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT ~~with the project complying with the approved development review documents.~~

SECTION 3: That Chapter 5, Section 507 Tab A.I.B. (Urban Design Principles - Amenity/Comfort) is amended to read as follows for paragraph B.1.:

- B. Amenity/Comfort.** Settlements in the desert generally occur in an "oasis" setting which is a respite from the extreme of the larger area context. A development in an arid setting requires design features to aid human comfort. It is important to understand that urban conditions such as paved areas and buildings generating reflected heat create aridity and require mitigating design features which enhance habitability.
1. Promote human comfort by providing shaded areas, courtyards, PUBLIC AND PRIVATE WALKWAYS, colonnades and other areas as site amenities.

SECTION 4: That Chapter 5, Section 507 Tab A.I.G. (Urban Design Principles - Definition of Space) is amended to read as follows for paragraph G.2.:

- G. Definition of Space.** Streets, parking lots, buildings and landscape are the major elements that define the special qualities of our environment. Organize them to foster a setting supportive to the pedestrian as well as the driver.
1. Relate the size, character and setting of proposed projects to the functions of adjacent streets and pedestrian networks. Buildings should be oriented to the public rights-of-way and close to pedestrian movement.
 2. The areas immediately adjacent to buildings should be designed to integrate with surrounding landscape and pedestrian walkways. Shaded courtyards, WALKWAYS, cloisters, trellises, colonnades and public art are encouraged for consideration into the design to define space.

SECTION 5: That Chapter 5, Section 507 Tab A.II.A.3.1 (Guidelines for Design Review - Site Design/Development - Landscape Architecture) is amended to read as follows for paragraph 3.1.10 and is amended to add paragraph 3.1.16:

3. Landscape Architecture.

3.1 Plant Materials.

- 3.1.10 Trees SHOULD BE LOCATED adjacent to ~~pedestrian walkways~~ PUBLIC AND PRIVATE WALKWAYS, AND MULTI-USE TRAILS AND PATHS, TO PROVIDE A MINIMUM OF 50 PERCENT SHADE AND ~~should have~~ a minimum canopy clearance of six feet eight inches. (P)

Rationale: SHADED ~~C~~clear walkways are necessary for pedestrian HEALTH, safety, AND WELFARE.

- 3.1.16 PLANT MATERIALS SHOULD BE SELECTED FOR APPROPRIATE MATURE SIZE, SPACE NEEDS, LOCATION, AND REQUIRED USE FOR THEIR ULTIMATE LOCATION ON THE SITE. (P)

RATIONALE: ALL PLANTS ARE NOT SUITABLE FOR ALL LOCATIONS. CONSIDERATION SHOULD BE GIVEN FOR SIZE AT MATURITY, REASON FOR CHOICE (E.G., SHADE PROVISION OR SCREENING/BUFFERING), MAINTENANCE REQUIREMENTS, AND LONG-TERM VIABILITY. LOW MAINTENANCE PLANTS WHICH HAVE A PROVEN TRACK RECORD OF SURVIVABILITY IN THE URBAN DESERT ENVIRONMENT SHOULD BE INSTALLED WHENEVER POSSIBLE.

SECTION 6: That Chapter 5, Section 507 Tab A.II.A.3.2 (Guidelines for Design Review - Site Design/Development - Landscape Architecture) is amended to read as follows:

3. Landscape Architecture.

3.2 Maintenance OF LANDSCAPE AREAS.

- 3.2.3 ~~Irrigation systems should be permanent and automatic~~ A PERMANENT AUTOMATIC IRRIGATION SYSTEM SHOULD BE

INSTALLED TO WATER ALL TREES, CACTI, AND PLANTS INSTALLED IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLANS OR OTHER DEVELOPMENT REVIEW DOCUMENTS to minimize maintenance and water consumption, AND TO MAXIMIZE PLANT HEALTH, SURVIVABILITY, AND VIABILITY, UNLESS OTHERWISE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. (P)

Rationale: DIFFERENT TYPES AND SPECIES OF PLANTS REQUIRE DIFFERENT AMOUNTS OF SUPPLEMENTAL WATER BASED ON VARYING MICROCLIMATES CREATED BY THE URBAN ENVIRONMENT TO ACHIEVE A HEALTHY, VIABLE, LONG-TERM SURVIVABILITY RATE. An efficient, APPROPRIATE irrigation system will SUPPORT LONG-TERM PLANT HEALTH BY APPLYING THE RIGHT AMOUNT OF SUPPLEMENTAL WATER FOR OPTIMUM PLANT HEALTH AND ~~control~~ growth and reduce maintenance costs.

SECTION 7: That Chapter 5, Section 507 Tab A.II.A.4. (Guidelines for Design Review - Site Design/Development - Open Space/Amenities) is amended to read as follows:

4. Open Space/Amenities.

- 4.1 Improved open spaces, plazas and courtyards should be SHADED A MINIMUM 50 PERCENT AND functional in terms of area, dimensions, location and amenities to promote safe human interaction. (P)

Rationale: SHADED ~~P~~pedestrian amenities help to encourage the use of public spaces. With respect to open space, bigger is not necessarily better. A series of small areas, each provided with amenities may foster more human interrelationship than a large monolithic space.

- 4.2 Usable public space should incorporate A MINIMUM OF 50 PERCENT shading through the use of TREES OR structures that provide shading, landscaping, or a combination of the two unless otherwise prohibited by site visibility triangles or other technical constraints. (P)

Rationale: SHADE IS NECESSARY FOR ~~P~~people are attracted to USE AND ENJOY public areas ~~with shade~~ during large portions of the year in Phoenix FOR THEIR HEALTH, SAFETY, AND WELFARE.

SECTION 8: That Chapter 5, Section 507 Tab A.II.B.6. (Guidelines for Design Review - Building Design/Construction - Public Amenities/Environmental Protection) is amended to read as follows:

6. Public Amenities/Environmental Protection.

- 6.1 PUBLIC AND PRIVATE Ppedestrian walkways and gathering areas should be shaded (minimum 50% at maturity) FOR THE HEALTH, SAFETY, AND WELFARE OF PEDESTRIANS AND to encourage use. (P)

Rationale: The design of pedestrian routes and gathering areas, such as WALKWAYS, courtyards and plazas, should be designed with appropriate shading FOR THE HEALTH, SAFETY, AND WELFARE OF PEDESTRIANS AND to MITIGATE THE HEAT ISLAND EFFECT TO enhance the PEDESTRIAN environment and the pedestrian experience.

SECTION 9: That Chapter 5, Section 507 Tab A.II.C.1. (Guidelines for Design Review - Subdivision Design/Development - Streets/Circulation) is amended to add new subsection 1.9 as follows:

1. Streets/Circulation.

- 1.9 PUBLIC AND PRIVATE SIDEWALKS ADJACENT TO ARTERIAL AND COLLECTOR STREETS AND LOCATED WITHIN AND CONNECTING ALL COMMON OPEN SPACE TRACTS AND AMENITIES SHOULD BE SHADED A MINIMUM OF 50 PERCENT. (P)

RATIONALE: SHADED SIDEWALKS AND PEDESTRIAN WALKWAYS SHOULD BE DESIGNED WITH APPROPRIATE SHADING FOR THE HEALTH, SAFETY, AND WELFARE OF PEDESTRIANS THAT MITIGATES THE EXTREME SUMMER TEMPERATURES, AS WELL AS THE HEAT ISLAND EFFECT AND ENHANCES THE PEDESTRIAN ENVIRONMENT.

SECTION 10: That Chapter 5, Section 507 Tab A.II.C.4. (Guidelines for Design Review - Subdivision Design/Development - Open Space/Amenities) is amended to read as follows:

4. Open Space/Amenities.

- 4.1 Large open space and retention areas (generally greater than 10,000 square feet) should be improved to include active and passive amenities (e.g. tot lot, ramada, tennis court, barbecues, large seating areas, landscaping, etc.) AND A MINIMUM 50% VEGETATION. SEATING AREAS SHOULD BE SHADED BY STRUCTURES OR VEGETATION (50% AT MATURITY). (P)

Rationale: Different types of improvements will appeal to different segments of the resident population. To ensure long-term maintenance AND USE of open space areas, it is important to provide YEAR-ROUND amenities FOR THE HEALTH, SAFETY, AND WELFARE OF ALL RESIDENTS to MITIGATE THE EXTREME SUMMER TEMPERATURES, AS WELL AS THE HEAT ISLAND EFFECT, in which the homeowners association will maintain interest.

- 4.2 Open space and retention tracts/easements should be landscaped, accessible, safe and secure. Common retention may qualify for required common open space if it has a minimum area of 1000 square feet of level bottom with maximum side slopes of 4:1 and is properly landscaped as usable open space (minimum 50% vegetation). ANY PROPOSED SEATING AREAS SHOULD BE SHADED BY STRUCTURES OR VEGETATION (50% AT MATURITY). Streets (public and/or private) and required perimeter landscape setbacks will not count towards common open space. (P)

Rationale: Open space and retention areas that are accessible, and functional, AND PROVIDE YEAR-ROUND SHADED AMENITIES FOR THE HEALTH, SAFETY, AND WELFARE OF ALL RESIDENTS TO MITIGATE THE EXTREME SUMMER TEMPERATURES, AS WELL AS THE HEAT ISLAND EFFECT, are an amenity to the neighborhood. If feasible, open space should be centrally located in order to be accessible to as many residents as possible.

SECTION 11: That Chapter 7, Section 703 (Landscaping, Fences and Walls) is amended to add new subsection "E" as follows:

E. GENERAL LANDSCAPE STANDARDS AND REQUIREMENTS.

1. LANDSCAPE SALVAGE AND TREE PROTECTION.

- a. ALL TREES, PLANTS AND CACTI ON SITE AND IN THE ABUTTING RIGHTS OF WAY MUST REMAIN IN PLACE IN A HEALTHY, STRUCTURALLY SOUND, AND VIABLE CONDITION, IN ACCORDANCE WITH APPROVED DEVELOPMENT REVIEW DOCUMENTS. REMOVAL OR DESTRUCTION OF LANDSCAPE MATERIALS INSTALLED IN ACCORDANCE WITH APPROVED DEVELOPMENT REVIEW DOCUMENTS WILL BE CONSIDERED A VIOLATION OF THE ZONING ORDINANCE, EXCEPT WHEN IN COMPLIANCE WITH SECTION 703.E.1.B AND 1.C.

- b. NO TREES, PLANTS OR CACTI MAY BE REMOVED OR DESTROYED ON A PROPERTY WITHOUT FIRST OBTAINING A PLANT SALVAGE PERMIT FROM THE PLANNING AND DEVELOPMENT DEPARTMENT, EXCEPT AS FOLLOWS:
 - (1) THE PLANNING AND DEVELOPMENT DEPARTMENT HAS EXPRESSLY STATED IN WRITING THAT A PLANT SALVAGE PLAN IS NOT REQUIRED FOR THE SITE AS PART OF THE APPROVED PRELIMINARY SITE PLAN OR PRELIMINARY PLAT APPROVAL DOCUMENTS, OR ON THE FINAL SITE PLAN IF A PRELIMINARY APPROVAL IS NOT REQUIRED; OR

 - (2) TREES, PLANTS OR CACTI TO BE REMOVED ARE LOCATED ON A SINGLE-FAMILY LOT HAVING ONE HOME OR DUPLEX; OR

 - (3) TREES, PLANTS OR CACTI TO BE REMOVED WERE DESTROYED BY A NATURAL CAUSE OR OTHER UNFORESEEN AND ACCIDENTAL INCIDENT; OR

 - (4) TREES, PLANTS OR CACTI REMOVED BY THE OWNER OR A PUBLIC UTILITY PROVIDER FOR THE PURPOSE OF MAINTAINING ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES. UPON REQUEST, THE OWNER SHALL PROVIDE THE PLANNING AND

DEVELOPMENT DEPARTMENT A WRITTEN EXPLANATION FROM THE PUBLIC UTILITY PROVIDER THAT THE REMOVAL IS NECESSARY FOR THE CONSTRUCTION, INSTALLATION, OPERATION, AND MAINTENANCE OF THE ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES.

c. OWNERS OF PROPERTY MUST REPLACE TREES, PLANTS OR CACTI WITH LIKE KINDS AND SIZES OR EQUIVALENT AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT LANDSCAPE ARCHITECT, IN ACCORDANCE WITH THE APPROVED DEVELOPMENT REVIEW DOCUMENTS, AS FOLLOWS:

- (1) WHEN TREES, PLANTS AND CACTI WERE DESTROYED BY A NATURAL CAUSE OR OTHER UNFORESEEN AND ACCIDENTAL INCIDENT AND WERE REMOVED; OR
- (2) WHEN REMAIN/PROTECT IN PLACE AND SALVAGED TREES, PLANTS AND CACTI HAVE DIED, BEEN REMOVED OR DESTROYED.

UNLESS SPECIFICALLY AUTHORIZED BY THE PLANNING AND DEVELOPMENT DIRECTOR OR DESIGNEE, NO FINAL CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLETION WILL BE ISSUED PRIOR TO THE INSTALLATION OF THE LIKE KIND AND SIZE REPLACEMENTS IN ACCORDANCE WITH 507.K.4.

2. REQUIRED LANDSCAPE PLANS. LANDSCAPE PLANS ARE REQUIRED FOR REVIEW AND APPROVAL IN ACCORDANCE WITH THE APPLICABILITY REQUIREMENTS OF SECTIONS 507.I. AND K. "LANDSCAPE PLANS" MAY REFER TO ANY OR ALL OF THE FOLLOWING PLANS: PLANT INVENTORY PLAN, PLANT SALVAGE AND TREE PROTECTION PLAN, AND/OR LANDSCAPE (INSTALLATION) PLAN. ALL PLANS MUST PROVIDE THE INFORMATION AND FORMAT REQUIRED ON CHECKLISTS PROVIDED BY THE PLANNING AND DEVELOPMENT DEPARTMENT AND BE SEALED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA.

a. **PLANT INVENTORY PLAN:** IDENTIFIES THE TYPES, SIZES, AND LOCATIONS OF ALL TREES, CACTI, AND PLANTS EXISTING ON THE SITE AND STATES THE PHYSICAL HEALTH AND CONDITION OF EACH AS DETERMINED BY A

LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA.

- b. **PLANT SALVAGE AND TREE PROTECTION PLAN:** IDENTIFIES THE DISPOSITION OF ALL OF THE TREES, CACTI, AND PLANTS IDENTIFIED IN THE PLANT INVENTORY PLAN (I.E., “REMAIN/PROTECT IN PLACE”, “SALVAGE”, OR “DESTROY”), INCLUDING DETAILS OF THE PLANT NURSERY AND WATERING SYSTEM AND SCHEDULES FOR WATERING, PRUNING, FERTILIZATION, MONITORING AND INSPECTION TO BE PROVIDED FOR SALVAGED AND REMAIN/PROTECT IN PLACE PLANTS UNTIL FINAL COMPLETION. FOR ALL TREES, CACTI AND PLANTS THAT WILL REMAIN IN PLACE, THE PLAN WILL INCLUDE A DESCRIPTION OF HOW THE CRITICAL ROOT ZONES WILL BE PROTECTED DURING THE CONSTRUCTION PHASE, INCLUDING PROTECTIVE FENCING. MINIMUM CRITICAL ROOT ZONES WILL BE DETERMINED ACCORDING TO THE CURRENT STANDARDS SET FORTH BY THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), THE SUSTAINABLE LANDSCAPE MANAGEMENT STANDARDS OF THE ARIZONA LANDSCAPE CONTRACTORS’ ASSOCIATION, OR OTHER ACCEPTABLE SUSTAINABLE LANDSCAPE STANDARDS AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT LANDSCAPE ARCHITECT.
- c. **LANDSCAPE (INSTALLATION) PLAN:** IDENTIFIES THE TYPES, SIZES, AND LOCATIONS OF ALL TREES, CACTI, AND PLANTS (INCLUDING THOSE TO REMAIN/PROTECT IN PLACE OR SALVAGED) TO BE INSTALLED ON THE SITE, ON DOCUMENTS SEALED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA. LANDSCAPE PLANS ARE TO ALSO INCLUDE ALL LANDSCAPE MATERIALS, A MAINTENANCE SCHEDULE, IRRIGATION PLANS, PLUS OTHER INFORMATION AS MAY BE REQUIRED BY PLANNING AND DEVELOPMENT STAFF. PLANT MATERIAL SIZES AND SPECIFICATIONS MUST CONFORM TO THE STANDARDS OF THE AMERICAN STANDARDS FOR NURSERY STOCK (ANSI Z60.1) OR THE ARIZONA NURSERY ASSOCIATION.
- (1) LANDSCAPE PLANS SHALL INCLUDE A MAINTENANCE SCHEDULE WHICH IDENTIFIES THE RECOMMENDED LANDSCAPE MAINTENANCE INCLUDING, BUT NOT LIMITED TO, WEEDS, ROCK MULCH, AND IRRIGATION. THE SCHEDULE SHALL IDENTIFY SEASONAL WATER APPLICATION RATES, TYPES AND METHODS OF

FERTILIZATION, AND PRUNING, ETC. FOR EACH PLANT TYPE. ACCORDING TO THE CURRENT STANDARDS SET FORTH BY THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), THE SUSTAINABLE LANDSCAPE MANAGEMENT STANDARDS OF THE ARIZONA LANDSCAPE CONTRACTORS' ASSOCIATION, OR OTHER ACCEPTABLE STANDARDS AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT LANDSCAPE ARCHITECT.

DEVIATIONS FOR PRUNING STANDARDS ARE PERMITTED WHEN DONE FOR THE PURPOSE OF MAINTAINING ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES. UPON REQUEST, THE OWNER SHALL PROVIDE THE PLANNING AND DEVELOPMENT DEPARTMENT A WRITTEN EXPLANATION FROM THE PUBLIC UTILITY PROVIDER THAT THE PRUNING IS NECESSARY FOR THE CONSTRUCTION, INSTALLATION, OPERATION, AND MAINTENANCE OF THE ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES.

PASSED by the Council of the City of Phoenix this 16th day of June, 2021

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

_____ City Manager

Attachment B



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report
Zoning Ordinance Text Amendment
Z-TA-5-15
(Landscape Maintenance)
April 9, 2021

Application No. Z-TA-5-15: Amend Chapter 5, Section 507.I.2.d. (Guidelines For Design Review - Review of technical documents) and Section 507.K. (Effect of development review approval), Amend Chapter 5, Section 507 Tab A.I.B.1 (Urban Design Principles – Amenity/Comfort), Section 507 Tab A.I.G.2 (Urban Design Principles – Definition of Space), Section 507 Tab A.II.A.3.3.10 (Guidelines for Design Review – Site Design/Development - Landscape Architecture), add Section 507 Tab A.II.A.3.3.16 (Guidelines for Design Review – Site Design/Development - Landscape Architecture), Amend Section 507 Tab A.II.A.3.3.2.3 (Guidelines for Design Review – Site Design/Development - Landscape Architecture), add Section 507 Tab A.II.A.3.3.2.5 (Guidelines for Design Review – Site Design/Development - Landscape Architecture), Amend Section 507 Tab A.II.A.4 (Guidelines for Design Review – Site Design/Development – Open Space/Amenities), Section 507 Tab A.II.B.6.1 (Guidelines for Design Review – Building Design/Construction – Public Amenities/Environmental Protection), add Section 507 Tab A.II.C.1.9 (Guidelines for Design Review – Subdivision Design/Development – Streets/Circulation), Amend Section 507 Tab A.II.C.4 (Guidelines for Design Review – Subdivision Design/Development – Open Space/Amenities), and Amend Chapter 7, Section 703 (Landscaping, Fences and Walls) to add new subsection “E” to address landscape maintenance.

Staff recommendation: Staff recommends approval of Z-TA-5-15 as shown in Exhibit A.

PURPOSE

This text amendment responds to direction from the Phoenix City Council to update existing codes and ordinances to support the provision of trees and shade throughout Phoenix. The text amendment proposes several changes to Chapters 5 and 7 of the Zoning Ordinance. The proposed changes can be generally classified as an enhancement of existing procedures, standards and the codification of best practices related to landscape plan submittals and landscape maintenance.

BACKGROUND

The Phoenix City Council and Phoenix residents have supported a variety of efforts to address the challenges posed to the city by climate change and the urban heat island effect. The City of Phoenix has employed a variety of strategies in this effort from the development of a [cool pavement pilot program](#) to the [Citizen Forester program](#).

One of the primary strategies aimed at cooling the city's increasing nighttime temperatures during the summer months has been the planting of trees. Shade provided by trees can help decrease the amount of heat absorbed by concrete, asphalt and other building materials. The voter approved [Phoenix General Plan](#) and the City Council adopted [Tree and Shade Master Plan](#) and [2050 Sustainability Goals](#) all articulate a goal of 25 percent tree canopy coverage for the city. Trees are provided in a variety of locations throughout the city from public parks to private property. The Phoenix Zoning Ordinance contains guidelines and standards related to how trees are planted and maintained on private property. Ensuring that the Zoning Ordinance is written in a way that supports trees is an important component in the city's overall strategy to meet the tree canopy goal.

EXISTING ZONING ORDINANCE

Chapter 5 of the Phoenix Zoning Ordinance currently contains several sections regarding development review procedures for landscape submittal documents (i.e. landscaping plans). Section 507 of Chapter 5 specifically addresses development approval requirements that are administered as part of a project's plan submittal and review. Section 507 Tab A contains the city's design guidelines. There are several subsections within the design guidelines that address the provision of landscaping and shade. The design guidelines are organized into three categories – Requirements (R), Presumptions (P) and Considerations (C). Most of the guidelines are Presumptions. Presumptions contains words like "should" and are required to be addressed as part of the site and design review process. Presumptions do provide the ability for an applicant to find alternative ways for the guideline to be addressed or to demonstrate that the guideline is unworkable given unique site conditions.

Chapter 7 of the Phoenix Zoning Ordinance currently has development standards that apply to the various zoning districts for the city (parking, signs etc.). Section 703 of Chapter 7 contains the bulk landscaping standards for the multifamily zoning districts. Landscaping standards for the other districts (commercial, commercial office, commerce park, single family etc.) are articulated in each of the individual districts in Chapter 6 of the Zoning Ordinance.

Two of the most recent additions to the Phoenix Zoning Ordinance, Chapter 12 (Downtown Code) and Chapter 13 (Walkable Urban Code) also contain landscaping and shade standards that promote a safe and inviting environment for pedestrians. The proposed updates to Chapter 5 and Chapter 7 will apply to landscape submittals and landscape maintenance requirements for projects throughout the city including those within the Downtown Code or zoned Walkable Urban Code.

TEXT AMENDMENT PROVISIONS

The following is a summary of the proposed text amendment provisions in Chapter 5 and Chapter 7.

CHAPTER 5

Site Inspection and Issuance of Certificate of Occupancy. Update to Chapter 5, Section 507.K. (Effect of development review approval) by amending paragraphs K.1 and K.4.

The proposed amendment clarifies that worked related to paving, grading, plant salvage, landscape and irrigation installation and associated site improvements must be done in accordance with approved development review documents prior to the issuance of a certificate of occupancy. These items are included now as part of the final site plan, but the text amendment would specifically call them out in the Zoning Ordinance.

Validity of Approved Review Documents. Update to Chapter 5, Section 507.K. (Effect of development review approval) by amending paragraph K.6

Reinforces that approved development review documents remain valid and enforceable until revised or replacement documents for the project are approved. This change codifies an established practice and strengthens the legal standing of approved landscaping documents.

Design Guidelines. Update to Chapter 5, Section 507 Tab A by updating and adding guidelines in several subsections.

Modifies several design guidelines to support best practices of locating trees near pedestrian and open space areas and updates other provisions to address inconsistent shade percentages. These provisions are Presumptions that clarify where trees should be located and how much shade should be provided but afford flexibility for applicants and staff to collaborate on alternative solutions.

Plant Materials. Update to Chapter 5, Section 507 Tab A.II.A.3.3.1 (Guidelines for Design Review – Site Design/Development - Landscape Architecture) by amending paragraph 3.1.10 add new paragraph 3.1.16

Adds a Presumption that addresses the selection of plant materials that are appropriate for the site's unique conditions (right tree / plant, right place). Like the other Presumptions, this provision is also written to provide flexibility for applicants and staff to work together to ensure that the plant materials identified on the plans are suitable for the proposed locations.

CHAPTER 7

Landscape Removal Standards. Amend Chapter 7, Section 703 (Landscaping, Fences and Walls) to add new subsection “E”.

Establishes requirements related to the removal or destruction of trees or cacti along with exemptions for single-family homes and utility corridors. The primary purpose of these provisions is to ensure that the property complies with the Zoning Ordinance’s landscaping requirements and that the trees or cacti are ultimately replaced.

Required Landscape and Maintenance Plans. Amend Chapter 7, Section 703 (Landscaping, Fences and Walls) to add new subsection “E.2”.

Outlines submittal requirements for landscape inventory, landscape salvage, landscape installation and landscape maintenance plans that were previously in Chapter 5.

Includes a provision that calls for the inclusion of a maintenance plan that embeds another best practice into the Zoning Ordinance. The maintenance plan will provide a basis for discussion between staff and design professionals to ensure that landscape and maintenance plans are appropriate for the site and the proposed use with goal of ensuring the long-term health of the trees. The maintenance plan provisions also contain exemptions to address the unique maintenance needs of landscaping within utility corridors.

GENERAL PLAN CONFORMITY

The proposed Text Amendment directly responds to the following principles and calls for action in the Phoenix General Plan.

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS

- ***HEALTHY NEIGHBORHOODS; DESIGN PRINCIPLE: Establish design standards and guidelines for parking lots and structures, setback and build to lines, blank wall space, shade, and other elements affecting pedestrians, to encourage pedestrian activity and identify options for providing pedestrian-oriented design in different types of development.***

The proposed provisions encourage the location of trees near sidewalks, trails and walking paths. The strategic location of trees will provide shade and support pedestrian activity. In addition, the new language regarding the standards for removing and replacing trees will help to ensure that investments in shade will be maintained.

BUILD THE SUSTAINABLE DESERT CITY

- ***TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.***
- ***TREES AND SHADE; TOOL POLICIES & ACTIONS; CODES: Develop and establish a comprehensive tree, shade and landscape ordinance***

The text amendment is a first step in the General Plan's call for a comprehensive ordinance for trees, shade and landscaping. The text amendment's provisions will help staff and applicants work together to ensure trees and shade are an integral part of new development and redevelopment projects.

CONCLUSION

The text amendment is an important step in reinforcing the values trees and landscaping play in helping make Phoenix a livable city. While future updates will be needed, the update's provisions will clarify submittal requirements and provide clarity on the importance of maintaining requiring trees in place.

Staff recommends Z-TA-5-15 approval per the language in Exhibit A.

Writer

T. Gomes & J. Bednarek
4/9/2021

Exhibit

A. Proposed Language

EXHIBIT A

Text Amendment Z-TA-5-15: Landscape Maintenance

Proposed Language:

Amend Chapter 5, Section 507.I.2.d. (Guidelines For Design Review - Review of technical documents) by amending paragraph I.2.d to read as follows:

I. Review of technical DEVELOPMENT REVIEW documents.

2. Technical plans and improvements DEVELOPMENT REVIEW DOCUMENTS. The following plans indicating dedications and improvements should be shown, as determined by the Planning and Development Department, and are required for review and approval:

a. Grading and drainage plans including, but not limited to, hillside and floodplain reviews.

b. Paving plans.

c. Water and sewer line plans.

d. ~~Landscaping plans.~~ LANDSCAPE PLANS, PLANT INVENTORY AND PLANT SALVAGE PLANS. Each applicant shall submit landscaping plans showing the information required on the checklist provided and in the format required by the Planning and Development Department including:

(1) ~~Landscaping conservation plan.~~ Prior to clearing and grubbing a site or obtaining a grading permit, an applicant shall submit a landscape conservation plan indicating existing vegetation and salvage items. The Planning and Development Department will determine if this plan is necessary following the review of the context plan.

(2) ~~Landscape plan.~~ Each applicant shall submit a landscape plan which must show the information required on the checklist provided and in the format required by the Planning and Development Department.

(3) ~~Standards.~~ Plant material sizes and specifications must conform to American Nursery Association standards.

(4) ~~Installation and maintenance.~~ All plant material as shown on approved landscape plans is to be installed and maintained with an appropriate watering system in a living and viable state.

- e. Architectural plans and elevations.

Amend Chapter 5, Section 507.K. (Effect of development review approval) by amending paragraphs K.1, K.4 and K.6 to read as follows:

K. Effect of development review approval.

1. **Construction document submittal and building permit issuance.** Approved development review documents ~~shall be~~ ARE binding upon the ~~applicants~~ PROPERTY OWNERS and their successors or assignees and ~~shall~~ nullify all previously approved plans. Copies of the approved development review documents or exemption must be included in any construction documents submitted for building permit approval. No building permit ~~shall~~ MAY be issued for any building or structure not in accordANCE with the approved development review documents and conditions of approval. The construction, location, use, ~~or~~ operation, OR MAINTENANCE of all land and structures within the site ~~shall~~ MUST conform to all conditions and limitations set forth in the development review documents. Evidence of development review approval in the form of a copy of the approved development review documents or exemption must be available on the construction site. In the event THE SITE HAS NOT BEEN DEVELOPED OR MAINTAINED IN ACCORDANCE WITH THE APPROVED ~~property owner does not comply with the conditions imposed on the~~ development review documents, ~~this shall~~ IT WILL be considered a violation of the Zoning Ordinance.
2. **Temporary construction facilities.** Temporary construction facilities shall be permitted for the purpose of developing the project. In case of a question the Planning and Development Department shall determine if facilities proposed qualify as temporary and related to construction. Such facilities shall be removed within seven days after completion of initial construction or prior to issuance of the certificate of occupancy, whichever first occurs.
3. **Amendments.** No structure, use or element of approved development review documents shall be eliminated, altered, or provided in another manner unless an amendment is approved in accordance with the standards for new reviews.
4. **Site inspection and issuance of certificate of occupancy.** The Planning and Development Department ~~shall~~ MUST inspect each project FOR COMPLIANCE WITH THE APPROVED DEVELOPMENT REVIEW DOCUMENTS prior to ISSUING A certificate of occupancy OR CERTIFICATE OF COMPLETION. No final certificate of occupancy OR CERTIFICATE OF COMPLETION ~~shall~~ WILL be issued if ~~the project does not meet the requirements of~~ THE STRUCTURE AND ASSOCIATED SITE

IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO SITE UTILITIES, PAVING, GRADING, PLANT SALVAGE, AND LANDSCAPE INSTALLATION, INCLUDING IRRIGATION, HAVE NOT BEEN INSTALLED IN ACCORDANCE WITH the approved development review documents. The Planning and Development Department may issue conditional OR TEMPORARY certificates of occupancy in conformance with the provisions of the Construction Code. In the case of subdivision development, the Planning and Development Department will monitor the buildout of each subdivision approved through the development review process for conformance to approved development review documents and exhibits. The Planning and Development Department may withhold the release of building permits within a subdivision if, at the discretion of the Planning and Development Director, the buildings within the subdivision are not conforming to diversity standards set by the approved development review documents.

5. **Enforcement.** Development review documents approved under this section shall be enforced by the Planning and Development Department under the supervision of the Zoning Administrator. Whenever enforcement personnel find that any proposed construction or occupancy or completed facility does not or will not comply with the approved development review documents, they shall require the property owner to comply with the conditions of the development review documents.

In the event the property owner does not comply with the conditions imposed on the development review documents, it will be considered a violation of the Zoning Ordinance.

6. **Validity.**

- a. *Preliminary approval.* Approval of the preliminary development review documents ~~shall be~~ IS valid for a period of 24 months. In a phased project, if preliminary development review documents are filed over the total site and final development review approval is achieved on a portion of the site within the 24-month period, the preliminary development review documents will remain valid for an additional 12 months. Additional time beyond the 36 months ~~shall require~~ WRITTEN approval by THE PLANNING AND DEVELOPMENT DIRECTOR ~~City Manager's representative.~~
- b. *Final approval.* Approved development review documents ~~shall be~~ ARE valid for a period of 24 months and continue in effect beyond 24 months if a building permit has been issued and has not expired. ~~or~~ IF a FINAL certificate of occupancy OR CERTIFICATE OF COMPLETION has been issued FOR THE SITE, APPROVED DEVELOPMENT REVIEW DOCUMENTS WILL REMAIN VALID AND

ENFORCEABLE UNTIL SUCH TIME THAT REVISED OR REPLACEMENT DOCUMENTS FOR THE SITE ARE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT ~~with the project complying with the approved development review documents.~~

Amend Chapter 5, Section 507 Tab A.I.B. (Urban Design Principles – Amenity/Comfort) by amending paragraph B.1 to read as follows:

- B. Amenity/Comfort.** Settlements in the desert generally occur in an "oasis" setting which is a respite from the extreme of the larger area context. A development in an arid setting requires design features to aid human comfort. It is important to understand that urban conditions such as paved areas and buildings generating reflected heat create aridity and require mitigating design features which enhance habitability.
1. Promote human comfort by providing shaded areas, courtyards, PUBLIC AND PRIVATE WALKWAYS, colonnades and other areas as site amenities.

Amend Chapter 5, Section 507 Tab A.I.G. (Urban Design Principles – Definition of Space) by amending paragraph G.2 to read as follows:

- G. Definition of Space.** Streets, parking lots, buildings and landscape are the major elements that define the special qualities of our environment. Organize them to foster a setting supportive to the pedestrian as well as the driver.
1. Relate the size, character and setting of proposed projects to the functions of adjacent streets and pedestrian networks. Buildings should be oriented to the public rights-of-way and close to pedestrian movement.
 2. The areas immediately adjacent to buildings should be designed to integrate with surrounding landscape and pedestrian walkways. Shaded courtyards, WALKWAYS, cloisters, trellises, colonnades and public art are encouraged for consideration into the design to define space.

Amend Chapter 5, Section 507 Tab A.II.A.3.3.1 (Guidelines for Design Review – Site Design/Development - Landscape Architecture) by amending paragraph 3.1.10 to read as follows and to add new paragraph 3.1.16 accordingly:

3. Landscape Architecture.

3.1 Plant Materials.

3.1.10 Trees SHOULD BE LOCATED adjacent to ~~pedestrian walkways~~ PUBLIC AND PRIVATE WALKWAYS, AND MULTI-USE TRAILS AND PATHS, TO PROVIDE A MINIMUM OF 50 PERCENT SHADE AND ~~should have~~ a minimum canopy clearance of six feet eight inches. (P)

Rationale: SHADED ~~G~~clear walkways are necessary for pedestrian HEALTH, safety, AND WELFARE.

3.1.16 PLANT MATERIALS SHOULD BE SELECTED FOR APPROPRIATE MATURE SIZE, SPACE NEEDS, LOCATION, AND REQUIRED USE FOR THEIR ULTIMATE LOCATION ON THE SITE. (P)

RATIONALE: ALL PLANTS ARE NOT SUITABLE FOR ALL LOCATIONS. CONSIDERATION SHOULD BE GIVEN FOR SIZE AT MATURITY, REASON FOR CHOICE (E.G., SHADE PROVISION OR SCREENING/BUFFERING), MAINTENANCE REQUIREMENTS, AND LONG-TERM VIABILITY. LOW MAINTENANCE PLANTS WHICH HAVE A PROVEN TRACK RECORD OF SURVIVABILITY IN THE URBAN DESERT ENVIRONMENT SHOULD BE INSTALLED WHENEVER POSSIBLE.

Amend Chapter 5, Section 507 Tab A.II.A.3.3.2 (Guidelines for Design Review – Site Design/Development - Landscape Architecture) by amending paragraph 3.2.3 and adding paragraph 3.2.5 to read as follows:

3. Landscape Architecture.

3.2 Maintenance OF LANDSCAPE AREAS.

- 3.2.3 ~~Irrigation systems should be permanent and automatic~~ A PERMANENT AUTOMATIC IRRIGATION SYSTEM SHOULD BE INSTALLED TO WATER ALL TREES, CACTI, AND PLANTS INSTALLED IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLANS OR OTHER DEVELOPMENT REVIEW DOCUMENTS to minimize maintenance and water consumption, AND TO MAXIMIZE PLANT HEALTH, SURVIVABILITY, AND VIABILITY, UNLESS OTHERWISE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. (P)

Rationale: DIFFERENT TYPES AND SPECIES OF PLANTS REQUIRE DIFFERENT AMOUNTS OF SUPPLEMENTAL WATER BASED ON VARYING MICROCLIMATES CREATED BY THE URBAN ENVIRONMENT TO ACHIEVE A HEALTHY, VIABLE, LONG-TERM SURVIVABILITY RATE. An efficient, APPROPRIATE irrigation system will SUPPORT LONG-TERM PLANT HEALTH BY APPLYING THE RIGHT AMOUNT OF SUPPLEMENTAL WATER FOR OPTIMUM PLANT HEALTH AND ~~control~~ growth and reduce maintenance costs.

Amend Chapter 5, Section 507 Tab A.II.A.4 (Guidelines for Design Review – Site Design/Development – Open Space/Amenities) by amending paragraphs 4.1 and 4.2 to read as follows:

4. Open Space/Amenities.

- 4.1 Improved open spaces, plazas and courtyards should be SHADED A MINIMUM 50 PERCENT AND functional in terms of area, dimensions, location and amenities to promote safe human interaction. (P)

Rationale: SHADED ~~P~~pedestrian amenities help to encourage the use of public spaces. With respect to open space, bigger is not necessarily better. A series of small areas, each provided with amenities may foster

more human interrelationship than a large monolithic space.

- 4.2 Usable public space should incorporate A MINIMUM OF 50 PERCENT shading through the use of TREES OR structures that provide shading, landscaping, or a combination of the two unless otherwise prohibited by site visibility triangles or other technical constraints. (P)

Rationale: SHADE IS NECESSARY FOR Ppeople are attracted to USE AND ENJOY public areas with shade during large portions of the year in Phoenix FOR THEIR HEALTH, SAFETY, AND WELFARE.

Amend Chapter 5, Section 507 Tab A.II.B.6 (Guidelines for Design Review – Building Design/Construction – Public Amenities/Environmental Protection) by amending paragraph 6.1 to read as follows:

6. Public Amenities/Environmental Protection.

- 6.1 PUBLIC AND PRIVATE Ppedestrian walkways and gathering areas should be shaded (minimum 50% at maturity) FOR THE HEALTH, SAFETY, AND WELFARE OF PEDESTRIANS AND to encourage use. (P)

Rationale: The design of pedestrian routes and gathering areas, such as WALKWAYS, courtyards and plazas, should be designed with appropriate shading FOR THE HEALTH, SAFETY, AND WELFARE OF PEDESTRIANS AND to MITIGATE THE HEAT ISLAND EFFECT TO enhance the PEDESTRIAN environment and the pedestrian experience.

Amend Chapter 5, Section 507 Tab A.II.C.1. (Guidelines for Design Review – Subdivision Design/Development – Streets/Circulation) by adding new paragraph 1.9 accordingly:

1. Streets/Circulation.

- 1.9 PUBLIC AND PRIVATE SIDEWALKS ADJACENT TO ARTERIAL AND COLLECTOR STREETS AND LOCATED WITHIN AND CONNECTING ALL COMMON OPEN SPACE TRACTS AND AMENITIES SHOULD BE SHADED A MINIMUM OF 50 PERCENT. (P)

RATIONALE: SHADED SIDEWALKS AND PEDESTRIAN WALKWAYS SHOULD BE DESIGNED WITH APPROPRIATE SHADING FOR THE

HEALTH, SAFETY, AND WELFARE OF PEDESTRIANS THAT MITIGATES THE EXTREME SUMMER TEMPERATURES, AS WELL AS THE HEAT ISLAND EFFECT AND ENHANCES THE PEDESTRIAN ENVIRONMENT.

Amend Chapter 5, Section 507 Tab A.II.C.4 (Guidelines for Design Review – Subdivision Design/Development – Open Space/Amenities) by amending paragraphs 4.1 and 4.2 to read as follows:

4. Open Space/Amenities.

- 4.1 Large open space and retention areas (generally greater than 10,000 square feet) should be improved to include active and passive amenities (e.g. tot lot, ramada, tennis court, barbecues, large seating areas, landscaping, etc.) AND A MINIMUM 50% VEGETATION. SEATING AREAS SHOULD BE SHADED BY STRUCTURES OR VEGETATION (50% AT MATURITY). (P)

Rationale: Different types of improvements will appeal to different segments of the resident population. To ensure long-term maintenance AND USE of open space areas, it is important to provide YEAR-ROUND amenities FOR THE HEALTH, SAFETY, AND WELFARE OF ALL RESIDENTS to MITIGATE THE EXTREME SUMMER TEMPERATURES, AS WELL AS THE HEAT ISLAND EFFECT, in which the homeowners association will maintain interest.

- 4.2 Open space and retention tracts/easements should be landscaped, accessible, safe and secure. Common retention may qualify for required common open space if it has a minimum area of 1000 square feet of level bottom with maximum side slopes of 4:1 and is properly landscaped as usable open space (minimum 50% vegetation). ANY PROPOSED SEATING AREAS SHOULD BE SHADED BY STRUCTURES OR VEGETATION (50% AT MATURITY). Streets (public and/or private) and required perimeter landscape setbacks will not count towards common open space. (P)

Rationale: Open space and retention areas that are accessible, and functional, AND PROVIDE YEAR-ROUND SHADED AMENITIES FOR THE HEALTH, SAFETY, AND WELFARE OF ALL RESIDENTS TO MITIGATE THE EXTREME SUMMER TEMPERATURES, AS WELL AS THE HEAT ISLAND EFFECT, are an amenity to the neighborhood. If feasible, open space should be centrally located in order to be accessible to as many residents as possible.

Amend Chapter 7, Section 703 (Landscaping, Fences and Walls) to add new subsection "E" as follows:

E. GENERAL LANDSCAPE STANDARDS AND REQUIREMENTS.

1. LANDSCAPE CONSERVATION AND SALVAGE.

- a. ALL TREES, PLANTS AND CACTI ON SITE AND IN THE ABUTTING RIGHTS OF WAY MUST REMAIN IN PLACE IN A HEALTHY, STRUCTURALLY SOUND, AND VIABLE CONDITION, IN ACCORDANCE WITH APPROVED DEVELOPMENT REVIEW DOCUMENTS. REMOVAL OR DESTRUCTION OF LANDSCAPE MATERIALS INSTALLED IN ACCORDANCE WITH APPROVED DEVELOPMENT REVIEW DOCUMENTS WILL BE CONSIDERED A VIOLATION OF THE ZONING ORDINANCE, EXCEPT WHEN IN COMPLIANCE WITH SECTION 703.E.1.B AND 1.C.
- b. NO TREES, PLANTS OR CACTI MAY BE REMOVED OR DESTROYED ON A PROPERTY WITHOUT FIRST OBTAINING A PLANT SALVAGE PERMIT FROM THE PLANNING AND DEVELOPMENT DEPARTMENT, EXCEPT AS FOLLOWS:
 - (1) THE PLANNING AND DEVELOPMENT DEPARTMENT HAS EXPRESSLY STATED IN WRITING THAT A PLANT SALVAGE PLAN IS NOT REQUIRED FOR THE SITE AS PART OF THE APPROVED PRELIMINARY SITE PLAN OR PRELIMINARY PLAT APPROVAL DOCUMENTS, OR ON THE FINAL SITE PLAN IF A PRELIMINARY APPROVAL IS NOT REQUIRED; OR
 - (2) TREES, PLANTS OR CACTI TO BE REMOVED ARE LOCATED ON A SINGLE-FAMILY LOT HAVING ONE HOME OR DUPLEX; OR
 - (3) TREES, PLANTS OR CACTI TO BE REMOVED WERE DESTROYED BY A NATURAL CAUSE OR OTHER UNFORESEEN AND ACCIDENTAL INCIDENT; OR
 - (4) TREES, PLANTS OR CACTI REMOVED BY THE OWNER OR A PUBLIC UTILITY PROVIDER FOR THE PURPOSE OF MAINTAINING ELECTRIC TRANSMISSION OR

DISTRIBUTION FACILITIES. UPON REQUEST, THE OWNER SHALL PROVIDE THE PLANNING AND DEVELOPMENT DEPARTMENT A WRITTEN EXPLANATION FROM THE PUBLIC UTILITY PROVIDER THAT THE REMOVAL IS NECESSARY FOR THE CONSTRUCTION, INSTALLATION, OPERATION, AND MAINTENANCE OF THE ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES.

- c. OWNERS OF PROPERTY MUST REPLACE TREES, PLANTS OR CACTI WITH LIKE KINDS AND SIZES OR EQUIVALENT AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, IN ACCORDANCE WITH THE APPROVED DEVELOPMENT REVIEW DOCUMENTS, AS FOLLOWS:
 - (1) WHEN TREES, PLANTS AND CACTI WERE DESTROYED BY A NATURAL CAUSE OR OTHER UNFORESEEN AND ACCIDENTAL INCIDENT AND WERE REMOVED; OR
 - (2) WHEN REMAIN/PROTECT IN PLACE AND SALVAGED TREES, PLANTS AND CACTI HAVE DIED, BEEN REMOVED OR DESTROYED.

- 2. REQUIRED LANDSCAPE PLANS. LANDSCAPE PLANS ARE REQUIRED FOR REVIEW AND APPROVAL IN ACCORDANCE WITH THE APPLICABILITY REQUIREMENTS OF SECTION 507.B. I AND K. "LANDSCAPE PLANS" MAY REFER TO ANY OR ALL OF THE FOLLOWING PLANS: PLANT INVENTORY PLAN, PLANT SALVAGE PLAN, AND/OR LANDSCAPE (INSTALLATION) PLAN. ALL PLANS MUST PROVIDE THE INFORMATION AND FORMAT REQUIRED ON CHECKLISTS PROVIDED BY THE PLANNING AND DEVELOPMENT DEPARTMENT AND BE SEALED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA.
 - a. **PLANT INVENTORY PLAN:** IDENTIFIES THE TYPES, SIZES, AND LOCATIONS OF ALL TREES, CACTI, AND PLANTS EXISTING ON THE SITE AND STATES THE PHYSICAL HEALTH AND CONDITION OF EACH AS DETERMINED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA.

- b. **PLANT SALVAGE PLAN:** IDENTIFIES THE DISPOSITION OF ALL OF THE TREES, CACTI, AND PLANTS IDENTIFIED IN THE PLANT INVENTORY PLAN (I.E., “REMAIN/PROTECT IN PLACE”, “SALVAGE”, OR “DESTROY”), INCLUDING DETAILS OF THE PLANT NURSERY AND WATERING SYSTEM TO BE PROVIDED FOR SALVAGED AND REMAIN/PROTECT IN PLACE PLANTS UNTIL FINAL COMPLETION.

- c. **LANDSCAPE (INSTALLATION) PLAN:** IDENTIFIES THE TYPES, SIZES, AND LOCATIONS OF ALL TREES, CACTI, AND PLANTS (INCLUDING THOSE TO REMAIN/PROTECT IN PLACE OR SALVAGED) TO BE INSTALLED ON THE SITE, ON DOCUMENTS SEALED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA. LANDSCAPE PLANS ARE TO ALSO INCLUDE ALL LANDSCAPE MATERIALS, A MAINTENANCE SCHEDULE, IRRIGATION PLANS, PLUS OTHER INFORMATION AS MAY BE REQUIRED BY PLANNING AND DEVELOPMENT STAFF. PLANT MATERIAL SIZES AND SPECIFICATIONS MUST CONFORM TO THE STANDARDS OF THE AMERICAN STANDARDS FOR NURSERY STOCK (ANSI Z60.1) OR THE ARIZONA NURSERY ASSOCIATION.
 - (1) LANDSCAPE PLANS SHALL INCLUDE A MAINTENANCE SCHEDULE WHICH IDENTIFIES THE RECOMMENDED LANDSCAPE MAINTENANCE INCLUDING, BUT NOT LIMITED TO, WEEDS, ROCK MULCH, AND IRRIGATION. THE SCHEDULE SHALL IDENTIFY SEASONAL WATER APPLICATION RATES, TYPES AND METHODS OF FERTILIZATION, AND PRUNING, ETC. FOR EACH PLANT TYPE. ACCORDING TO THE CURRENT STANDARDS SET FORTH BY THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), THE SUSTAINABLE LANDSCAPE MANAGEMENT STANDARDS OF THE ARIZONA LANDSCAPE CONTRACTORS’ ASSOCIATION, OR OTHER ACCEPTABLE STANDARDS AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT LANDSCAPE ARCHITECT.

DEVIATIONS FOR PRUNING STANDARDS ARE PERMITTED WHEN DONE FOR THE PURPOSE OF MAINTAINING ELECTRIC TRANSMISSION OR

DISTRIBUTION FACILITIES. UPON REQUEST, THE OWNER SHALL PROVIDE THE PLANNING AND DEVELOPMENT DEPARTMENT A WRITTEN EXPLANATION FROM THE PUBLIC UTILITY PROVIDER THAT THE PRUNING IS NECESSARY FOR THE CONSTRUCTION, INSTALLATION, OPERATION, AND MAINTENANCE OF THE ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES.

Attachment C

TA-5-15 Landscape Maintenance (FOR INFORMATION) - Village Planning Committee Summary Results		
Village	Date	Comments
Central City	1/11/21	Concerned with existing enforcement efforts with developments not meeting landscaping requirements, improper maintenance or lack of watering. Structured shade should not be the only option, trees are necessary for clean air.
Laveen	1/11/21	Concerns with landscape maintenance in the right-of-way.
Rio Vista	1/12/21	Concerned that inspectors only focus on caliper size and not the type of tree. Consideration for different types of plants (male vs. female).
South Mountain	1/12/21	Need to address unnatural shape of trees after improper pruning, consider location of trees to prevent deteriorating infrastructure, consider tree species to withstand flood and strong winds, consider and active or proactive inventory of plants. Concerned that landscaping is not maintained equally throughout the City. Consider potential partnerships with nonprofits to help with landscape maintenance throughout the City. Concerns with landscape maintenance in the right-of-way.
Maryvale	1/13/21	Important to see plans of where trees are meant to be planted in areas on city-owned land, streets and medians. Increased shade on City-owned sites (i.e., bus stops).
North Gateway	1/14/21	No Comments
Deer Valley	1/14/21	Concerned with detached sidewalk requirements do not provide enough space to accommodate large canopy shade trees. Consideration to reduce the shade coverage percentage requirement for desert environment.
Estrella	1/19/21	No Comments
North Mountain	1/20/21	No Comments
Ahwatukee Foothills	1/25/21	No Comments
Alhambra	1/26/21	Important to facilitate training regarding tree maintenance and low impact development practices (including inspectors, plan reviewers, and Streets maintenance crews). Consider adding street trees in historic districts. Single-family properties should be included in the scope to address impact on future water rate increase and the prospect of water rationing.
Encanto	2/1/21	Consider a tree preservation plan throughout the construction process.
Paradise Valley	2/1/21	No Comments
Camelback East	2/2/21	Important to facilitate training regarding tree maintenance.
Desert View	2/2/21	No Comments

Village Planning Committee Meeting Summary
Z-TA-5-15
INFORMATION ONLY

Date of VPC Meeting January 11, 2021
Request Amend the Phoenix Zoning Ordinance to address
 landscape maintenance

VPC DISCUSSION:

Joshua Bednarek, Deputy Director of the Planning and Development Department shared that this text amendment at the request of City Council is to address longstanding policy goals and initiatives in relation to trees and shade. Mr. Bednarek continued that currently landscaping requirements are addressed with tree and shade requirements in the Zoning Ordinance, inventory and salvage requirements, through zoning stipulations for enhance landscaping and with the help of a new Principal Landscape Architect hired by the City. Mr. Bednarek continued that the text amendment is centered around three core concepts: trees being treated as infrastructure, that trees provide benefits when appropriately planted and trees should be kept in place and in healthy living conditions. The text amendment proposes to reinforce existing and best practices and procedures such as a site inspection of landscaping tied to certificate of occupancy and the standing of approved landscaping documents. The text amendment also proposes to reconcile inconsistencies within the Zoning Ordinance and establish new standards and procedures related to criteria for removal and replacement and tree maintenance. Mr. Bednarek shared the feedback staff has received so far and a preliminary public hearing schedule.

Dana Johnson commented that one of the issues is that tree maintenance doesn't happen over time, the NSD staff avoid citing businesses and they are not versed in the sign or tree regulations and gave an example of the Downtown Safeway replacing trees with Ocotillo, developers chopping trees down to not obscure signs, and in Roosevelt Row some owners are not watering their trees. Mr. Johnson continued that in regard to salvage, not all trees are created equal and some trees such as the tamarisk or the "lead tree" are invasive and should not be salvaged.

Darlene Martinez commented that the City is rebuilding Section 8 housing on 20th Street and the trees on site are dying because they aren't being watered, and she went every day to prevent one of the oldest Palo Verde trees from being cut down at the hospital parking lot. **Mr. Bednarek** thanked Ms. Martinez for her efforts to save that

tree and he will look to provide the committee with the comments that Cindy Stotler, Housing Director, made regarding saving and incorporating as many trees as possible with the Choice Neighborhoods redevelopment.

Eva Olivas shared that she worked with the Choice Neighborhoods residents who discussed trees in the One Vision Plan, and the developer was great in incorporating existing trees into the plan.

Wayne Rainey commented that the Texas Olive trees are irrigated on Roosevelt Row and that man-made shade shouldn't be the only option for shade, trees are necessary for clean air.

Ryan Boyd asked if the proposed changes would affect current plans, how would a business be held to the requirements, would it add to shade that currently isn't there, and if maintenance plans are open to the public. **Mr. Bednarek** replied that currently business are required to put in trees and maintain them, this proposal is to highlight that requirement and add clarifying language, penalties are a recourse although the goal is to get compliance by working with stakeholders rather than issue fines, and that maintenance plans will be publicly accessible.

Public Comment:

None.

Village Planning Committee Meeting Summary

Z-TA-5-15

INFORMATION ONLY

Date of VPC Meeting January 11, 2021
Request Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

Ms. Tricia Gomes, Zoning Administrator of the Planning and Development Department, shared that this text amendment, at the request of City Council, is to address longstanding policy goals and initiatives in relation to trees and shade. She continued that currently, landscaping requirements are addressed with tree and shade requirements in the Zoning Ordinance, inventory and salvage requirements, through zoning stipulations for enhance landscaping and with the help of a new Principal Landscape Architect hired by the City. She explained that the text amendment is centered around three core concepts: trees being treated as infrastructure, that trees provide benefits when appropriately planted and trees should be kept in place and in healthy living conditions. The text amendment proposes to reinforce existing and best practices and procedures such as a site inspection of landscaping tied to certificate of occupancy and the standing of approved landscaping documents. The text amendment also proposes to reconcile inconsistencies within the Zoning Ordinance and establish new standards and procedures related to criteria for removal and replacement and tree maintenance. Ms. Gomes shared the feedback staff has received so far and a preliminary public hearing schedule.

Mr. Carlos Ortega asked who is responsible for funding the maintenance of trees at community parks. **Ms. Gomes** explained that this is outside the scope of this text amendment, as it is intended solely for privately owned property and all maintenance costs will fall on the property owner. Landscaping maintenance for public parks is under the purview of the Parks and Recreation Department.

Ms. Jennifer Rouse asked if the city is able to extend their public outreach on this text amendment through additional channels like Facebook Events. **Ms. Gomes** stated that, if there are specific groups that the city should target, they would be happy to look into sharing the information about upcoming public hearings on those channels. She also stated that city staff is available to meet with or call interested members of the public on this matter.

Vice Chair Linda Abegg asked if this text amendment will also address the landscaping within street medians. **Ms. Gomes** stated that it is only intended for privately owned property, so street medians are not addressed in this text amendment. However, this is hopefully only the first phase of a more far-reaching landscape maintenance reform, so other landscape areas may be addressed in the future.

Chair Tonya Glass thanked Ms. Gomes and city staff for initiating this text amendment, stressing that it is something the community sorely needs. She stated that too often, the committee puts in the work and effort to stipulate high quality landscaping in new development projects, but they end up falling short, as the plants are not properly cared for and die off. More importantly, there currently are no provisions to enforce the replacement of said trees.

Village Planning Committee Meeting Summary

Z-TA-5-15

INFORMATION ONLY

Date of VPC Meeting January 12, 2021
Request Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

Tricia Gomes provided an overview of the proposed text amendment on landscape maintenance, noting it would likely come back to the committee in March for recommendation. Overall, the proposed change was to promote trees and shade in the city. Ordinance changes were directed to commercial as well as common areas for multifamily developments and single-family subdivisions. The regulations would not impact individual single-family residences.

Vice Chair Steven Scharboneau asked if this text amendment could be seen as a clean up to the ordinance to reflect current policy. **Tricia Gomes** responded it could be seen as a clean up in that we want to strengthen and explicitly state requirements in the ordinance. More maintenance provisions are being proposed as a result.

Judy Lorch commented that she is happy to see this come forward and asked how compliance can be forced. **Tricia Gomes** commented that the provisions do not address individual homeowners, instead addressing perimeter and common areas. The overall expectation is that you remain compliant.

Chair Massimo Sommacampagna explained he had a question and comment. He was wondering how the city dealt with landscape in the right-of-way. In his experience, civil inspectors enforce the landscape provisions, but only focus on caliper size and not the type of tree. More training in this regard would be helpful. **Tricia Gomes** explained the Zoning Ordinance generally only discusses private property, however some developments include development agreements to maintain right-of-way landscape.

Chair Massimo Sommacampagna also commented that there is a difference between male and female plants. The male varieties produce more pollen. Does this get discussed? **Tricia Gomes** responded that she can talk with the department's landscape architect on this and follow up.

Village Planning Committee Meeting Summary

Z-TA-8-20

INFORMATION ONLY

Date of VPC Meeting January 12, 2021
Request Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

No requests to speak from members of the public were received.

Joshua Bednarek, Deputy Director in the Planning and Development Department, introduced himself and this citywide text amendment under case Z-TA-5-15 to address landscape maintenance. This proposal addresses long standing policy goals and initiatives, including the Tree and Shade Master Plan. Currently, landscaping is addressed via Zoning Ordinance requirements, inventory and shade requirements, rezoning case stipulations and landscape plan reviews by a new Principal Landscape Architect. This proposed text amendment addresses three core concepts. Trees are infrastructure and should be part of the inspection process that enforces the approved landscape documents for a site. Trees provide benefits and the proposed text amendment would reconcile inconsistencies within the Zoning Ordinance. Trees should remain in place once approved and healthy, thus criteria regarding the removal, replacement and maintenance of trees would help to accomplish this goal. Thus far, staff has heard requests to clarify requirement applicability, utility considerations, utilization of structured shade, enforcement procedures and design considerations on the topic of landscape maintenance. He discussing the hearing schedule and timeline for this proposed text amendment. He added that this proposed text amendment is a great first step to address several challenges including the urban heat island effect.

Chairwoman Trites stated that trees also help with flooding and erosion problems. Maricopa County Flood Control Department has a list of approved plants. She added that several items should be considered in this text amendment including:

- How to address the unnatural shape of trees after these are pruned improperly.
- Consider the location of trees to prevent these from deteriorating infrastructure and cited an example in her homeowners' association.
- Consider tree species that are hardy to flood and strong winds.

Mr. Bednarek stated that the intent of this text amendment is to address landscape maintenance for commercial, industrial and multifamily developments and not single-family homes to avoid repeating previous mistakes.

Ms. Busching asked if the proposed text amendment addressed the following items:

- Large trees that are left to die while the property is undergoing a rezoning process. She cited examples of properties near 107th Avenue and Camelback Road and near 24th Street and Vineyard Road.
- Spot vs. mass grading and drainage plans.
- Preventing the clearing of existing trees and having these trees replaced by a project developer with trees of similar size. She cited an example near 18th Street and Baseline Road where she suspects this type of activity happened.

Mr. Bednarek responded that salvage and inventory plans are required for trees when a site is proposed to be developed. He will speak with the city's civil review team for their input on this proposal. Lastly, he added that while he does not know site specific details on the example provided, he will speak with the city's landscape reviewers.

Chairwoman Trites asked if keeping an active or pro-active inventory of plants had been considered.

Mr. Bednarek responded that this idea had been considered, but there are time, funding and staffing capacity constraints. The City of Houston, Texas has done something similar.

Mr. Brooks asked if edible tree species had been contemplated.

Mr. Bednarek responded that no specific trees species had been prescribed.

Mr. Brownell asked if this effort would apply to vacant properties and if the city will take care of the trees or allow these to die. This text amendment is geared towards other parts of the city, citing issues with mandating landowners to cut weeds on their property. He asked why mandating the upkeep of the landscaping was not required, citing examples from California. The city is not obligated to maintain its rights-of-way or land that it owns, and landscaping is not maintained equally throughout the city. There should be a collaboration with non-profits to identify which trees to keep.

Ms. Daniels agrees with Mr. Brownell's comments.

Mr. Bednarek responded that this ordinance addresses other aspects, citing examples of where the ordinance applies. He cited issues with enforcing zoning and landscaping standards on vacant land as the process requires this to be address when the land develops.

Mr. Brownell asked if the city can partner with non-profits to identify trees that need to be kept and maintained.

Mr. Bednarek responded that he agrees with this idea to partner with non-profits but sees challenges in expanding this across such a large city due to staffing shortages.

Ms. Daniels stated that she agrees with the previous comments made and that the city should hire arborists to maintain trees along Baseline Road. Also, focusing infrastructure improvements on the South Mountain Village like other parts of the city.

Mr. Shelly Smith stated that the city needs to have its name on these ordinances and maintain their properties first. He cited an example where trees along Broadway Road were left to die, but the city should maintain its trees first.

Ms. Shepard asked if this ordinance only addresses trees or also shrubs.

Mr. Bednarek responded that this ordinance does address both trees and shrubs.

Ms. Shepard cited examples of properties along 32n Street and agrees with the previous comments provided.

Mr. Holmerud seconds Ms. Shepard's comments.

Ms. Muriel Smith agrees with Ms. Daniels' comments. Landscape maintenance should be addressed in her neighborhood, referencing examples where trees were not maintained by the city. She asked if trees can be interchanged with other plants such as cacti.

Mr. Bednarek responded that he will look into this, but wants to double check the information given certain Overlay requirements which may require trees instead of cacti.

Mr. Brooks cited an arrangement that had been made with Ms. Miller to ensure that water is maintained on trees over time.

Mr. Bednarek responded that he will follow up on that information.

Ms. Daniels recalls that water was cut-off citywide for landscaping for some time.

Mr. Bednarek remembers that a creative solution to help solve this issue along Baseline Road had been utilized.

Mr. Holmerud acknowledged the efforts from Dr. Brooks regarding this.

Village Planning Committee Meeting Summary

Z-TA-5-15

INFORMATION ONLY

Date of VPC Meeting	January 13, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

Joshua Bednarek, Deputy Director of the Planning and Development Department shared that this text amendment at the request of City Council is to address longstanding policy goals and initiatives in relation to trees and shade. Mr. Bednarek continued that currently landscaping requirements are addressed with tree and shade requirements in the Zoning Ordinance, inventory and salvage requirements, through zoning stipulations for enhance landscaping and with the help of a new Principal Landscape Architect hired by the City. Mr. Bednarek continued that the text amendment is centered around three core concepts: trees being treated as infrastructure, that trees provide benefits when appropriately planted and trees should be kept in place and in healthy living conditions. The text amendment proposes to reinforce existing and best practices and procedures such as a site inspection of landscaping tied to certificate of occupancy and the standing of approved landscaping documents. The text amendment also proposes to reconcile inconsistencies within the Zoning Ordinance and establish new standards and procedures related to criteria for removal and replacement and tree maintenance. Mr. Bednarek shared the feedback staff has received so far and a preliminary public hearing schedule.

Joe Barba asked if the Neighborhood Services Department (NSD) would handle compliance for trees for commercial properties, if there would be fees if a business is not in compliance, and if NSD has the capacity to enforce the requirements city-wide. **Mr. Bednarek** responded that NSD would handle enforcement through their complaint-based system, that ultimately there could be fees but the goal is to get compliance and avoid going to court, and that NSD and the Planning and Development Department are prepared to administer this proposal.

Viri Hernandez asked in regard to transparency, if there was any way to see plans of where trees are meant to be planted in areas such as city-owned land, streets and medians. Ms. Hernandez continued that there was an initiative a few years ago for tree planting however its unclear where the trees were planted, and that Maryvale is a heat zone and does not have the same level of investment of trees. **Mr. Bednarek** replied

that while this text amendment would only impact private commercial properties, he will work on getting contact information on who to reach out to regarding street trees and trees in medians.

Vice Chair Gene Derie asked for clarification on how this proposal would add new requirements for commercial properties. **Mr. Bednarek** replied that commercial properties are required to have landscaping, and that this request does not add new standards but seeks to clarify the responsibilities of commercial property owners in terms of tree maintenance.

Joe Barba shared that he would like to see the City do more in terms of shade on City-owned sites and gave an example of a bus stop near a high school with no shade canopy, where children have to wait in the sun for their bus, and that non-profits can also help with education and what type of trees that can be planted.

Alvin Battle asked how the allowable trees used for projects is determined. **Mr. Bednarek** responded that there is a list that applicants can choose from and depending on utility considerations and certain overlays, some trees can be restricted.

Village Planning Committee Meeting Summary

Z-TA-5-15 INFORMATION ONLY

Date of VPC Meeting January 14, 2021
Request Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

Joshua Bednarek provided an overview of the proposed text amendment on landscape maintenance, noting it would likely come back to the committee in March for recommendation. Overall, the proposed change was to promote trees and shade in the city. Ordinance changes were directed to commercial as well as common areas for multifamily developments and single-family subdivisions. The regulations would not impact individual single-family residences.

Committee Member Daniel Tome asked who would be impacted by the changes. **Joshua Bednarek** responded that commercial properties, multifamily developments and HOA area for single-family developments would be impacted.

Village Planning Committee Meeting Summary
Z-TA-5-15
INFORMATION ONLY

Date of VPC Meeting	January 14, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

Ms. Tricia Gomes, City of Phoenix Zoning Administrator, shared that this text amendment at the request of City Council is to address longstanding policy goals and initiatives in relation to trees and shade. Ms. Gomes continued that currently landscaping requirements are addressed with tree and shade requirements in the Zoning Ordinance, inventory and salvage requirements, through zoning stipulations for enhance landscaping and with the help of a new Principal Landscape Architect hired by the City. Ms. Gomes continued that the text amendment is centered around three core concepts: trees being treated as infrastructure, that trees provide benefits when appropriately planted and trees should be kept in place and in healthy living conditions. The text amendment proposes to reinforce existing and best practices and procedures such as a site inspection of landscaping tied to certificate of occupancy and the standing of approved landscaping documents. The text amendment also proposes to reconcile inconsistencies within the Phoenix Zoning Ordinance and establishes new standards and procedures related to criteria for removal and replacement as well as tree maintenance. Ms. Gomes shared the feedback staff has received so far and a preliminary public hearing schedule.

Chairman Joseph Grossman asked what staff has done to reduce ridiculous planting requirements. Has staff included developers in these conversation, if they have taken place.

Ms. Gomes replied, yes. The development community has been involved int the process. She also shared that the City of Phoenix follows the native plant tree list. In regard to detached sidewalks, that is part of more policy plans including the Complete Streets Guiding Principles and the Tree and Shade Master Plan. She iterated that detached sidewalks provide a multitude of benefits.

Mr. Russell Osborn shared that from personal experience with sidewalk infrastructure, a 5 foot plating area between sidewalk and back of curb is not nearly wide enough to accommodate large canopy shade trees as the roots compromise the sidewalks integrity. He asked staff what the required shade coverage percentage is currently, 25 percent? If so, it should be reduced to 15 percent in his opinion for a desert city. He asked if shade requirements have been addressed.

Ms. Gomes shared that in many instances the detached sidewalks are located with the city right-of-way, which this text amendment does not address. However, she stated that she appreciated Mr. Osborn's feedback.

Mr. Osborn stated that even if the sidewalks are located in the right-of-way, it is still the property owner's responsibility to repair damaged sidewalks due to root damage and this needs to be changed.

Chairman Joseph Grossman stated that this text amendment may be too restrictive and asked staff to address practical concerns when the text amendment comes back for recommendation.

Public Comment:

None.

Village Planning Committee Meeting Summary

Z-TA-8-20

INFORMATION ONLY

Date of VPC Meeting January 19, 2021
Request Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

No requests to speak from members of the public were received.

Joshua Bednarek, Deputy Director in the Planning and Development Department, introduced himself and this citywide text amendment under case Z-TA-5-15 to address landscape maintenance. This proposal addresses long standing policy goals and initiatives, including the Tree and Shade Master Plan. Currently, landscaping is addressed via Zoning Ordinance requirements, inventory and shade requirements, rezoning case stipulations and landscape plan reviews by a new Principal Landscape Architect. This proposed text amendment addresses three core concepts. Trees are infrastructure and should be part of the inspection process that enforces the approved landscape documents for a site. Trees provide benefits and the proposed text amendment would reconcile inconsistencies within the Zoning Ordinance. Trees should remain in place once approved and healthy, thus criteria regarding the removal, replacement and maintenance of trees would help to accomplish this goal. Thus far, staff has heard requests to clarify requirement applicability, utility considerations, utilization of structured shade, enforcement procedures and design considerations on the topic of landscape maintenance. He concluded the presentation by discussing the hearing schedule and timeline for this proposed text amendment.

Chairman Cardenas asked for committee member comments or questions regarding the information. Hearing none, he thanked staff and moved to the next agenda item.

Village Planning Committee Meeting Summary

Z-TA-5-15

INFORMATION ONLY

Date of VPC Meeting January 20, 2021
Request Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

No requests to speak from members of the public were received.

STAFF PRESENTATION

Tricia Gomes, Zoning Administrator of the Planning and Development Department, shared that this text amendment at the request of City Council is to address longstanding policy goals and initiatives in relation to trees and shade. Currently landscaping requirements are addressed with tree and shade requirements in the Zoning Ordinance, inventory and salvage requirements, through zoning stipulations for enhance landscaping and with the help of a new Principal Landscape Architect hired by the City. The text amendment is centered around three core concepts: trees being treated as infrastructure, that trees provide benefits when appropriately planted and trees should be kept in place and in healthy living conditions. The text amendment proposes to reinforce existing and best practices and procedures such as a site inspection of landscaping tied to certificate of occupancy and the standing of approved landscaping documents. The text amendment also proposes to reconcile inconsistencies within the Zoning Ordinance and establish new standards and procedures related to criteria for removal and replacement and tree maintenance. She then shared the feedback staff has received so far and a preliminary public hearing schedule and asked the committee for input and any questions.

Chair Krentz asked the committee if they had any questions and, hearing none, thanked Gomes for the presentation.

Village Planning Committee Meeting Summary

Z-TA-5-15

INFORMATION ONLY

Date of VPC Meeting January 25, 2021

Request Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

No requests to speak from members of the public were received.

Tricia Gomes, Zoning Administrator in the Planning and Development Department, introduced herself and this citywide text amendment under case Z-TA-5-15 to address landscape maintenance. This proposal addresses long standing policy goals and initiatives, including the Tree and Shade Master Plan. Currently, landscaping is addressed via Zoning Ordinance requirements, inventory and shade requirements, rezoning case stipulations and landscape plan reviews by a new Principal Landscape Architect. This proposed text amendment addresses three core concepts. Trees are infrastructure and should be part of the inspection process that enforces the approved landscape documents for a site. Trees provide benefits and the proposed text amendment would reconcile inconsistencies within the Zoning Ordinance. Trees should remain in place once approved and healthy, thus criteria regarding the removal, replacement and maintenance of trees would help to accomplish this goal. Thus far, staff has heard requests to clarify requirement applicability, utility considerations, utilization of structured shade, enforcement procedures and design considerations on the topic of landscape maintenance. She discussed the hearing schedule and timeline for this proposed text amendment.

Chairman Elliott asked for committee member questions or comments regarding the presentation. Hearing none, he thanked Ms. Gomes for her presentations.

Village Planning Committee Meeting Summary

Z-TA-5-15

INFORMATION ONLY

Date of VPC Meeting	January 26, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

No requests to speak from members of the public were received.

STAFF PRESENTATION

Joshua Bednarek, Deputy Director of the Planning and Development Department, shared that this text amendment at the request of City Council is to address longstanding policy goals and initiatives in relation to trees and shade. Currently landscaping requirements are addressed with tree and shade requirements in the Zoning Ordinance, inventory and salvage requirements, through zoning stipulations for enhance landscaping and with the help of a new Principal Landscape Architect hired by the City. The text amendment is centered around three core concepts: trees being treated as infrastructure, that trees provide benefits when appropriately planted and trees should be kept in place and in healthy living conditions. The text amendment proposes to reinforce existing and best practices and procedures such as a site inspection of landscaping tied to certificate of occupancy and the standing of approved landscaping documents. The text amendment also proposes to reconcile inconsistencies within the Zoning Ordinance and establish new standards and procedures related to criteria for removal and replacement and tree maintenance. He then shared the feedback staff has received so far and a preliminary public hearing schedule and asked the committee for input and any questions.

QUESTIONS FROM THE COMMITTEE

Ammon noted the importance of replacing trees with like-for-like sizes and asked if tree replacement always requires the tree to be placed in the same location or if the city can provide some flexibility. **Bednarek** responded that the text amendment supports flexibility and collaboration.

Fitzgerald asked if there are recommended tree lists. **Bednarek** responded that the City does have a list of preferred trees and more restricted lists of permitted trees in certain parts of the city such as the desert preservation districts and the urban core.

Bryck noted that he strongly supports the requirement that owners are responsible to their stipulated landscape plan and that the City model good tree maintenance on its property including its street trees. He asked that holistic conversations and training be facilitated regarding tree maintenance and low impact development practices, including the inspectors, plan reviewers, and the tree maintenance crews in the Street Transportation Department. He added that perhaps there is an opportunity to add street trees in the historic districts where there are broad landscape areas between the curb and sidewalk. **Bednarek** stated that conversations are ongoing with his counterpart in the Neighborhood Services Department because they respond to compliance issues, that will now include landscaping.

Adams stated that the success of landscape projects depends on maintenance which requires attention and follow-through. She asked that the City model good tree maintenance on its property including its street trees and noted that many crews do not have sufficient training on trimming. She added that the text amendment should include a system to ensure continual landscape maintenance. She added that many native trees are not appropriate for urban environment. She asked if the City has qualified consultants to help with the ordinance. **Bednarek** responded that the City hired a Principal Landscape Architect and has been working with other professionals and arborist organizations. He added that the City is trying to think of landscaping from the curb inward but that this holistic approach is not within the scope of the current text amendment.

Keyser opined on the impact on future water rate increases and the prospect of water rationing on landscaping on single-family properties and noted that single-family properties should be addressed in the amendment. He added that city installed street trees could be set up on a shared meter where the city or neighbors would be able to note if there is a malfunction to the system before the trees die.

PUBLIC COMMENTS

None.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION

None.

Village Planning Committee Meeting Summary

Z-TA-5-15

INFORMATION ONLY

Date of VPC Meeting	February 1, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

No requests to speak from members of the public were received.

STAFF PRESENTATION

Joshua Bednarek, Deputy Director of the Planning and Development Department, shared that this text amendment at the request of City Council is to address longstanding policy goals and initiatives in relation to trees and shade. Currently landscaping requirements are addressed with tree and shade requirements in the Zoning Ordinance, inventory and salvage requirements, through zoning stipulations for enhance landscaping and with the help of a new Principal Landscape Architect hired by the City. The text amendment is centered around three core concepts: trees being treated as infrastructure, that trees provide benefits when appropriately planted and trees should be kept in place and in healthy living conditions. The text amendment proposes to reinforce existing and best practices and procedures such as a site inspection of landscaping tied to certificate of occupancy and the standing of approved landscaping documents. The text amendment also proposes to reconcile inconsistencies within the Zoning Ordinance and establish new standards and procedures related to criteria for removal and replacement and tree maintenance. He then shared the feedback staff has received so far and a preliminary public hearing schedule and asked the committee for input and any questions.

QUESTIONS FROM THE COMMITTEE

Bryck asked about the enforcement pathway. **Bednarek** responded that the text amendment will formally hold landscape plans as enforceable documents that will be used to ensure compliance throughout the life of the property improvements when permits are required or when complaints are filed.

Rodriguez asked that the city require a tree preservation plan with requirements throughout the construction process including protection to the critical root zone. Atlanta has an ordinance which addresses the topic well. **Bednarek** responded that the scope

of this text amendment is limited but that this type of input can be shared with Council to support additional attention.

Procaccini asked how the current ordinance and this text amendment address the replacement of existing trees. **Bednarek** responded that, in practice the current ordinance requires a like-for-like replacement when possible but also allows multiple smaller trees to replace a larger tree. The text amendment formalizes this practice.

Chair Kleinman stated that this seems like the beginning of the conversation and the first step in addressing a larger issue. He asked whether it would be helpful if a subcommittee convened to provide detailed comments. **Bednarek** responded that it would be helpful.

PUBLIC COMMENTS

None.

STAFF RESPONSE

None.

FLOOR/PUBLIC COMMENT CLOSED: DISCUSSION

None.

Village Planning Committee Meeting Summary
Z-TA-5-15
INFORMATION ONLY

Date of VPC Meeting February 1, 2021
Request Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

Ms. Tricia Gomes, City of Phoenix Zoning Administrator, shared that this text amendment at the request of City Council is to address longstanding policy goals and initiatives in relation to trees and shade. Ms. Gomes continued that currently landscaping requirements are addressed with tree and shade requirements in the Zoning Ordinance, inventory and salvage requirements, through zoning stipulations for enhance landscaping and with the help of a new Principal Landscape Architect hired by the City. Ms. Gomes continued that the text amendment is centered around three core concepts: trees being treated as infrastructure, that trees provide benefits when appropriately planted and trees should be kept in place and in healthy living conditions. The text amendment proposes to reinforce existing and best practices and procedures such as a site inspection of landscaping tied to certificate of occupancy and the standing of approved landscaping documents. The text amendment also proposes to reconcile inconsistencies within the Phoenix Zoning Ordinance and establishes new standards and procedures related to criteria for removal and replacement as well as tree maintenance. Ms. Gomes shared the feedback staff has received so far and a preliminary public hearing schedule.

Chairman Robert Gubser stated that he is curious about tree maintenance. He asked if this text amendment strengthens the city's ability to maintain trees in the right-of-way.

Ms. Gomes shared that it does.

Public Comment:

None.

Village Planning Committee Meeting Summary

Z-TA-5-15

INFORMATION ONLY

Date of VPC Meeting February 2, 2021

Request Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Ms. Tricia Gomes, Zoning Administrator of the Planning and Development Department, shared that this text amendment, at the request of City Council, is to address longstanding policy goals and initiatives in relation to trees and shade. She continued that currently, landscaping requirements are addressed with tree and shade requirements in the Zoning Ordinance, inventory and salvage requirements, through zoning stipulations for enhance landscaping and with the help of a new Principal Landscape Architect hired by the City. She explained that the text amendment is centered around three core concepts: trees being treated as infrastructure, that trees provide benefits when appropriately planted and trees should be kept in place and in healthy living conditions. The text amendment proposes to reinforce existing and best practices and procedures such as a site inspection of landscaping tied to certificate of occupancy and the standing of approved landscaping documents. The text amendment also proposes to reconcile inconsistencies within the Zoning Ordinance and establish new standards and procedures related to criteria for removal and replacement and tree maintenance. Ms. Gomes shared the feedback staff has received so far and a preliminary public hearing schedule.

Mr. Craig Tribken asked if long term enforcement of approved commercial landscape plans will be a part of this process to ensure that the trees planted when a development is first constructed remain healthy or are replaced if they die. **Ms. Gomes** explained that the expectation is that the city already does this, but it is complaint-based, and that by strengthening the ordinance, it will provide a framework for better communication with property owners in the future to help solve these issues. **Mr. Tribken** stated that this is a great step forward.

Ms. Ashley Nye asked if there is a maintenance training component to this, as there seem to be many instances of improper pruning of plant materials throughout the city, such as in street medians. **Ms. Gomes** stated that this text amendment only applies to private property, and not city-maintained public property, but that discussions regarding the latter will be ongoing as a result of this proposal.

Ms. Linda Bair asked if this will apply to single-family residential homes, or just for planned communities. **Ms. Gomes** explained that this amendment applies to all private

property but that, in the context of single-family communities, it will apply to perimeter landscaping and common areas, not to individual residential lots.

Village Planning Committee Meeting Summary

Z-TA-5-15

INFORMATION ONLY

Date of VPC Meeting	February 2, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance.

VPC DISCUSSION:

Josh Bednarek provided an overview of the proposed text amendment on landscape maintenance, noting it would likely come back to the committee in March for recommendation. Overall, the proposed change was to promote trees and shade in the city. Ordinance changes were directed to commercial as well as common areas for multifamily developments and single-family subdivisions. The regulations would not impact individual single-family residences.

David Kollar asked if landscape installation is currently tied to the certificate of occupancy. **Josh Bednarek** responded that this is the practice but not currently codified.

Attachment D

TA-5-15 Landscape Maintenance (FOR RECOMMENDATION) - Village Planning Committee Summary Results			
Village	Date	Recommendations	Vote
Maryvale	4/14/21	Approved per the staff recommendation with direction to coordinate a future update to address heat mitigation and equity	8-1
Estrella	4/20/21	Approved per the staff recommendation	4-1
North Mountain	4/21/21	Approved per the staff recommendation	14-0
Encanto	5/3/21	Approved per the staff recommendation with additional language	10-0
Paradise Valley	5/3/21	Approved per the staff recommendation with direction to continue discussions regarding protections and enforcement during construction	16-0-1
Camelback East	5/4/21	Approved per the staff recommendation with additional language	13-2
Desert View	5/4/21	Approved per the staff recommendation	7-0
Central City	5/10/21	Approved per the staff recommendation with additional language	11-3
Laveen	5/10/21	Approved per the staff recommendation with additional language	9-0
Rio Vista	5/11/21	Approved per the staff recommendation with additional language with direction to address ambiguity	3-1
South Mountain	5/11/21	Approved per the staff recommendation with additional language in substantial conformance	12-0
Deer Valley	5/13/21	Approved per the staff recommendation	8-3
North Gateway	5/13/21	Approved per the staff recommendation with direction to intergrate proposed tree protection zone language	6-0
Ahwatukee Foothills	4/26/2021	Continued.	11-0
	5/24/2021	Approved per the staff recommendation with additional language	11-0
Alhambra	4/27/2021	Continued.	15-0
	5/25/2021	No recommendation due to lack of quorum	N/A

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	April 14, 2021
Request	Amend several sections of the Phoenix Zoning Ordinance to address landscape maintenance
VPC Recommendation	Approval per the staff recommendation with direction
VPC Vote	8-1

VPC DISCUSSION:

Committee member Saundra Cole joined the meeting during this item and committee member Denice Garcia left, bringing the quorum to 9.

Joshua Bednarek, Deputy Director with the Planning and Development Department introduced himself and the proposed text amendment to address landscape maintenance citywide. This effort is City Council driven as part of a three phase approach and addresses longstanding policy goals and initiatives. This text amendment strengthens existing Zoning Ordinance provisions and codifies practices by embracing three core concepts: trees are infrastructure, trees provide benefits where appropriately planted, and trees should be kept in place in a healthy plus living condition. This text amendment updates Chapter 5 of the Zoning Ordinance as it pertains to site inspections tied to a certificate of occupancy, validity of approved review documents, design guidelines and plant materials. Chapter 7 of the Zoning Ordinance is also proposed to be amended by incorporating landscape removal standards, required landscape and maintenance plans. Staff has been provided with several ideas that go beyond the scope of this text amendment such as a citywide effort related to trees and shade such as tree protection zones. The 2021-2022 City Manager's Trial Budget shows several proposals to allocate funding in order to address related policy goals citywide. This citywide text amendment case will be heard by Village Planning Committees in April and May, while the Planning Commission and City Council will hear this case in June.

Vice Chair Hernandez asked if there was a type of tree or a caliper size that has been determined with the trial budget allocation. **Mr. Bednarek** replied that the 18,000 trees referenced in the trial budget will require coordination with the Council offices and staff in terms of species and location so that the right tree can be placed in the right place.

Denice Garcia asked if staff could provide a list of approved trees that can be planted within the budget trial allocation of trees. **Mr. Bednarek** replied he hasn't been involved in the conversations of where the trees could be placed and what type of trees they would be, and that will require coordination with the Council office and staff for more details.

Sandra Oviedo stated that the Maryvale community doesn't have as many trees as it should and asked if there could be a recommendation to allow native, carbon absorbing plants and carbon absorbing shade trees. **Mr. Bednarek** replied that the scope of this text amendment is to reinforce shade standards and plan submittal procedures and guidelines and while there is a desire to have native trees be incorporated in certain areas there is the "right tree right place" philosophy where sometimes native trees make sense in an area and sometimes they do not.

Saundra Cole asked who is responsible for tree maintenance and replacement if the trees die. **Mr. Bednarek** answered that for trees required on private property the property owner is required to maintain and replace them. This text amendment reinforces that requirement.

Vice Chair Viri Hernandez asked that for the trial budget, what type of trees will be coming into Maryvale as it is a climate area and asked if the text amendment goes into that level of detail. **Mr. Bednarek** replied that this text amendment is an incremental step to reinforce shade and plan submittal guidelines and that is the scope of the charge they were given by City Council. Mr. Bednarek added that it doesn't get into that level of detail but understands the merit behind going deeper into the topic and the committee can provide direction to the Council regarding issues of equity and specific tree species.

Brandon Sirochman asked how this text amendment will apply to public open space areas such as parks and if this would allow for trees to be replaced in those areas. **Mr. Bednarek** replied that the Zoning Ordinance doesn't regulate public parks, those are regulated by the Parks Department.

Saundra Cole asked if the trees allocated in the trial budget would be on private property. **Mr. Bednarek** shared that it is unknown if the intent is to place those trees on private property, but the locations will be determined in coordination with the Council offices. **Chair Gene Derie** added that he thought the trees will most likely be placed within rights-of-way or near transit stops.

Sandra Oviedo asked if this text amendment mentions what type of trees are to be planted. **Mr. Bednarek** replied this text amendment covers submittal procedures and guidelines and that while some overlays have specific tree lists, this text amendment does not propose to modify them.

Vice Chair Viri Hernandez asked if she could make a recommendation for the trial budget to include community input, heat mitigation measures and equity. **Mr. Bednarek** replied that this request is not a proposal for the trial budget, but those items could be included as direction to include in a future update.

Public Comment:

None.

Motion:

Vice Chair Viri Hernandez motioned to recommend approval of Z-TA-5-15 per the staff recommendation with direction to coordinate a future update to address heat mitigation and equity. **Alvin Battle** seconded the motion.

Discussion:

None.

Vote:

8-1, Motion to approve passes with committee members Battle, Cole, DuBose, O'Toole, Oviedo, Sirochman, Hernandez and Derie in favor and committee member Demarest opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	April 20, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approval, per the staff recommendation.
VPC Vote	4-1

VPC DISCUSSION & RECOMMENDATION:

No requests to speak from members of the public were received.

Joshua Bednarek, Planning and Development Department, introduced himself and the proposed text amendment to address landscape maintenance citywide. This effort is City Council driven as part of a three phase approach and addresses longstanding policy goals and initiatives. This text amendment strengthens existing Zoning Ordinance provisions and codifies practices by embracing three core concepts: trees are infrastructure, trees provide benefits where appropriately planted, and trees should be kept in place in a healthy plus living condition. This text amendment updates Chapter 5 of the Zoning Ordinance as it pertains to site inspections tied to a certificate of occupancy, validity of approved review documents, design guidelines and plant materials. Chapter 7 of the Zoning Ordinance is also proposed to be amended by incorporating landscape removal standards, required landscape and maintenance plans. Staff has been provided with several ideas that go beyond the scope of this text amendment such as a citywide effort related to trees and shade such as tree protection zones. The 2021-2022 City Manager's Trial Budget shows several proposals to allocate funding in order to address related policy goals citywide. This citywide text amendment case will be heard by Village Planning Committees in April and May, while the Planning Commission and City Council will hear this case in June.

Dan Rush asked for clarification on the 2021-2022 City Manager's Trial Budget. Are the 1,800 trees proposed to be planted, going to be planted on a yearly basis or is this reviewed annually?

Mr. Bednarek clarified the trial budget, noting that some of the funding is to hire more staff to assist with the administration of those policy goals, while some of the funding is for infrastructure improvements, including the planting of trees.

Lisa Perez stated that she had attended a meeting several weeks back pertaining to this text amendment case and there were several suggestions that were made by attendees which are not reflected in this text amendment language proposed today.

Mr. Bednarek responded that no commitments were made by staff at that meeting, but he did follow-up with some of the attendees after the meeting regarding their suggestions. There are limitations with this text amendment case, given the limited scope provided by the City Council.

Lisa Perez responded that trees are lacking on the far west portions of the Estrella Village and feels that this text amendment does not address these issues for this village.

Mr. Bednarek agreed that this text amendment is limited in scope and feels that it is an incremental step forward. Additional discussion is needed to address those other issues that are not part of this text amendment.

Chair Cardenas opened the floor for further discussion or a motion, given no requests to speak on this item from the public.

Mr. Bojorquez presented several possible motions that could be made on this item.

MOTION:

Mr. Rush motioned to approve case Z-TA-5-15 per the staff recommendation presented in the staff report. **Mr. Cardenas** seconded the motion to approve.

VOTE:

4-1, motion passed; Lisa Perez in dissent.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary
Z-TA-5-15

Date of VPC Meeting	April 21, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approve, per the staff recommendation
VPC Vote	14-0

VPC DISCUSSION:

No requests to speak from members of the public were received.

STAFF PRESENTATION

Tricia Gomes, staff, introduced himself and the proposed text amendment to address landscape maintenance citywide. This effort is City Council driven as part of a three phase approach and addresses longstanding policy goals and initiatives. This text amendment strengthens existing Zoning Ordinance provisions and codifies practices by embracing three core concepts: trees are infrastructure, trees provide benefits where appropriately planted, and trees should be kept in place in a healthy plus living condition. This text amendment updates Chapter 5 of the Zoning Ordinance as it pertains to site inspections tied to a certificate of occupancy, validity of approved review documents, design guidelines and plant materials. Chapter 7 of the Zoning Ordinance is also proposed to be amended by incorporating landscape removal standards, required landscape and maintenance plans. Staff has been provided with several ideas that go beyond the scope of this text amendment such as a citywide effort related to trees and shade such as tree protection zones. The 2021-2022 City Manager’s Trial Budget shows several proposals to allocate funding in order to address related policy goals citywide. This citywide text amendment case will be heard by Village Planning Committees in April and May, while the Planning Commission and City Council will hear this case in June.

QUESTIONS FROM THE COMMITTEE

Larson asked if the amendment touches public property or if it deals only with private property. **Gomes** responded that the text amendment only pertains to private property and the restoration of downed trees and other compliance depends on the location of the issues. She added that street trees and trees along greenspaces are often owned and maintained by the Street Transportation Department, the Parks Department, or by Homeowner Associations.

Perez asked how the amendment will prioritize tree replacement from storm damage and whether there are plans to equitably distribute support and enforcement into disadvantaged communities. **Gomes** responded that the text amendment is narrowly focused at the direction of the City Council to address private commercial properties and that enforcement will be complaint-based through the Neighborhood Services Department.

McBride asked for clarity on the intent of the amendment and confirmation that it is written to make enforcement easier. **Gomes** responded that the intent of the amendment is to make enforcement easier and to clearly codify established practices.

Vice Chair Jaramillo opined that the visions contained in ReinventPHX and the Walkable Urban Code should be accompanied by best practices and incentives such as curb cuts to direct storm water into tree basins. **Gomes** responded that this text amendment is narrowly tailored to changes within the zoning ordinance and that future changes, such as those suggested, would likely need to touch policy and the city code.

PUBLIC COMMENTS

None.

STAFF RESPONSE

None.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE.

MOTION:

Matthews motioned to approve the request per staff recommendation. **McBride** seconded the motion.

DISCUSSION:

None.

VOTE: 14-0-0, motion passes, with: Alauria, Argiro, Fogelson, Ford, Larson, Matthews, McBride, O'Hara, Perez, Sommacampagna, Veidmark, Whitney, Vice Chair Jaramillo, and Chair Krentz in favor; none in dissent, and none in abstention.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary

Z-TA-5-15

Date of VPC Meeting	May 3, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approval, per staff recommendation with modifications
VPC Vote	10-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Five speaker cards were received, one supportive of the request, four conditionally in support of the request, and all wishing to speak.

At this time, Coates arrived meeting bringing the quorum to 10 members (7 being required for a quorum).

STAFF PRESENTATION

Joshua Bednarek, staff, provided an overview of the request which is intended to tighten regulatory language and codify long standing practices in response to the three phased approach directed by the City Council. Within the framework of strengthening enforcement, the text amendment seeks to achieve three core concepts: trees are infrastructure; trees provide benefit when appropriately planted; and that trees should be kept in place in a healthy and living condition. The proposed amendment includes changes to Chapter 5 and 7 of the Phoenix Zoning Ordinance. In addition to other revisions, the proposed language formally increases the stature of landscape plans to ensure long term compliance by requiring adherence for an owner to receive a certificate of occupancy and strengthens landscape removal standards. He added that staff is reviewing the Tree Protection Zone language provided by Member Rodriguez, noted that many of the provisions are reflected in the current ordinance, and that the addition of the language may require the text amendment be delayed.

He concluded by stating that the 2021 City Manager's Trial Budget includes 2.8M for tree plantings, climate change, and heat readiness with programming through the Parks Department and the Street Transportation Department, among others.

QUESTIONS FROM COMMITTEE

Members expressed the following questions and concerns.

- **Searles** asked about what measures are being used to support tree and shade policy in Phoenix, such as measurements of existing canopies or surface temperatures. **Bednarek** responded that the city has an existing inventory of tree canopy that is a few years old but that it could potentially be updated with funding in the City Manager’s Trial Budget.
- **Bryck** asked specifically what Member Rodriguez is looking for from her proposed language.
 - **Rodriguez** responded that her language strengthens protection for existing trees by adding language for “Tree Protection Zones.” Tree Protection Zones are used in many other communities and include a physical barrier around the critical root zone. The city’s current regulations lack the necessary language and enforcement provisions to ensure the trees that developers plan to preserve will be preserved in a state of good health.
 - **Cothron** voiced support to protect and require the preservation of existing trees, citing the example of Park Central Mall which lost many of its mature trees through its redevelopment.
- **Jewett** asked about the proposed staff language for 50% shade over required open space. **Bednarek** responded that the staff language requires 50% vegetative coverage for open space, rather than 50% shade.
- **Mahrle** stated that it doesn’t seem that staff has a specific objection to the language but that the risk of incorporating the proposed language is: 1) that other stakeholder won’t have time to review and could produce delays; or 2) that all VPCs will be voting on the TA and the revised recommendation could only exist in 1 of the 15 recommendations.
 - **Bednarek** responded that staff has not fully analyzed the language in Member Rodriguez’s amendment nor the city’s ability to enforce her amendment which may require additional staffing. He added that staff is confident in their ability to enforce the language contained in the text amendment.
- **Rodriguez** asked why her letter and language were not provided to the committee and expressed frustration at how it appears the city is withholding information from the committee. She stated that the Billboard Text Amendment from last year was developed over the course of several weeks so it is not a question of whether the department can move quickly but whether it will.

PUBLIC COMMENTS

Alisa Lyons introduced herself as a registered lobbyist in attendance on behalf of Valley Partnership which is a long-time advocate for responsible development. She stated that Valley Partnership has no issue with the proposed amendment and agrees with the requirement that a landscape plan should be considered a governing document for site development held in perpetuity, in the same way that traditional infrastructure must be maintained. Trees serve an important purpose and that this amendment is a positive consideration. The Tree Protection Zone language needs to be vetted more,

that she wants to better understand it, and only received it yesterday through the grapevine. She expressed concern that the addition of the Tree Protection Zone language could slow down the text amendment while it is evaluated and noted that the general idea already may exist in the zoning ordinance. She concluded by asking the committee to support the amendment as recommended by staff and, if desired, to include a provision in the motion to direct staff to explore the topic further with its stakeholders.

Aimee Esposito stated that she serves on the Urban Heat Island / Tree and Shade Subcommittee, is excited about being this close to a text amendment but that the issue of trees and shade requires attention to new tree plantings and to protections for mature trees. The language developed by Rodriguez reflects her expertise on the topics and the committee's opportunity to make their voice heard. She added that the text amendment has already taken three years and should simply be modified to include this language to avoid another long process. The proposed additional language regarding tree protection zones would reduce the severe risks of root zone compaction for mature trees.

Neal Haddad introduced himself as representing the Neighborhood Coalition of Greater Phoenix and speaking in support of the proposed language prepared by Member Rodriguez. For all of the positive talk in support of the Tree and Shade Master Plan, the language prepared by Rodriguez is an easy way to care of existing mature trees. He asked how many trees must come down and how many gallons of water must be used to replace existing mature trees before the city starts protecting its mature trees. He added that the amendment was initiated in 2015, that the June deadline is arbitrary, and that this is the time to make the language stronger and more effective.

Dwayne Allen introduced himself as a downtown business owner and a Chair of the Ad Hoc Committee on Trees and Shade that started this amendment. He echoed Haddad that the June deadline is arbitrary and is being used to rush this amendment through committee without addressing best practices and simple opportunities to strengthen the ordinance. He shared two photos from his downtown business with the first being unvegetated in 2007 and the second revealing a strong tree canopy in 2017. While he could remove these trees at any time under the city's current code, he intends to continue caring for these trees for the duration of his lease because they offer value to the community and relief from the urban heat island. He asked the committee to recommend the inclusion of additional tree protections in the text amendment.

Stacey Champion stated that the city adopted its Tree and Shade Master Plan in 2010 but was then shelved until 2017 when a controversial GPLET project at Central and Adams which proposed the removal of several mature trees in preference for palms based on the aesthetic. While the mature trees were eventually replaced with shade varieties, the city's legal inability to enforce tree standards was the impetus of this text amendment. Since that time, many subject matter experts such as Rodriguez, prepared best management practices from other cities, and delivered these recommendations to the City Council. She concluded by stating that tree protections are important with

citizen input for years but that this amendment doesn't go far enough and has taken too long.

STAFF RESPONSE

Chair Kleinman stated that some of the other villages have tabled the request to allow for additional consideration and exploration of the language proposed by Rodriguez. He asked if the committee elected to continue the case to their next meeting, if that would allow enough time for staff to work with stakeholders without causing undue delays.

- **Bednarek** responded that the department will work to explore the language if the committee elects to continue the request but that the most significant variable in the language proposed by Rodriguez is the impact on staff capacity and resources. For example, if additional site visits are required to monitor construction on projects across the City of Phoenix, the department may need additional resources to enforce its new requirements, but it has not assessed such potential implications. He added that the department is confident in its ability to enforce the language contained in the staff recommended language.

Wagner thanked Rodriguez for her proposed language opined whether the right approach is to table this until the committee can more critically evaluate the language proposed by Rodriguez.

Rodriguez commented that Valley Partnership was invited to participate with the Urban Heat Island / Tree and Shade Subcommittee, and they elected not to participate once over the course of three years. She added that this is a public health and risk issues that has been ongoing for too long.

Mahrle stated that he believes the Encanto Village Planning Committee may be an outlier from the others because they are the only body to have received the proposed language from Member Rodriguez and that a motion to add her language would allow the Planning Commission and Council to at least consider the language.

Benjamin asked if the committee had received the language prepared by Member Rodriguez. **Chair Kleinman** responded that it was sent out to the committee in the afternoon. **Klimek**, staff, confirmed that the committee was sent language by Member Rodriguez as described.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE.

MOTION:

Mahrle motioned to approve the request per the staff recommendation with the language proposed by Rodriguez. **Coates** seconded the motion.

DISCUSSION:

None.

Vote

10-0-0; motion passed with Benjamin, Coates, Cothron, Jewett, Mahrle, Rodriguez, Searles, Wagner, Vice Chair Bryck, and Chair Kleinman in favor; none in dissent; and none in abstention.

Member Procaccini continued experiencing technical difficulties and could not participate by audio or video. For the purpose of the vote, Procaccini is considered absent.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 3, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance
VPC Recommendation	Approve, per the staff recommendation
VPC Vote	16-0-1

VPC DISCUSSION:

3 speaker cards were submitted in favor, wishing to speak.

Ms. Tricia Gomes, staff, went over the reasoning behind the Text Amendment updates, which is City Council Driven and includes a three phased approach. The Text Amendment addresses longstanding policy goals and initiatives. She explained that the Text Amendment strengthens existing zoning ordinance provisions and codifies best practices by embracing three core concepts, which include the following:

- Trees are infrastructure
- Trees provide benefits when appropriately planted
- Trees should be kept in place in a healthy and living condition

She also covered the 2021-2022 City Manager's Trail Budget, which includes climate change and heat readiness of \$2.8 million dollars. Tree protection zones were also discussed as well as the hearing schedule.

Chairman Robert Gubser shared that he is glad to see this Text Amendment come to fruition.

Ms. Toby Gerst shared that she is pleased with the proposed updates. She asked staff if there is room within this amendment that would allow monetary donations for tree planting initiatives.

Ms. Gomes, staff, stated that this is not a possibility within this Text Amendment, but the feedback is welcomed and could potentially be included in future amendments.

Mr. Robert Goodhue asked if the city is able to provide adequate enforcement.

Ms. Gomes shared that enforcement is handled by the Neighborhood Services Department (NSD) and is complaint driven.

Mr. Goodhue asked if staff is planning to ensure tree survival by enforcing adequate root structure spacing.

Ms. Gomes said yes, landscape plans are reviewed and required with new commercial projects.

Chairman Gubser asked about tree maintenance. Does this Text Amendment touch on topping of trees, tree health and required shade coverage?

Ms. Gomes shared that private property owners are required to keep up landscaping.

Ms. Jennifer Hall shared concerns about existing landscape medians as a lot of trees in the landscape medians have died and have not been replaced. She asked if this Text Amendment addresses this issue.

Ms. Gomes shared that this Text Amendment does not cover landscape medians in the rights-of-way. This Text Amendment only covers private property but is aware of the community concerns in regard to landscape islands and the loss of trees in them.

Ms. Hall asked who will be handling the landscape median concerns

Ms. Gomes shared that the Street Transportation Department will handle median islands.

Chairman Gubser shared that the North 32nd Street improvement meeting is next week and should touch on median island upgrades along that corridor. He encouraged all committee members to attend.

Mr. Alex Popovic shared that he likes that the language is being updated in this Text Amendment. He asked if staff had researched what other neighboring municipalities were doing in regard to tree maintenance.

Ms. Gomes shared that staff had not benchmarked what other cities were doing, but rather codifying our best practices.

Mr. Roy Wise asked if there is ever proactive enforcement or is this just complaint based.

Ms. Gomes shared that all zoning code complaints are complaint based and this is part of the code.

Mr. Eric Cashman arrived at 6:35, bringing quorum up to 17.

Public Comment:

Mr. Ryan Boyd stated that he is a member of the Central City Village Planning Committee. He is speaking in support of this Text Amendment.

Ms. Alisa Lyons spoke in favor of the request. However, she wants to better understand it and asked staff to conduct additional public outreach and comment prior to this going to the Planning Commission. She stated some language needs to be improved before City Council approval.

Ms. Aimee Esposito stated that she has concerns with some of the language. She shared that she feels that Phoenix has been good about community collaboration. She recommended adding tree protection language during construction as many established trees are injured or killed during construction. Further, she stated that trees are infrastructure that gain value with age, unlike other forms of infrastructure. She stated that the city needs to protect these investments by adding additional language.

Applicants Response:

Ms. Tricia Gomes, staff, stated that she is open to having further discussion with stakeholders and receiving additional guidance from the committee tonight.

MOTION:

Vicechair Joe Leshner made a motion to recommend approval of Text Amendment Case No. Z-TA-5-15, per the staff recommendation.

Mr. Roy Wise seconded the motion.

VOTE:

16-0-1 with committee members Balderrama, Cantor, Gerst, Goodhue, Hall, Maggiore, Mazza, Mortensen, Popovic, Severs, Sparks, Stewart, Ulibarri, Ward, Wise, Gubser and Leshner in favor. Committee member Cashman abstained.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 4, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance
VPC Recommendation	Approval, per staff recommendation with modifications
VPC Vote	13-2

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Tricia Gomes, City of Phoenix Zoning Administrator, provided an overview of the request which is intended to tighten regulatory language and codify long standing practices in response to the three phased approach directed by the City Council. Within the framework of strengthening enforcement, the text amendment seeks to achieve three core concepts: trees are infrastructure; trees provide benefit when appropriately planted; and that trees should be kept in place in a healthy and living condition. The proposed amendment includes changes to Chapter 5 and 7 of the Phoenix Zoning Ordinance. In addition to other revisions, the proposed language formally increases the stature of landscape plans to ensure long term compliance by requiring adherence for an owner to receive a certificate of occupancy and strengthens landscape removal standards. She added that staff is reviewing the Tree Protection Zone language provided by Nicole Rodriguez, noted that many of the provisions are reflected in the current ordinance, and that the addition of the language may require the text amendment be delayed, as further stakeholder engagement would need to take place. She concluded by stating that the 2021 City Manager’s Trial Budget includes 2.8M for tree plantings, climate change, and heat readiness with programming through the Parks Department and the Street Transportation Department, among others.

QUESTIONS FROM COMMITTEE

Hayleigh Crawford asked what stakeholders would need to be engaged to add the tree protection zones language to the text amendment. **Gomes** explained that city staff has been working with several stakeholders such as the utility companies, Valley partnership, the Multifamily Housing Association, in addition to several city departments – Water Services, Neighborhood Services, Street Transportation, and the Development Services portion of Planning and Development. Staff works with all of these entities to draft the code, and has attended several meetings with them, in addition to attending council subcommittee meetings. **Crawford** asked why it would be difficult to engage the stakeholders to review the proposed language, as it seems to have been brought up during the feedback gathering process. She stated that if the concern is purely a matter of scheduling, it is not very convincing. **Gomes** stated that the tree protection zone

language was provided to staff one or two weeks ago and explained that a lot of what is being proposed by Nicole Rodriguez is present in the language outlined in the staff report. She stated that staff would like more clarification on the definition of the root zone to have a better understanding of the concept, assess if the code addresses it, and if it needs to be added as a definition. Staff is willing to continue this discussion, but it is not feasible to add at this particular time.

Vice Chair William Fischbach asked what department is charged with enforcement of compliance with landscaping requirements as outlined in approved landscape plans. **Gomes** explained that the mechanism through which all compliance matters are handled throughout the city is the Neighborhood Services Department. When a complaint is submitted, the department sends an inspector to the site to assess if the complaint is valid. If it is, a notice of violation is issued, and the recipient would have a specific timeframe to come into compliance. **Vice Chair Fischbach** asked what happens if a property owner does not come into compliance. **Gomes** explained that then a citation would be issued, and the case would go to court, where a judge would ultimately decide on the outcome. She stated that this does not happen often as the Neighborhood Services Department has close to a 95 percent compliance rate. **Vice Chair Fischbach** asked if the Neighborhood Services Department also handles areas that cannot be landscaped due to utility easements. **Gomes** explained that utility conflicts are typically reviewed during the plan approval process, and sometimes staff will require an applicant to obtain a variance if necessary. **Vice Chair Fishbach** elaborated on his question and asked what happens if a property owner plants something in a public utility easement, knowingly defying the city's restrictions. **Gomes** explained that this would also be handled through the Neighborhood Services Department process if it comes in via a complaint.

PUBLIC COMMENT

Tristahn Schaub, president of the Arcadia Camelback Mountain Neighborhood Association, stated that the best time to plant a tree is ten years ago. One of the reasons that makes Arcadia such a desirable community is because of its established green setting, with trees that were planted in the 1940s and 50s. Other cities such as Sacramento and Stockton have made concerted efforts to increase their tree cover, to great success. He asked why greater efforts in Phoenix aren't being entertained and expressed concern with the text amendment being pushed through without the opportunity for meaningful engagement with the public and inclusion of thoughtful feedback like Nicole Rodriguez's tree protection zone language.

Neal Haddad, representing the Arcadia Osborn Neighborhood Association, expressed his support for the tree protection zone language proposed by Nicole Rodriguez. She is a certified arborist and has been working with the city for years to improve tree infrastructure. Her proposal is an easy way to care for already mature trees like the ones found in Arcadia and in North Central neighborhoods. He expressed concern with staff's assertion that there is not enough time to include the proposed language at this stage, and that it can be added in a future text amendment. He pointed out that staff had a much more aggressive timeline for the recent billboard text amendment, so this argument is inconsistent. He asked that the committee approve the amendment with the additional language proposed by Nicole Rodriguez and asked the committee to ask him

about the city's inventory and salvage process, as his time has run out. **Vice Chair Fischbach** asked him to elaborate on the tree's inventory and salvage process. **Haddad** asked that those in front of a computer search for 4399 6th Avenue, where they will see several trees that have fallen. Going back through historical street views, they will see that just three years ago those trees were healthy, robust, mature trees that had been there for over 50 years, but no one had watered them in a long time. A new project in the form of a PUD came in, and the trees would not have impeded development in any way, as they are on the edge of the property and, in fact, the project's site plan showed that area as green open space. If we had a robust inventory and salvage plan, those trees that have been providing shade for 50 years would still be there, and the proposed tree protection zone language would cover situations like this.

Christopher Alt stated that he is an architect that has been working in Phoenix for over twenty years. He expressed his support for the tree protection zone language but suggested that there be a caveat to prioritize mature trees that are climate-appropriate, as some of the more mature trees in the city are very water-intensive.

Stacey Champion shared that, in 2017, there were eight mature trees at Renaissance Square in downtown Phoenix which were torn down to make way for a new building. Over a 24-hour period in November of 2017, she had started a petition to save the trees and had gathered over 3,000 signatures. During that same month, her and other community leaders spearheaded a citizen-led committee and drafted a 9-page document containing guidelines for tree protections. In January of 2018, this committee met with city staff several times and submitted a petition calling for meaningful action. In April of 2018, the city created a subcommittee to address the matter. In 2019 draft recommendations were created, and staff stated that they would implement them that same year. These are the recommendations being voted on tonight. She asked why there is such a push to get this approved if it has already been talked about for years. She asked that the committee approve the amendment with Nicole Rodriguez's supplemental language regarding tree protection zones.

Chair Jay Swart commended Nicole Rodriguez for the time and effort she put into drafting the tree protection zone supplemental language to the text amendment. He stated that this was one of the best citizen-drafted documents he'd seen and something that she should be very proud of. He agreed that the language should be incorporated into the text amendment.

MOTION

Crawford made a motion to approve the text amendment with the proposed tree protection zone language. **Barry Pacey** seconded the motion.

Vice Chair Fischbach explained that he will be voting against the text amendment due to his lack of confidence in the Neighborhood Services Department's enforcement abilities, which result from poor leadership.

VOTE

13-2; Motion passes with committee members Swart, Abbott, Augusta, Bair, Thraen, Crawford, Eichelkraut, Garcia, Grace, Miller, Paceley, Scher, and Tribken in favor and committee members Fischbach and McKee in opposition.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 4, 2021
Request	Amend several sections of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approval, per staff recommendation
VPC Vote	7-0

VPC DISCUSSION:

2 persons indicated that they wished to speak.

Joshua Bednarek, Deputy Director in the Planning and Development Department, explained that the citywide text amendment addresses longstanding policy goals and initiatives regarding trees and shade. He stated that the text amendment will strengthen existing Zoning Ordinance provisions and codify best practices through three core concepts: trees are infrastructure, trees provide benefits when appropriately planted, and trees should be kept in place in a healthy living condition. He stated that the text amendment will update Chapter 5 of the Zoning Ordinance, specifically regarding site inspection and certificates of occupancy, validity of approved review documents, design guidelines, and plant materials. He added that Chapter 7 of the Zoning Ordinance will also be updated regarding landscape removal standards and required landscape and maintenance plans.

Joshua Bednarek stated that the text amendment is only a portion of how the City intends to address trees and shade. He explained that overall citywide efforts related to trees, shade, and tree protection zones were ideas beyond the scope of the proposed text amendment. He highlighted the 2021-2022 City Manager's Trial Budget to emphasize how the City is holistically addressing trees and shade.

Joshua Bednarek stated that correspondence was received regarding tree protection zones. He stated that after analyzing the proposed tree protection zone language, it was noted that most of the proposed provisions were already addressed by the current Zoning Ordinance and review process. He explained that any additional language could alter the trajectory of the text amendment process. He noted that the text amendment would be heard by the Village Planning Committees in April and May and both Planning Commission and City Council would hear the case in June.

Chair Steven Bowser asked how long the City has been working on the text amendment. **Joshua Bednarek** explained that an iteration of the text amendment has

existed since 2015, but the process did not actively move forward at that time. He stated that the current language was reviewed with the Environmental Quality and Sustainability Commission and other stakeholders for approximately a year.

Rick Powell asked if the text amendment would apply to commercial developments and common areas for residential neighborhoods. **Joshua Bednarek** explained that the text amendment is applicable to required landscaping. He added that commercial properties have required landscaping setbacks and residential properties have required landscaping setbacks and required landscaping in common areas. He stated that the text amendment would not apply to single-family homes.

Rick Powell asked how the text amendment would impact developments' water and landscape budget. **Joshua Bednarek** clarified that the text amendment will not increase landscaping requirements, but instead recommend 50% vegetated shade in open space areas and allow flexibility for alternatives.

Rick Nowell asked how the provision regarding replacement of trees would be enforced. **Joshua Bednarek** explained that both quantity and caliper would be considered when replacing a tree. He provided the example of an 8-inch caliper tree, which could be replaced with two 4-inch caliper trees.

Rick Nowell asked for clarification regarding shading provided by structures. **Joshua Bednarek** explained that structures, such as ramadas or shade sails, could be used to meet shade requirements in open areas.

Nicole Rodriguez, member of the Encanto Village Planning Committee and International Society of Agriculture Certified Arborist, stated that she proposed language to protect mature trees and ensure they remain viable on site. She added that critical root zones need to be protected, particularly during the construction phase. She clarified that when the critical root zone is damaged, trees are more likely to fall.

Ryan Boyd, a member of the Central City Village Planning Committee, stated that he agreed with **Nicole Rodriguez** and believed standard practices for tree protection zones need to be codified.

Jill Hankins asked if the Arizona Native Plant Law was discussed in the text amendment. **Joshua Bednarek** explained that the Ordinance contains existing standards regarding native plants and that the text amendment would not modify that language.

Jason Israel asked if there was any analysis done regarding budget. **Joshua Bednarek** stated that the technical analysis, which would include the budgetary allocation, had not been completed.

MOTION:

Rick Nowell made a motion to approve Z-TA-5-15 per staff recommendation. The motion was seconded by **Rick Powell**.

VOTE:

7-0 with Committee Members Bowser, Barto, Hankins, Israel, Nowell, Powell, and Santoro in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has no comments.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 10, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance
VPC Recommendation	Approval, per staff recommendation with modifications
VPC Vote	11-3

VPC DISCUSSION:

Five requests to speak were submitted for this item.

Mr. Joshua Bednarek, Deputy Director with the Planning and Development Department, introduced himself and this citywide text amendment under case Z-TA-5-15 which addresses landscape maintenance citywide. Mr. Bednarek shared that this effort is City Council driven as part of a three phase approach, addresses longstanding policy goals and initiatives and this text amendment strengthens existing Zoning Ordinance provisions and codifies practices by embracing three core concepts: trees are infrastructure, trees provide benefits where appropriately planted, and trees should be kept in place in a healthy plus living condition. Mr. Bednarek continued that this text amendment updates Chapter 5 of the Zoning Ordinance as it pertains to site inspections tied to a certificate of occupancy, validity of approved review documents, design guidelines and plant materials and Chapter 7 of the Zoning Ordinance is also proposed to be amended by incorporating landscape removal standards, required landscape and maintenance plans. Mr. Bednarek added that staff has been provided with several ideas that go beyond the scope of this text amendment such as a citywide effort related to trees and shade such as tree protection zones. Mr. Bednarek concluded that the 2021-2022 City Manager's Trial Budget shows several proposals to allocate funding in order to address related policy goals citywide and that this citywide text amendment case will be heard by Village Planning Committees in April and May, while the Planning Commission and City Council will hear this case in June.

Ryan Boyd asked isn't the text amendment proposed to codify current practices. **Mr. Bednarek** responded affirmatively and that the amended provisions would be at the site plan review or inspector level, and that after an initial review it is unclear if the proposed tree protection zone language would be administratively approved and where in the process that would take place and would need more staff review. Mr. Boyd

asked how long an analysis would take. Mr. Bednarek responded that outside of stakeholder review it would take a couple of weeks, and that staffing is spread thin, so it is difficult to give a more precise answer.

Eva Olivas asked for confirmation that the Encanto, Camelback East and Alhambra Village Planning Committees recommended to approve with the addition of the tree protection zone language, and for clarification on the timing of this amendment and if the committees can go back and take a look at the proposed additional language to ensure they get it right. **Mr. Bednarek** replied that the Encanto and Camelback East Village Planning Committees did recommend approval with the additional tree protection zone language, and was unsure of the results with Alhambra, and that the Planning Commission takes a break in July so if the case was to be delayed it would be in front of the Planning Commission in August and City Council in September, and that staff is excited to support the text amendment and timeline as proposed.

Public Comment:

Nicole Rodriguez introduced herself, sharing her experience and qualifications in urban forestry and that she serves on the Encanto Village Planning Committee. Ms. Rodriguez shared that the request for additional language for tree protection zones is something that has been requested for the past three years, and that there is no reason not to vote now with the additional tree protection language. Ms. Rodriguez added that while staff states that a concern with the proposed language is that it must be vetted by stakeholders, they are the stakeholders who are requesting this proposed language and that this text amendment is six years old and had stalled until the public invoked a citizen petition.

Stacey Champion reviewed the history of the text amendment and discussed the example of Renaissance Square where trees were removed from a plaza and never replaced. Ms. Champion added that staff is showing a toothless amendment and that Ms. Rodriguez did a great job at putting together additional language for the text amendment.

Alisa Lyons introduced herself as a registered lobbyist on behalf of Valley Partnership which is a long-time advocate for responsible development. Ms. Lyons stated that Valley Partnership does not oppose the text amendment, and agrees with the requirement that a landscape plan should be considered a governing document for site development, in the same way that traditional infrastructure must be maintained, however she would like the opportunity to discuss the proposed additional tree protection zone language with Nicole Rodriguez to get more clarification on the proposal and see if what is being proposed is redundant in the Zoning Ordinance.

Ryan Boyd asked who they could reach out to. Ms. Lyons responded that Valley Partnership would love the opportunity to speak with Nicole Rodriguez.

Jim McPherson shared that he is a resident of Midtown Phoenix and that he documents empty tree wells, some of which are being replenished with the efforts of

Downtown Phoenix Inc. to increase our tree and shade canopy, and that he supports the amendment and the language provided by Ms. Rodriguez.

Andie Abkarian, with the Roosevelt Action Association, shared her support for this text amendment and the additional tree protection zone language, and that while the staff report was released 31 days ago, the community needs more time to get the language as strong as possible.

End of public comment.

Dana Johnson stated that not all trees are created equal, some are invasive and that he has a concern with a blanket statement to preserve all trees, and asked if this amendment will change the exemption of the salvage plan for properties in the Infill Development District. **Mr. Bednarek** replied that the existing language on inventory and salvage plans take into account preserving mature trees and that whether a tree is invasive or not would be a conversation between landscape plan review staff and the applicant, the proposed additional language does not differentiate between invasive and non-invasive trees and that the exemption is a policy that is being updated based on the feedback received from the committee and the proposed text amendment does not impact that policy.

Chair Rachel Frazier Johnson shared that as a long-time tenant of the Renaissance Tower, the trees were beautiful and it is lacking now, and asked if this can be postponed, and there seems to be an issue with waiting and asked if there is a rush on this item. **Mr. Bednarek** replied that the impetus is to get this amendment approved and the committee does have the option to recommend a continuance.

Motion:

Ryan Boyd motioned to approve Z-TA-5-15 per the staff recommendation with the additional tree protection zone language as proposed by Nicole Rodriguez in her letter dated April 27, 2021. **Ash Uss** seconded the motion.

Discussion:

Ryan Boyd stated that the text amendment proposed great language and shared a concern if the committee votes no, the item will be delayed even longer.

Vice Chair Sonoskey shared that he supports the text amendment overall but has a concern with tight urban sites with existing trees, and that hopefully there is an ability for landscape architects to get creative and work with staff to find solutions such as moving existing trees and still allow applicants to move forward in the development process.

Vote

11-3, Motion to approve Z-TA-5-15 per the staff recommendation with the additional tree protection zone language passed, with committee members Boyd, Burns, Gaona,

Gonzalez, Johnson, Lockhart, Olivas, Rainey, Starks, Uss and Sonoskey in favor and committee members Colyer, Panetta and R. Johnson opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary

Z-TA-5-15

Date of VPC Meeting	May 10, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance
VPC Recommendation	Approval, per the staff recommendation with modifications
VPC Vote	9-0

VPC DISCUSSION:

Tricia Gomes, City of Phoenix Zoning Administrator, provided an overview of the request which is intended to tighten regulatory language and codify long standing practices in response to the three phased approach directed by the City Council. Within the framework of strengthening enforcement, the text amendment seeks to achieve three core concepts: trees are infrastructure; trees provide benefit when appropriately planted; and that trees should be kept in place in a healthy and living condition. The proposed amendment includes changes to Chapter 5 and 7 of the Phoenix Zoning Ordinance. In addition to other revisions, the proposed language formally increases the stature of landscape plans to ensure long term compliance by requiring adherence for an owner to receive a certificate of occupancy and strengthens landscape removal standards. She added that staff is reviewing the Tree Protection Zone language provided by Nicole Rodriguez, noted that many of the provisions are reflected in the current ordinance, and that the addition of the language may require the text amendment be delayed, as further stakeholder engagement would need to take place. She concluded by stating that the 2021 City Manager's Trial Budget includes 2.8M for tree plantings, climate change, and heat readiness with programming through the Parks Department and the Street Transportation Department, among others.

COMMITTEE QUESTIONS

Sharifa Rowe asked how many trees this will impact and whether it only applied to private property. **Gomes** replied that this text amendment only addresses private property. It applies to commercial, multifamily, and single-family developments. In subdivisions, it applies to the perimeter landscape setbacks and common open space areas to ensure that the required landscaping is put in. One of the purposes of the text amendment is to ensure that trees are placed where they provide the most benefit and that they are properly maintained after installation, so it's not necessarily the number of trees, but ensuring that they are being placed in appropriate areas. **Rowe** asked if the proposed language has been fully fleshed out. **Gomes** replied that the quantify of trees required to place on a property is already addressed in the code and will not be changed. The proposed changes include increasing the required amount of shade, providing consistency throughout the code to avoid conflicting information, and

addressing how required landscaping is maintained. **Rowe** asked what the main implications of this text amendment are, and why the city is pursuing these changes. **Gomes** explained that providing clarity and consistency in the code as well as adding provisions for proper maintenance will improve enforcement of required landscaping.

Stephanie Hurd expressed her appreciation of the city for acknowledging that there is a problem with how some properties inadequately maintain their landscaping and thanked staff for bringing this text amendment forward.

Gizette Knight asked for clarification on what the proposal means for homeowners and if they will be required to add or remove any trees from their property. **Gomes** explained that the text amendment does not apply to individual residential lots, so landscaping on individual homeowners' lots would not be affected. In a single-family subdivision, this text amendment would only apply to areas that are commonly held such as perimeter landscape setbacks and open space areas.

PUBLIC COMMENT

Nicole Rodriguez introduced herself as a certified arborist through the International Society of Agriculture, and also a certified utility arborist with tree risk assessment qualifications. She is also a member of the Encanto Village Planning Committee and the City of Phoenix Urban Heat Island and Tree Shade Committee. She stated that she prepared a letter with proposed language for all Village Planning Committee members, and that she hopes this committee received it. She pointed out the case number for this text amendment, which shows that it was started in 2015 and is only now coming through the hearing process. In 2018, the Urban Heat Island and Tree Shade Subcommittee invited staff and developers to create recommendations, one of which was for tree protection zones. This would address how construction would handle existing vegetation on the site and would be incorporated into the city's inventory and salvage process. She explained that she has been asking staff to create tree protection zone language for years and ultimately had to create the language herself, which was included in the letter sent to the committee. Her proposal is heavily supported by the community and businesses, with over 50 signatures in support from businesses. The tree protection zone requirements would set forth standards for blocking mature trees from the impacts of construction to avoid damage to the root system, which can eventually kill a tree. Planting new trees is more costly to developers, so preserving existing trees will actually save them money. She asked that the committee vote to include the proposed tree protection zone language. **Rowe** asked if the implication of this text amendment is more important for Laveen considering it does not have as many mature trees as other parts of the city, such as Encanto. **Rodriguez** replied that Laveen, as well as many other parts of the city, is subject to the urban heat island effect, so protecting any mature trees that are already there will benefit the city as a whole by tackling the heat bubble effect in unison. For more recent developments, trees can become mature as quickly as in five years, depending on the species, so protecting those is important to create a mature tree canopy in even newer developments.

Cyd Manning expressed her support for the proposed tree protection language and that it is very good that two committees have voted to include this language, as it really supports the city's tree shade goals. She added that another important factor is the maintenance plan and enforcement of appropriate landscape maintenance, as there have been many instances throughout the city of trees being neglected and ultimately

killed off and removed, with no plans to replace them. She asked that the committee approve the text amendment with the additional tree protection zone language.

Alisa Lyons, with Valley Partnership, disclosed that she is a registered lobbyist. Valley partnership does not oppose this text amendment and agrees that approved landscape plans must be adhered to and enforcement of maintenance should be fortified. She stated that she has been working with staff and other stakeholders on this text amendment for years and encouraged the committee to give the proposal positive consideration, as it is the right thing to do when looking for heat mitigating solutions in Phoenix. She stated that Nicole Rodriguez's language is extremely important in preserving tree shade canopy in the city, but that the challenge with the language is that it was presented directly to the Village Planning Committees and has not gone through the stakeholder groups that have been working on the amendment for the past few years. She explained that there needs to be further vetting of the language and that, although two committees voted to include the additional language, others did not, as they believed that the stakeholders should have the opportunity to vet it. She asked that the committee approve the text amendment as recommended by staff and encouraged staff to then take the additional language and bring it before the stakeholders through the proper outreach process. **Hurd** asked Nicole Rodriguez to respond to Alisa Lyons' comments. **Rodriguez** stated that Valley Partnership was invited to the Urban Heat Subcommittee but did not know if Alisa was part of that. She added that two of the Village Planning Committees did not even have the text amendment language before them when they voted, and that city staff has been very resistant to working with the public, yet they were willing to listen to developers. There has been no opposition from developers, and the utility companies' main concern is power outages from planting vegetation under power lines, but they have no opinion on tree protection zones since that is of concern to them. She explained that she is a volunteer and is not paid for her efforts in this, and that it took the public mobilizing to get traction on overall tree and shade goals, as staff was not moving it forward. She expressed her concern with the city's resistance to working with the community and incorporating the public's feedback into the text amendment. If involving the public in the process delays the text amendment by a few months, then that is a small price to pay to get it right. **Knight** asked if the text amendment pertains to development, and if it is for commercial or residential development. **Rodriguez** explained that the city's process when a new development comes in is to salvage existing trees on the site and store them until the construction is done, then plant them back on site. Some trees cannot be moved so they are removed and then replaced with other trees. The additional language would protect those trees that cannot be moved due to size. She stated that it applied to commercial, multifamily and single-family only where the land is in common ownership.

Vice Chair Linda Abegg asked staff if the city is opposed to the additional language. **Chair Glass** directed Gomes to respond at the end of public comment.

Rowe asked the same of Alisa Lyons. **Lyons** commended Nicole Rodriguez for her thorough proposal but explained that the language had not been vetted for clarity and enforceability, and also that the current code already addresses a lot of it. She reiterated that any new language should go through the full stakeholder engagement process to make sure it gets implemented correctly. She added that these are regulations, and that the people and entities that are going to be regulated by this new language should have the opportunity to review it before it is codified.

Andie Abkarian, resident of a historic downtown Phoenix neighborhood and Vice Chair of the Downtown Voices Coalition, stated that she has been involved in providing input on policy and zoning for a long time. Her neighborhood has some of the oldest trees in the city, and homes that are over a century old. There are also several multifamily units in midrise and high-rises that are planned or under construction, and she has been first-hand the effect that construction can have on existing trees. Although Laveen doesn't have trees as mature as central Phoenix, she reminded the committee members that this is a city-wide text amendment, which is important for committees to understand. She expressed her disappointment in seeing that some of the more stringent maintenance standards have been removed from the 2019 version of the language, and why, if tree protection is already addressed in the language, staff can't work on further refining it to address it fully. She asked that the committee approve the text amendment, as it is very important, but contingent on the additional tree protection zone language.

Neal Haddad, representing the Neighborhood Coalition of Greater Phoenix, stated that they work with neighborhoods across the city, including some in Laveen. He expressed his support for the tree protection zone language, as it is an easy way to embrace the city's Tree and Shade Master Plan. He stated that staff is pushing to get this text amendment passed as is, and that the tree protection zone language can be added as a text amendment later on. He questioned why they should accept that, and how many more mature trees have to be torn down before they are protected. A brief delay in the approval process to vet the additional language could help improve all 519 square miles of the city. If they do not want to delay, he urged the committee to vote on incorporating the proposed tree protection zone language.

Phil Hertel agreed with the previous speaker's comments and asked that the language be as enforceable as possible so developments like the one of 43rd Avenue and Euclid can't clear all trees from a property. He also stressed the importance of ensuring that enforcement includes substantial burdens and penalties for noncompliance so that developers are encouraged to properly maintain their landscaping from the time of installation instead of just paying a fee and replacing the tree.

Dan Penton stated that he is a resident of the Artesa community, just south of 43rd Avenue and Baseline, and that they recently experienced a loss of several mature trees that were planted in 2007 due solely to future cost savings on pruning and hedge trimming. He presented photos of the robust trees that were present in the community, and compared it to photos after the tree removal, which removed the perimeter buffering for residences and left a barren streetscape. He expressed his support for the tree protection zones and also agreed with Phil Hertel's comment that the code needs to have teeth so that this type of scenario doesn't happen again. As one of the hottest cities in the country, it is unconscionable that the city is not doing more to enforce shade.

Gomes clarified that the text amendment only addresses commercial, multifamily, and the portions of single-family subdivisions that are commonly held such as the perimeter landscape setbacks and open space areas, and not within individual residential lots. She also explained that all Village Planning Committees receive their meeting packets two weeks prior to their meetings, and that the proposed text amendment language and staff report were included in all packets. Thus, all committees had the language before them with plenty of time to review it. She then listed the stakeholders that have been involved in this text amendment, which include Valley Partnership, the Home Builders

Association, the Multifamily Housing Association, the Environmental Quality and Sustainability Commission, the Urban Heat Island Subcommittee, as well as several city departments including Neighborhood Services, Street Transportation, Water Services, and Planning and Development. She stated that the city does not oppose the proposed tree protection zone language, but that it does need to be evaluated before adoption to ensure that it is consistent with what's already in the code and that certain terminology, such as the term "tree protection zone", are specifically defined in the code as well. Further, a lot of the proposed language is already included in the code, which is outlined on page 16 of the staff report, under the inventory and salvage plan process. Ultimately, to have an effective code, staff must ensure that there are no inconsistencies or conflicts in the regulatory language, and staff does not have that comfort level with the tree protection zone language at this time. She further explained that this text amendment would apply to all development, not just future developments. If a property has an approved landscape plan, they are required to adhere to that in perpetuity. For properties without an approved plan, there are other ways for staff to review adequate landscaping requirements, such as researching historical aerials of the site to determine what was planted at the initial development stage. Regarding Dan Penton's comment, there is a good chance that the subdivision removed those trees without the city's permission, so that is a case where the Neighborhood Services Department would come out to investigate and enforce compliance.

Chair Glass expressed her concern with enforcement, stating that if a fine is \$100 and replacing trees on a site is \$2,000, a property owner would likely only pay the fine. She asked what the follow through process of the enforcement is. **Gomes** explained that the mechanism through which all compliance matters are handled throughout the city is the Neighborhood Services Department. When a complaint is submitted, the department sends an inspector to the site to assess if the complaint is valid. If it is, a notice of violation is issued, and the recipient would have a specific timeframe to come into compliance. If a property owner does not come into compliance, then a citation would be issued, and the case would go to court, where a judge would ultimately decide on the outcome. However, Neighborhood Services has a very high compliance rate, so it rarely escalates to that level.

Hurd asked that Nicole Rodriguez be given the floor to address some of the comments made by staff and by the public. **Rodriguez** stated that there was a text amendment regarding billboards that the city tried to push through earlier in the year, and the language was provided to the committees only a day or two in advance of their meetings. This text amendment was pushed by large companies like Clear Channel, and it seems disingenuous for the city to claim that they need more time to vet the tree protection language, since that past text amendment was on a fast-tracked timeline simply because it was backed by lobbyists and corporations with a lot of money. She emphasized that the community is also a stakeholder and their voice should be heard in the process. Additionally, no developers have come out in opposition to this amendment, as their processes already include some form of fencing around existing trees. She urged the committee and the public to push this forward and keep the city accountable to achieve the goal of mitigating and reducing the urban heat island effect.

MOTION

Hurd made a motion to approve the text amendment per the staff recommendation, with the additional tree protection zone language proposed by Nicole Rodriguez. **Cinthia Estela** seconded the motion.

VOTE

9-0; Motion passes with committee members Glass, Abegg, Branscomb, Estela, Hurd, Knight, Ortega, Rouse, and Rowe in favor.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 11, 2021
Request	Amend several sections of the Phoenix Zoning Ordinance to address landscape maintenance
VPC Recommendation	Approval, per staff recommendation with the additional language regarding tree protection zones from Nicole Rodriguez's letter dated April 27, 2021
VPC Vote	3-1

VPC DISCUSSION:

3 persons indicated that they wished to speak.

Tricia Gomes, Zoning Administrator in the Planning and Development Department, explained that the citywide text amendment addresses longstanding policy goals and initiatives regarding trees and shade. She stated that the text amendment will strengthen existing Zoning Ordinance provisions and codify best practices through three core concepts: trees are infrastructure, trees provide benefits when appropriately planted, and trees should be kept in place in a healthy living condition. She stated that the text amendment will update Chapter 5 of the Zoning Ordinance, specifically regarding site inspection and certificates of occupancy, validity of approved review documents, design guidelines, and plant materials. She noted that the amendments will ensure trees are placed in appropriate places and given enough space to be successful. She added that Chapter 7 of the Zoning Ordinance will also be updated regarding landscape removal standards and required landscape and maintenance plans.

Tricia Gomes stated that the text amendment is only a portion of how the City intends to address trees and shade. She highlighted the 2021-2022 City Manager's Trial Budget to emphasize how the City is holistically addressing trees and shade.

Tricia Gomes stated that correspondence was received regarding tree protection zones. She stated that after analyzing the proposed tree protection zone language, it was noted that most of the proposed provisions were already addressed by the current Zoning Ordinance and review process. She noted that the text amendment would be heard by the Village Planning Committees in April and May and both Planning Commission and City Council would hear the case in June.

Vice Chair Steven Scharboneau asked if there were exceptions to the permit requirement for tree removal. **Tricia Gomes** stated that are exceptions, which are outlined in Section E.1.b of the staff report for Z-TA-5-15.

Loyd Nygaard asked if the text amendment applied exclusively to private property. **Tricia Gomes** confirmed that the text amendment and Zoning Ordinance addresses regulations on private property.

Ozzie Virgil asked if the text amendment would apply to both commercial and private properties. **Tricia Gomes** explained that the text amendment is applicable to required landscape setbacks for commercial properties and landscape setbacks and common areas for residential properties. She added that this would not apply to single-family homes on individual lots. **Ozzie Virgil** expressed concerns regarding overregulation of developers.

Ozzie Virgil asked how large mature trees would be replaced. **Tricia Gomes** explained that the developer would work with staff to replace the tree in like, kind, and size. She provided the example of a 12-inch caliper tree, which could be replaced with three 4-inch caliper trees.

Chair Massimo Sommacampagna asked how larger trees would be added to a denser development type. **Tricia Gomes** explained that the site will go through an inventory process to document existing 4-inch or greater caliper trees and 3 feet or taller cacti. She explained that the health of the plant materials will be documented as well to determine whether it can be salvaged, remain in place, or has to be destroyed. This information could be used to then determine the layout of the development.

Nicole Rodriguez, member of the Encanto Village Planning Committee and International Society of Agriculture Certified Arborist, stated that she proposed language to protect mature trees and ensure they remain viable on site. She added that critical root zones need to be protected, particularly during the construction phase. She clarified that when the critical root zone is damaged, trees are more likely to fall. She added that there are specific tree species for denser developments that can shade sidewalks without interfering with buildings.

Stacey Champion, a member of the public, discussed the lack of tree protections in Renaissance Plaza and how this resulted in the loss of large Ficus trees in the plaza. She stated that there were citizen led committees who studied best practices and brought guidelines to the City regarding tree protections. She added that we should work to protect trees by incorporating the proposed language regarding tree protection zones.

Neal Haddad, representing the Neighborhood Coalition of Greater Phoenix, stated that the easiest way to care for existing mature trees is to approve the text amendment with the proposed tree protection zone language.

Tricia Gomes stated that the City is working to integrate the proposed tree protection zone language into the text amendment in a clear and defined way.

Ozzie Virgil expressed concerns with approving the text amendment with the tree protection zone language without knowing how the finalized language would read. He asked if the language could be modified after the Village Planning Committee (VPC) recommendation. **Tricia Gomes** stated that subsequent modifications could be possible, but they would not vary much from the proposed language of the staff report or **Nicole Rodriguez's** letter regarding tree protection zones.

Nicole Rodriguez stated that the proposed language does not incorporate fines or penalties. She added that language to protect trees is used in numerous cities throughout the country and that it will allow developers to be good stewards on site.

Loyd Nygaard asked if there was any opposition to the proposed tree protection zone language. **Tricia Gomes** stated that staff is not opposed to the proposed language, but feels the points discussed are already addressed in the Ordinance. She added that staff is still trying to get a further understanding of the proposed language and how that would be incorporated.

Chair Massimo Sommacampagna asked about the difference between a certified arborist and registered landscape architect. **Tricia Gomes** clarified that the proposed tree protection zone language uses the term "arborist", while the Ordinance uses the term "landscape architect". She explained that, essentially, both are asking for an individual with the expertise to evaluate the health of trees and plants on site. She added that the specific term used in the amendment is still to be discussed by staff. **Nicole Rodriguez** stated that it is also possible to be both a certified arborist and landscape architect. She added that it is simply important for that person to have the appropriate expertise.

Chair Massimo Sommacampagna asked if developers will be required to have an inventory salvage and tree protection plan as part of the development process. **Tricia Gomes** stated that developers would conduct inventory and salvage prior to development and trees that remain in place will be protected from possible negative impacts during the active development phase.

MOTION:

Vice Chair Steven Scharboneau made a motion to approve Z-TA-5-15 per staff recommendation with the additional language regarding tree protection zones from **Nicole Rodriguez's** letter dated April 27, 2021. The motion was seconded by **Chair Massimo Sommacampagna**.

VOTE:

2-2 with Committee members Sommacampagna and Scharboneau in favor and Committee members Nygaard and Virgil in opposition. This motion failed.

Vice Chair Steven Scharboneau stated that it was not uncommon for policy items to need additional minor revisions. **Loyd Nygaard** stated that any ambiguities in the text amendment should be clarified and set in stone prior to the VPC recommendation. **Ozzie Virgil** stated that the final language could be too burdensome regarding regulations and agreed that the ambiguities should be clarified prior to a recommendation.

Nicole Rodriguez stated that trees are critical infrastructure that can increase property values. She added that inventory and salvage is not a new process and provides assistance and parameters during the development phase. She stated that the tree protection zone language would also provide additional guidance and expertise regarding how to best protect trees on site.

MOTION:

Ozzie Virgil made a motion to approve Z-TA-5-15 per staff recommendation. The motion was seconded by **Chair Massimo Sommacampagna**.

VOTE:

2-2 with Committee members Sommacampagna and Virgil in favor and Committee members Scharboneau and Nygaard in opposition. This motion failed.

MOTION:

Vice Chair Steven Scharboneau made a motion to approve Z-TA-5-15 per staff recommendation with the additional language regarding tree protection zones from Nicole Rodriguez's letter dated April 27, 2021. He requested that staff and the Planning Commission focus on clarifying the ambiguities in the language regarding tree protection zones. The motion was seconded by **Loyd Nygaard**.

VOTE:

3-1 with Committee members Sommacampagna, Nygaard, and Scharboneau in favor and Committee member Virgil in opposition.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 11, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approval, per staff recommendation with modifications
VPC Vote	12-0 Motion passes; with members Aldama, Alvarez, Brownell, Busching, Coleman, Holmerud, Marchuk, Ray, Shepard, M. Smith, Viera and Daniels in favor; None in dissent.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

5 requests to speak from members of the public were received regarding this case. 4 members in support with modifications and 1 member of the public is neutral.

Mr. Joshua Bednarek, Deputy Director with the Planning and Development Department, introduced himself and this citywide text amendment under case Z-TA-5-15 which addresses landscape maintenance citywide. This effort is City Council driven as part of a three phase approach and addresses longstanding policy goals and initiatives. This text amendment strengthens existing Zoning Ordinance provisions and codifies practices by embracing three core concepts: trees are infrastructure, trees provide benefits where appropriately planted, and trees should be kept in place in a healthy plus living condition. This text amendment updates Chapter 5 of the Zoning Ordinance as it pertains to site inspections tied to a certificate of occupancy, validity of approved review documents, design guidelines and plant materials. Chapter 7 of the Zoning Ordinance is also proposed to be amended by incorporating landscape removal standards, required landscape and maintenance plans. Staff has been provided with several ideas that go beyond the scope of this text amendment such as a citywide effort related to trees and shade such as tree protection zones. The 2021-2022 City Manager’s Trial Budget shows several proposals to allocate funding in order to address related policy goals citywide. This citywide text amendment case will be heard by Village Planning Committees in April and May, while the Planning Commission and City Council will hear this case in June.

Gregory Brownell asked several questions:

- Where are the 1,800 trees part of the trial budget going to be planted?
- Will these trees be planted in private or public property?
- Can someone ask for these trees to be planted in their property?

Mr. Bednarek responded that these trees are part of the trial budget, and this text amendment may affect these trees depending on where these are located in the city. He is not familiar with the details of where these trees are going to be located.

Marcia Busching is generally supportive of this text amendment and sent some questions to staff including:

- How can we prevent large sections of rip-rap in order to mitigate the urban heat island effect?
- How will this help to address the premeditated destruction of trees?
- Will there be provisions for tree salvage requirements?
- How long will the tree maintenance be required for and will there be enforcement?

Jackie Keller, Landscape Architect with the Planning and Development Department, introduced herself and responded that rip-rap has historically been used for erosion control and can include trees or other vegetation along rip-rap areas. City enforcement is primarily complaint-driven, and discussed the verbiage proposed to replace dead or damaged trees with like-kind and size, referencing several examples of this. She discussed the notice of intent requirements with the state agriculture department. A maintenance schedule is required and she discussed these requirements.

Mr. Brownell asked what would happen if an invasive plant specie is removed. Does this text amendment make a distinction between native and invasive species?

Ms. Keller responded that this text amendment addresses the required landscaping material and the location of these. Staff encourages and asks that invasive plants are replaced with better native species.

Trent Marchuk asked for further clarification on how trees are “infrastructure”.

Mr. Bednarek responded that if this text amendment is approved, trees will be part of the inspection checklist just like “brick and mortar” infrastructure on the site.

Mr. Marchuk discussed an example with an HOA requirement pertaining to landscaping.

Mr. Bednarek responded that this text amendment does not apply to individual single-family lots.

Chairwoman Daniels opened the public comment portion of the meeting.

Nicole Rodriguez introduced herself and discussed modifications to this text amendment language that she proposes. She discussed the need for tree protection zones within the development plans for projects. She referred to the benefits of trees and how these will help ensure the success of a project.

Neal Haddad introduced himself and stated that he supports the text amendment with the amended language proposed by Ms. Rodriguez, as this ensures that mature trees are kept

in place. He referred to Ms. Rodriguez' work and asked for this text amendment to be approved per the staff recommendation with the language proposed by Ms. Rodriguez.

Chairwoman Daniels asked Mr. Haddad to expand on his reference to a property near 6th Avenue and Broadway Road.

Mr. Haddad discussed an example of a property at 6th Avenue and Broadway Road where old trees are being removed. He discussed the tree protection zone concept.

Ryan Boyd introduced himself and stated that he supports this text amendment case with modifications proposed by Ms. Rodriguez. Many years of work have gone into these elements and feels that tree protection zones are important and missing from this text amendment case. People should honor their commitment to landscaping their property.

Stacey Champion discussed the example of Renaissance Square where trees were removed from a plaza and never replaced. A petition was started, and she discussed the timeline for this text amendment to protect trees. She encourages the text amendment approval with the modifications proposed by Ms. Rodriguez.

Tabitha Myers registered to speak but was not connected during the meeting.

Chairwoman Daniels closed the public comment portion of the meeting and asked if there was further discussion or a motion.

Mr. Bednarek summarized some of the possible motions that the committee could make.

MOTION – Z-TA-5-15

Ms. Busching made a motion to approve case Z-TA-5-15 per the staff recommendation and in substantial conformance with the additional language proposed by Nicole Rodriguez in her letter dated April 27, 2021. **Ms. Shepard** seconded the motion.

VOTE:

12-0 Motion passes; None in dissent.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.

Village Planning Committee Meeting Summary

Z-TA-5-15

Date of VPC Meeting May 13, 2021

Request Amend the Phoenix Zoning Ordinance to address landscape maintenance

VPC DISCUSSION:

Ms. Tricia Gomes, staff, went over the reasoning behind the Text Amendment updates, which is City Council Driven and includes a three phased approach. The Text Amendment addresses longstanding policy goals and initiatives. She explained that the Text Amendment strengthens existing zoning ordinance provisions and codifies best practices by embracing three core concepts, which include the following:

- Trees are infrastructure
- Trees provide benefits when appropriately planted
- Trees should be kept in place in a healthy and living condition

She also covered the 2021-2022 City Manager's Trail Budget, which includes climate change and heat readiness of \$2.8 million dollars. Tree protection zones were also discussed as well as the hearing schedule.

Chairman Joseph Grossman asked how long the \$2.8 million is supposed to last.

Ms. Gomes shared that she was unsure but could find out and get back with the DV VPC about this. Chairman Grossman asked if the money allocated was a one time thing or if this is funded each budget cycle.

Ms. Gomes stated that she would have to get back with the DV VPC about this exact inquiry.

Public Comment:

Mr. Ryan Boyd, residing at 1069 W. Taylor St, spoke in support of the Text Amendment with the caveat that Ms. Nicole Rodriguez's proposed language is included to protect established trees during construction of sites. He shared that this Text Amendment took nearly 6 years to come to fruition and if it was being considered now, the additional text should be included.

Ms. Nicole Rodriguez stated that it is very important to include language that protects established trees as they are a form of infrastructure that gains value over time, unlike other forms of infrastructure that needs to be upgraded over time. She asked the DV VPC to get this to the finish line with the additional language.

Mr. Neal Haddad spoke in support of the Text Amendment. He stated that this would be an easy way to protect existing mature trees with Ms. Rodriguez's proposed language added.

Ms. Stacey Champion provided a historical perspective of the Text Amendment.

Ms. Aimee Esposito spoke in support of the Text Amendment with the added language proposed by Ms. Rodriguez. She stated that trees are assets and infrastructure.

Ms. Linda Williamson spoke in support of the Text Amendment. She stated that we are at a critical turning point with the environment and stressed the importance of protecting trees.

VPC Discussion:

Chairman Joseph Grossman asked staff if they are going to require plant salvage plans and how much that will cost developers both monetarily and time.

Ms. Tricia Gomes, staff, shared that the city already has tree salvage and inventory requirement, which will not change with the passage of this Text Amendment. Further, she explained that staff still needs to define what root lines mean and other verbiage proposed by Ms. Rodriguez prior to considering including the additional language.

Chairman Grossman asked if residential private property owners will be able to cut down trees on their own properties or if owner will need to pull some kind of tree removal permit if the Text Amendment were to pass.

Ms. Gomes shared that this Text Amendment does not include private residential properties, only commercially zoned properties that are mandated through the zoning ordinance.

Chairman Grossman asked, if a business owner has a tree destroyed on their commercial property, would they need to replace it.

Ms. Gomes shared that they would be required to replace the tree as this is a code requirement.

Mr. Ozzie Virgil asked if a tree is removed in the course of construction, would that tree need to be replaced?

Ms. Gomes shared that on commercial development sites, a landscape architect or arborist conduct a tree inventory, determines what is salvable and boxes whatever is salvable to be replanted on site during the course of construction.

Ms. Nicole Rodriguez explained the plant salvage process to the committee.

Chairman Grossman asked staff if the development community was involved in the Text Amendment process. Ms. Gomes shared that the development community was involved in the process and was able to provide feedback throughout the course of the process. She also shared that many internal departments were also included in the process to include Water Services and Streets.

Chairman Grossman asked why this is before the committee tonight if there are working amendments to the language.

Ms. Gomes shared that the language being voted on tonight is the language outlined in the staff report. Future Text Amendments would address any updates or amendments.

Mr. Virgil shared that he has concerns about the proposed language.

Mr. Keith Greenberg looked up the cost of trees during the discussion and found that \$2.8 million seems reasonable on an annual basis.

MOTION: Mr. Mark Davenport motioned to recommend approval per staff's recommendation for Text Amendment Case No. Z-TA-5-15. Committee member **Mr. Bill Levy** seconded the motion.

VOTE: 8-3, motion to recommend approval passed, with Committee Members, Davenport, Fergis, Gardner, Greenburg, Kenney, Levy, Lewis, and, Romero in favor. Committee members Virgil, DiLeo and Grossman not in favor.

Public Comment:

6 speaker cards were submitted in favor, wishing to speak.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 13, 2021
Request	Amend several sections of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approval, per staff recommendation
VPC Vote	6-0

VPC DISCUSSION:

3 persons indicated that they wished to speak.

Committee Member Julie Read arrived to the meeting during this item, bringing the quorum to six members.

Joshua Bednarek, Deputy Director in the Planning and Development Department, explained that the citywide text amendment addresses longstanding policy goals and initiatives regarding trees and shade. He stated that the text amendment will strengthen existing Zoning Ordinance provisions and codify best practices through three core concepts: trees are infrastructure, trees provide benefits when appropriately planted, and trees should be kept in place in a healthy living condition. He stated that the text amendment will update Chapter 5 of the Zoning Ordinance, specifically regarding site inspection and certificates of occupancy, validity of approved review documents, design guidelines, and plant materials. He added that Chapter 7 of the Zoning Ordinance will also be updated regarding landscape removal standards and required landscape and maintenance plans.

Joshua Bednarek stated that the text amendment is only a portion of how the City intends to address trees and shade. He explained that overall citywide efforts related to trees, shade, and tree protection zones were ideas beyond the scope of the proposed text amendment. He highlighted the 2021-2022 City Manager's Trial Budget to emphasize how the City is holistically addressing trees and shade.

Joshua Bednarek stated that correspondence was received regarding tree protection zones. He stated that after analyzing the proposed tree protection zone language, it was noted that most of the proposed provisions were already addressed by the current Zoning Ordinance and review process. He explained that any additional language could

alter the trajectory of the text amendment process. He noted that the text amendment would be heard by the Village Planning Committees in April and May and both Planning Commission and City Council would hear the case in June.

Chair Jason Stokes asked if it was important for the text amendment to have adoption in June. **Joshua Bednarek** stated that they were trying to get the item to City Council prior to summer break.

Nicole Rodriguez, member of the Encanto Village Planning Committee and International Society of Agriculture Certified Arborist, stated that she proposed language to protect mature trees and ensure they remain viable on site. She added that critical root zones, which contain 80% of the tree's roots, need to be protected, particularly during the construction phase. She clarified that when the critical root zone is damaged, trees are more likely to fall. She added that keeping trees alive will require little water and increase property values.

Stacey Champion, a member of the public, discussed the lack of tree protections in Renaissance Plaza and how this resulted in the loss of large Ficus trees in the plaza. She stated that citizen led committees studied best practices and brought guidelines to the City regarding tree protections. She added that we should work to protect trees by incorporating the proposed language regarding tree protection zones.

Tabitha Myers, Vice Chair of the City's Urban Heat Island/Tree and Shade Subcommittee, stated that mature trees are valuable assets that should be kept alive for future generations. She stated that she agreed with **Nicole Rodriguez** and thought the additional tree protection zone language will protect trees during construction and minimize accidents.

Joshua Bednarek stated that staff have been coordinating with the Environmental Quality and Sustainability Commission for the past year. He added that the text amendment language was provided to different stakeholders for comment.

Committee member Steve Tucker asked if the proposed tree protection zone language would apply to any existing mature tree. **Nicole Rodriguez** stated that the language would apply to commercial and multifamily properties. She added that developers are already required to complete inventory and salvage processes. She clarified that the tree protection zone language will apply to trees that have been selected to be salvaged.

Committee member Daniel Tome asked if the fencing used to protect the trees would be temporary. **Nicole Rodriguez** stated that the fencing would be a temporary measure.

Committee member Daniel Tome asked if the City had fully analyzed the proposed tree protection zone language. **Joshua Bednarek** stated that staff is in the process of analyzing the language and there are still other questions that need to be answered.

Committee member Julie Read asked if staff will be able to vet the proposed language prior to City Council. **Joshua Bednarek** stated that they would have about ten working days to complete the administrative side of the text amendment. He stated that if the administrative portion is not complete, the text amendment cannot be taken to Planning

Commission or City Council.

MOTION:

Committee member Daniel Tome made a motion to approve Z-TA-5-15 per staff recommendation. He strongly encouraged the City to consider and include the proposed tree protection zone language. The motion was seconded by **Committee member Julie Read**.

VOTE:

6-0 with Committee members Stokes, Simon, Read, Ricart, Tome, and Tucker in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	April 26, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Continued to May 24, 2021
VPC Vote	11-0

VPC DISCUSSION:

No requests to speak from the public were received on this item.

Chairman Spencer Elliott joined the meeting at 6:40pm, bringing the total to 12 members present.

Ms. Tricia Gomes, Zoning Administrator in the Planning and Development Department, introduced herself and this citywide text amendment under case Z-TA-5-15 which addresses landscape maintenance citywide. This effort is City Council driven as part of a three phase approach and addresses longstanding policy goals and initiatives. This text amendment strengthens existing Zoning Ordinance provisions and codifies practices by embracing three core concepts: trees are infrastructure, trees provide benefits where appropriately planted, and trees should be kept in place in a healthy plus living condition. This text amendment updates Chapter 5 of the Zoning Ordinance as it pertains to site inspections tied to a certificate of occupancy, validity of approved review documents, design guidelines and plant materials. Chapter 7 of the Zoning Ordinance is also proposed to be amended by incorporating landscape removal standards, required landscape and maintenance plans. Staff has been provided with several ideas that go beyond the scope of this text amendment such as a citywide effort related to trees and shade such as tree protection zones. The 2021-2022 City Manager's Trial Budget shows several proposals to allocate funding in order to address related policy goals citywide. This citywide text amendment case will be heard by Village Planning Committees in April and May, while the Planning Commission and City Council will hear this case in June.

Committee member Martha Neese left the meeting at 6:50pm, bring the total to 11 members present, allowing for a quorum.

Vice Chair Gasparro asked how the city will address trees that fall over during storm events.

Ms. Gomes responded that property owners will replace the trees that fall within a reasonable timeframe or the Neighborhood Services Department will begin enforcement proceedings.

Mr. Benezra asked for clarification on tree protection zones and expressed concerns about criminalizing potential actions to manage trees.

Ms. Gomes responded that this concept is something that has been heard by the city from the community but is not being proposed as part of this text amendment case.

Chairman Elliott asked for clarification on the text amendment applicability. He asked if these standards are applicable to public property in addition to private property.

Ms. Gomes clarified the proposal and stated that HOA landscaping maintenance responsibilities would be an example of privately maintained areas, while landscaping in parks and some of the street right-of-way is city-maintained.

Mr. Darrin Fisher stated that he has several concerns with this proposal given the language that is proposed at this time. Additional stakeholder engagement would have helped, given this background in overseeing management companies. Some of the concerns include:

- Requesting permits from the city in order to remove trees could be burdensome;
- Pruning tree canopies to 6 feet in height;
- The enforcement of HOA's on individual lot owners;

Ms. Gomes clarified the proposed text amendment and added that this text amendment does not apply to individual lot owners.

Vice Chair Gasparro stated that he would recommend that the city engage with property management companies on future text amendments.

Chairman Elliott asked if the proposed text amendment would apply to common areas owned by HOA's, which are indirectly owned by the residents of the community.

Ms. Gomes responded that this text amendment would apply to common areas owned by HOA's.

Mr. Fisher stated that cities generally love tree-lined streets, which can cause damage in some respects. At times, these trees are within the deeded lots and could affect individual lot owners.

Ms. Gomes stated that the city supports shade and this requirement is to address mainly perimeter common areas.

Chairman Elliott stated that there seems to be some concern about the practical application of this text amendment case. The committee should consider the future implications of this case.

Mr. Benezra stated that future implications and the target of this text amendment case should be considered. Several examples of current laws with unintended consequences were referenced.

Ms. Gomes clarified the intent of the text amendment case.

Vice Chair Gasparro has encountered similar language in other cities and is fairly standard. This text amendment codifies current practices, and asked if this text amendment case could be continued to the May 24, 2021 meeting.

Ms. Gomes responded that this case can be continued to May by this committee.

Mr. Fisher stated that he appreciates the intent presented by staff, but would also appreciate further clarification on the language itself.

Mike Schiller agrees with Mr. Fisher and his initial thought is that this text amendment results in a taking as it pertains to public space maintenance. He encourages Ms. Gomes to contact Mr. Fisher to discuss this proposal further.

Vice Chair Gasparro asked for further discussion or a motion on this item, given no questions from the committee or comments from the public.

MOTION

Mr. Mike Schiller made a motion to continue case Z-TA-5-15 to the May 24, 2021 meeting date. **Mr. Jerry Youhanaie** seconded the motion.

VOTE:

11-0 motion passed, with Committee Members Benezra, Crouch, Fisher, Hernandez de Pena, Holt, Maloney, Pritchette, Schiller, Youhanaie, Gasparro and Elliott in favor. None in dissent;

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 24, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approval, per the staff recommendation with the additional language proposed by Nicole Rodriguez in her letter dated April 27, 2021
VPC Vote	11-0

VPC DISCUSSION:

Five requests to speak in support from the public were received on this item.

Chairman Schiller asked whether Ms. Gomes had met with committee members Benezra and Fisher since the last meeting in April 26, 2021 when this case was continued.

Ms. Tricia Gomes, Zoning Administrator in the Planning and Development Department, introduced herself and responded that unfortunately she was not able to meet with the two committee members due to scheduling conflicts.

Scott Crouch stated that he was not please with the lack of dialogue between staff and the two committee members.

Ms. Gomes responded that the process in place is not proposed to be changed, but rather reinforcing existing practices.

Mr. Alexander Benezra has concerns regarding the criminalization due to a Zoning Ordinance violation, which could be classified as a Class 1 misdemeanor. He has experience as a public defender and asked for confirmation about the enforcement process.

Ms. Gomes discussed the zoning enforcement process handled by the Neighborhood Services Department (NSD).

Chairman Schiller opened the public comment portion of the meeting.

Dan Penton introduced himself and stated that he supports the proposed text amendment with the tree protection language suggested by Ms. Nicole Rodriguez as it addresses tree protection zones and provided examples of other benefits.

Stacey Champion showed a two-slide presentation depicting trees in a construction site near midtown Phoenix. Eight Village Planning Committee's have approved the text amendment with the added language proposed by Ms. Rodriguez. She discussed a petition that was conducted years ago with the intent of saving trees in Renaissance Square. Most cities have similar language to protect trees and this will help to maintain mature trees into the future.

Andie Abkarian supports the text amendment with the added language proposed by Ms. Rodriguez, who has worked with staff for a month now on this language.

Neal Haddad supports the text amendment with the added language proposed by Ms. Rodriguez to protect the critical root zone. Properties are more valuable when they have more trees. Ms. Rodriguez is an arborist and has drafted the tree protection language.

Nicole Rodriguez introduced herself as an arborist and discussed the additional text amendment language proposed. She discussed the benefits of the additional language to protect trees and asked for support of the text amendment with the additional language.

Chairman Schiller asked for further discussion or a motion.

MOTION

Mr. Max Masel made a motion to approve case Z-TA-5-15 per the staff recommendation with the additional language proposed by Ms. Nicole Rodriguez in her letter dated April 27, 2021. **Mr. Scott Crouch** seconded the motion.

VOTE:

11-0 motion passed, with Committee Members Benezra, Crouch, Holt, Maloney, Masel, Meir, Neese, Schiller, Sharer, Symes, and Youhanaie in favor. None in dissent;

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	April 27, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Continuance to the May 25, 2021 meeting
VPC Vote	15-0

VPC DISCUSSION:

Four speaker cards were received, conditionally in support of the request, and all wishing to speak.

STAFF PRESENTATION

Tricia Gomes, staff, provided an overview of the request which is intended to tighten regulatory language and codify long standing practices in response to the three phased approach directed by the City Council. Within the framework of strengthening enforcement, the text amendment seeks to achieve three core concepts: trees are infrastructure; trees provide benefit when appropriately planted; and that trees should be kept in place in a healthy and living condition. The proposed amendment includes changes to Chapter 5 and 7 of the Phoenix Zoning Ordinance. In addition to other revisions, the proposed language formally increases the stature of landscape plans to ensure long term compliance by requiring adherence for an owner to receive a certificate of occupancy and strengthens landscape removal standards.

She concluded by stating that the 2021 City Manager's Trial Budget includes 2.8M for tree plantings, climate change, and heat readiness with programming through the Parks Department and the Street Transportation Department, among others.

QUESTIONS FROM COMMITTEE

Members expressed the following questions and concerns.

- *Process of Developing the Amendment.* **Vice Chair Williams** asked about the process used to develop this proposed amendment, the number of arborists consulted through the process, and whether the city has considered the "tree protection zoning" language provided by the registered public speakers. **Gomes** responded that the process began years ago at the direction of Council to

address enforcement, specifically for trees being removed or topped after construction was completed. The process included collaboration between the Planning Department, utilities, Water Services Department, Street Transportation Department, and Neighborhood Services Department. Subject matter experts included the Planning and Development Department's Principal Landscape Architect. Stakeholders included multifamily builders, homebuilders, the Environmental Sustainability Commission and their subcommittees.

- *Applicability and Enforcement.* **Bryck, Keyser, and Adams** asked if this amendment will apply to city owned properties and private residences. **Gomes** responded that the proposed amendment only applies to landscape tracts in subdivisions, multifamily properties, and commercial / industrial properties and will be enforced on a complaint basis beginning with the Neighborhood Services Department.
- *Issues Regarding Development Standards and Maintenance.* **Adams** stated that enforcement is part of the issue but that the city's flawed development standards also play a significant role. She raised the example of wherein development standards require a certain number of trees to shade the parking lots but do not specify a large enough area for long term tree survivability. She further added that native desert trees do not manage well in urban environments.
- *Protection for Mature Trees.* **Adams, Fitzgerald, Keyser, Ammon, Sanchez,** and **Vice Chair Williams** expressed support to include additional protections for mature trees. Several members asked **Gomes** for clarification on how the ordinance handles tree protections. **Gomes** responded Inventory / Salvage requirements for mature vegetation and much of this language is already included in the ordinance and therefore does not need to be amended.
- *Modifications to an Approved Plan.* **Jones, Ammon,** and **Bryck** asked about the process for amending an approved landscape plan, either in response to a non-compliance complaint or pro-actively. **Gomes** responded that if the site were stipulated to certain planting standards that would no longer be met by the proposed change or if the proposed change would reduce the plantings below code, a public hearing process would be required through either the Planning Hearing Officer or a Variance, respectively. If no public hearing is required, the modification can be completed in collaboration with the Planning Department's Principal Landscape Architect. The text amendment allows for some flexibility to encourage the right tree to be planted in the right place.

PUBLIC COMMENTS

Nicole Rodriguez stated that the text amendment had been in the works for 3 years and that the Council's Tier 1 direction was not merely to codify the existing requirements for maintenance but to strengthen tree protections. She stated that she can make changes and recommendations to the text amendment. She added that 3 years is too long, and the city can move much faster when needed, as evidenced by last year's billboard text amendment.

Stacey Champion stated that the city adopted its Tree and Shade Master Plan in 2010 but was then shelved until 2017 when controversial GPLET project at Central and

Adams which proposed the removal of several mature trees in preference for palms based on the aesthetic. While the mature trees were eventually replaced with shade varieties, the city's legal inability to enforce tree standards was the impetus of this text amendment. Since that time, many subject matter experts such as Rodriguez, prepared best management practices from other cities, and delivered these recommendations to the City Council. She concluded by stating that tree protections are important with citizen input for years but that this amendment doesn't go far enough and has taken too long.

Jackie Rich stated that she lives in the Alhambra Village, supports Rodriguez's amendment, and protections for mature trees which offer more than an aesthetic benefit but also support values, environmental health, and community character. The existing and city proposed salvage and transplant language do not protect mature trees.

Aimee Esposito stated that she serves on the Urban Heat Island / Tree and Shade Subcommittee, is excited about being this close to a text amendment, but would like more protections built-in for mature trees. She added that in addition to being a certified arborist, Rodriguez is well qualified and certified in tree risk assessment. The proposed additional language regarding tree protection zones would reduce the severe risks of root zone compaction for mature trees.

STAFF RESPONSE

Gomes responded that the City Council directed staff to formulate a text amendment that would codify existing practices to make enforcement more effective. The city's Inventory / Salvage process does require three trees that will be preserved in place be tagged and surrounded by a physical barrier, which is akin to the "Tree Protection Zones" requested by the public speakers.

- **Vice Chair Williams** asked to clarify with Rodriguez if she felt her proposed amendment language was duplicitous of existing practice and code requirements. **Chair Shore** invited Rodriguez to address the group. **Rodriguez** responded that while such ideas exist in practice, they lack enforcement and monitoring over the course of construction which therefore allows the developers to become lax in their practices, often resulting in damage to the root zone and killing the tree or greatly reducing its long term viability.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE.

MOTION:

Vice Chair Williams motioned to continue the case to the May 25th Meeting too allow adequate time for the city to consider the proposed amendment language and to collaborate with Rodriguez, Champion, Rich, and Esposito. **Fitzgerald** seconded the motion.

DISCUSSION:

Chair Shore indicated that the committee's action can include proposed language or simply direction for the Planning Commission to consider. He opined on whether a motion to include entirely new language is overly specific.

DeGraffenreid expressed support the citizen amendment and additional protections for mature trees. He added that once trees get to a certain size, salvage through relocation becomes impossible.

Bryck opined whether the citizen amendment language had been vetted by City Staff and whether the proposed continuance would delay the text amendment. Vice Chair Williams echoed the concern about delaying the amendment.

Harris expressed that the scope of the text amendment and this discussion is confusing because the group has broadly entertained ideas beyond the scope of enforcement, which staff had indicated was the purpose of the amendment.

Adams requested clarification on the existing motion and whether the citizen proposed language was included. **Klimek** responded that the motion on the floor is to continue the case to the next meeting to allow additional time to vet the language and to allow for collaboration.

Keyser asked staff to help coordinate the exchange of contact information so any members can get in touch with the public speakers to further refine tree protection language. **Harris and Adams** expressed interest.

VOTE:

15-0, motion passes with: Adams, Ammon, Bryck, DeGraffenreid, Fitzgerald, Harris, Keyser, Krietor, LeBlanc, McCabe, Sanchez, Smith, Solorio, Vice Chair Williams, and Chair Shore in favor; none in dissent.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 25, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	NO QUORUM
VPC Vote	N/A

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

The village meeting was canceled due to a lack of quorum.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.

Attachment E

ADDENDUM A **Staff Report: Z-TA-5-15** (Landscape Maintenance) June 1, 2021

Application No. Z-TA-5-15: Amend Chapter 5, Section 507.I. (Guidelines For Design Review - Review of technical documents) and Section 507.K. (Effect of development review approval), Amend Chapter 5, Section 507 Tab A.I.B.1 (Urban Design Principles – Amenity/Comfort), Section 507 Tab A.I.G.2 (Urban Design Principles – Definition of Space), Section 507 Tab A.II.A.3.1.10 (Guidelines for Design Review – Site Design/Development - Landscape Architecture), add Section 507 Tab A.II.A.3.1.16 (Guidelines for Design Review – Site Design/Development - Landscape Architecture), Amend Section 507 Tab A.II.A.3.2. (Guidelines for Design Review – Site Design/Development - Landscape Architecture), Amend Section 507 Tab A.II.A.4 (Guidelines for Design Review – Site Design/Development – Open Space/Amenities), Section 507 Tab A.II.B.6.1 (Guidelines for Design Review – Building Design/Construction – Public Amenities/Environmental Protection), add Section 507 Tab A.II.C.1.9 (Guidelines for Design Review – Subdivision Design/Development – Streets/Circulation), Amend Section 507 Tab A.II.C.4 (Guidelines for Design Review – Subdivision Design/Development – Open Space/Amenities), and Amend Chapter 7, Section 703 (Landscaping, Fences and Walls) to add new subsection “E” to address landscape maintenance.

Staff recommendation: Staff recommends approval of Z-TA-5-15 as shown in the recommended text in Exhibit A.

Background: The attached language and changes reflect input and review of suggested language from the public hearing process. Community leaders and members of the Urban Heat Island Tree and Shade Subcommittee (UHITS) of the Environmental Quality and Sustainability Commission (EQSC) have advocated for tree protection measures and presented draft language at the Village Planning Committee meetings in April and May. The purpose of the proposed language is to help ensure that existing trees on a site are better preserved and able to viably remain in place as a site is redeveloped. Preservation of existing mature trees is aligned with the overall goals of this text amendment. Staff analyzed the proposed tree protection language and incorporated it into the appropriate sections of the proposed language (Exhibit A).

Below is a summary of the proposed new provisions in the text amendment and is denoted as underlined text in Exhibit A dated June 1, 2021:

Chapter 5:

- Updates “Plant Salvage Plan” to include “Tree Protection”. (507.I.2.d.)
- Updates “Plant Salvage” to include “Tree Protection”. Also adds “protected” and “salvaged” to include trees, plants and cacti designated to remain in place or to be reused on site must be done in accordance with approved development review documents prior to the issuance of a certificate of occupancy. (507.K.4)

Chapter 7:

- Updates the title of the subsection to include “tree protection”. (703.E.1)
- Designates the Planning and Development Department’s Landscape Architect as the authority for determining like kind, size or grouping of replacement trees, plants and cacti. (703.E.1.c)
- Reinforces the process should replacement trees, plants or cacti failed to be installed. (703.E.1.c.(2))
- Updates “plant salvage” to include “tree protection”. (703.E.2)
- Updates “Plant Salvage” to include “Tree Protection”. Also adds requirements for information related to the schedules for watering, pruning, fertilization, monitoring and inspections as part of the salvage and tree protection plan submittal. Establishes the requirement to determine tree protection zones as part of the salvage and tree protection plan, which include a description of how the critical root zone(s) will be protected during the construction phase of a project. Standards to determine critical root zones are also identified. (703.E.2.b)

Exhibit

A. Proposed Language (12 Pages)

EXHIBIT A *Revised 6/1/21

Text Amendment Z-TA-5-15: Landscape Maintenance

Proposed Language:

Amend Chapter 5, Section 507.I. (Guidelines For Design Review - Review of technical documents) by amending paragraph I. to read as follows:

I. Review of technical DEVELOPMENT REVIEW documents.

2. Technical plans and improvements DEVELOPMENT REVIEW

DOCUMENTS. The following plans indicating dedications and improvements should be shown, as determined by the Planning and Development Department, and are required for review and approval:

- a. Grading and drainage plans including, but not limited to, hillside and floodplain reviews.
- b. Paving plans.
- c. Water and sewer line plans.
- d. ~~Landscaping plans.~~ **LANDSCAPE PLANS, PLANT INVENTORY PLANS, AND PLANT SALVAGE AND TREE PROTECTION PLANS.** Each applicant shall submit landscaping plans showing the information required on the checklist provided and in the format required by the Planning and Development Department including:
 - (1) ~~Landscape conservation plan.~~ **Landscape conservation plan.** Prior to clearing and grubbing a site or obtaining a grading permit, an applicant shall submit a landscape conservation plan indicating existing vegetation and salvage items. The Planning and Development Department will determine if this plan is necessary following the review of the context plan.
 - (2) ~~Landscape plan.~~ **Landscape plan.** Each applicant shall submit a landscape plan which must show the information required on the checklist provided and in the format required by the Planning and Development Department.
 - (3) ~~Standards.~~ **Standards.** Plant material sizes and specifications must conform to American Nursery Association standards.
 - (4) ~~Installation and maintenance.~~ **Installation and maintenance.** All plant material as shown on approved landscape plans is to be installed and maintained with an appropriate watering system in a living and viable state.
- e. Architectural plans and elevations.

Amend Chapter 5, Section 507.K. (Effect of development review approval) by amending paragraphs K.1., K.4. and K.6. to read as follows:

K. Effect of development review approval.

1. **Construction document submittal and building permit issuance.** Approved development review documents ~~shall be~~ ARE binding upon the applicants PROPERTY OWNERS and their successors or assignees and ~~shall nullify all previously approved plans.~~ Copies of the approved development review documents or exemption must be included in any construction documents submitted for building permit approval. No building permit ~~shall~~ MAY be issued for any building or structure not in accordANCE with the approved development review documents and conditions of approval. The construction, location, use, ~~or~~ operation, OR MAINTENANCE of all land and structures within the site ~~shall~~ MUST conform to all conditions and limitations set forth in the development review documents. Evidence of development review approval in the form of a copy of the approved development review documents or exemption must be available on the construction site. In the event THE SITE HAS NOT BEEN DEVELOPED OR MAINTAINED IN ACCORDANCE WITH THE APPROVED ~~property owner does not comply with the conditions imposed on the development review documents, this shall~~ IT WILL be considered a violation of the Zoning Ordinance.
2. **Temporary construction facilities.** Temporary construction facilities shall be permitted for the purpose of developing the project. In case of a question the Planning and Development Department shall determine if facilities proposed qualify as temporary and related to construction. Such facilities shall be removed within seven days after completion of initial construction or prior to issuance of the certificate of occupancy, whichever first occurs.
3. **Amendments.** No structure, use or element of approved development review documents shall be eliminated, altered, or provided in another manner unless an amendment is approved in accordance with the standards for new reviews.
4. **Site inspection and issuance of certificate of occupancy.** The Planning and Development Department ~~shall~~ MUST inspect each project FOR COMPLIANCE WITH THE APPROVED DEVELOPMENT REVIEW DOCUMENTS prior to ISSUING A certificate of occupancy OR CERTIFICATE OF COMPLETION. No final certificate of occupancy OR CERTIFICATE OF COMPLETION ~~shall~~ WILL be issued if ~~the project does not meet the requirements of~~ THE STRUCTURE AND ASSOCIATED SITE IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO SITE UTILITIES, PAVING, GRADING, PLANT SALVAGE AND TREE PROTECTION, AND LANDSCAPE INSTALLATION, INCLUDING IRRIGATION, HAVE NOT BEEN INSTALLED, PROTECTED, OR SALVAGED IN ACCORDANCE WITH the

approved development review documents. The Planning and Development Department may issue conditional OR TEMPORARY certificates of occupancy in conformance with the provisions of the Construction Code. In the case of subdivision development, the Planning and Development Department will monitor the buildout of each subdivision approved through the development review process for conformance to approved development review documents and exhibits. The Planning and Development Department may withhold the release of building permits within a subdivision if, at the discretion of the Planning and Development Director, the buildings within the subdivision are not conforming to diversity standards set by the approved development review documents.

5. **Enforcement.** Development review documents approved under this section shall be enforced by the Planning and Development Department under the supervision of the Zoning Administrator. Whenever enforcement personnel find that any proposed construction or occupancy or completed facility does not or will not comply with the approved development review documents, they shall require the property owner to comply with the conditions of the development review documents.

In the event the property owner does not comply with the conditions imposed on the development review documents, it will be considered a violation of the Zoning Ordinance.

6. **Validity.**

- a. *Preliminary approval.* Approval of the preliminary development review documents ~~shall be~~ IS valid for a period of 24 months. In a phased project, if preliminary development review documents are filed over the total site and final development review approval is achieved on a portion of the site within the 24-month period, the preliminary development review documents will remain valid for an additional 12 months. Additional time beyond the 36 months ~~shall require~~ WRITTEN approval by THE PLANNING AND DEVELOPMENT DIRECTOR ~~City Manager's representative.~~
- b. *Final approval.* Approved development review documents ~~shall be~~ ARE valid for a period of 24 months and continue in effect beyond 24 months if a building permit has been issued and has not expired. ~~or IF~~ a FINAL certificate of occupancy OR CERTIFICATE OF COMPLETION has been issued FOR THE SITE, APPROVED DEVELOPMENT REVIEW DOCUMENTS WILL REMAIN VALID AND ENFORCEABLE UNTIL SUCH TIME THAT REVISED OR REPLACEMENT DOCUMENTS FOR THE SITE ARE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT ~~with the project complying with the approved development review documents.~~

Amend Chapter 5, Section 507 Tab A.I.B. (Urban Design Principles – Amenity/Comfort) by amending paragraph B.1. to read as follows:

- B. Amenity/Comfort.** Settlements in the desert generally occur in an "oasis" setting which is a respite from the extreme of the larger area context. A development in an arid setting requires design features to aid human comfort. It is important to understand that urban conditions such as paved areas and buildings generating reflected heat create aridity and require mitigating design features which enhance habitability.
1. Promote human comfort by providing shaded areas, courtyards, PUBLIC AND PRIVATE WALKWAYS, colonnades and other areas as site amenities.

Amend Chapter 5, Section 507 Tab A.I.G. (Urban Design Principles – Definition of Space) by amending paragraph G.2. to read as follows:

- G. Definition of Space.** Streets, parking lots, buildings and landscape are the major elements that define the special qualities of our environment. Organize them to foster a setting supportive to the pedestrian as well as the driver.
1. Relate the size, character and setting of proposed projects to the functions of adjacent streets and pedestrian networks. Buildings should be oriented to the public rights-of-way and close to pedestrian movement.
 2. The areas immediately adjacent to buildings should be designed to integrate with surrounding landscape and pedestrian walkways. Shaded courtyards, WALKWAYS, cloisters, trellises, colonnades and public art are encouraged for consideration into the design to define space.

Amend Chapter 5, Section 507 Tab A.II.A.3.1 (Guidelines for Design Review – Site Design/Development - Landscape Architecture) by amending paragraph 3.1.10 to read as follows and to add new paragraph 3.1.16 accordingly:

3. Landscape Architecture.

3.1 Plant Materials.

3.1.10 Trees SHOULD BE LOCATED adjacent to ~~pedestrian walkways~~ PUBLIC AND PRIVATE WALKWAYS, AND MULTI-USE TRAILS AND PATHS, TO PROVIDE A MINIMUM OF 50 PERCENT SHADE AND ~~should have~~ a minimum canopy clearance of six feet eight inches. (P)

Rationale: SHADED ~~G~~clear walkways are necessary for pedestrian HEALTH, safety, AND WELFARE.

3.1.16 PLANT MATERIALS SHOULD BE SELECTED FOR APPROPRIATE MATURE SIZE, SPACE NEEDS, LOCATION, AND REQUIRED USE FOR THEIR ULTIMATE LOCATION ON THE SITE. (P)

RATIONALE: ALL PLANTS ARE NOT SUITABLE FOR ALL LOCATIONS. CONSIDERATION SHOULD BE GIVEN FOR SIZE AT MATURITY, REASON FOR CHOICE (E.G., SHADE PROVISION OR SCREENING/BUFFERING), MAINTENANCE REQUIREMENTS, AND LONG-TERM VIABILITY. LOW MAINTENANCE PLANTS WHICH HAVE A PROVEN TRACK RECORD OF SURVIVABILITY IN THE URBAN DESERT ENVIRONMENT SHOULD BE INSTALLED WHENEVER POSSIBLE.

Amend Chapter 5, Section 507 Tab A.II.A.3.2 (Guidelines for Design Review – Site Design/Development - Landscape Architecture) by amending paragraph 3.2.3 to read as follows:

3. Landscape Architecture.

3.2 Maintenance OF LANDSCAPE AREAS.

3.2.3 ~~Irrigation systems should be permanent and automatic~~ A PERMANENT AUTOMATIC IRRIGATION SYSTEM SHOULD BE INSTALLED TO WATER ALL TREES, CACTI, AND PLANTS

INSTALLED IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLANS OR OTHER DEVELOPMENT REVIEW DOCUMENTS to minimize maintenance and water consumption, AND TO MAXIMIZE PLANT HEALTH, SURVIVABILITY, AND VIABILITY, UNLESS OTHERWISE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. (P)

Rationale: DIFFERENT TYPES AND SPECIES OF PLANTS REQUIRE DIFFERENT AMOUNTS OF SUPPLEMENTAL WATER BASED ON VARYING MICROCLIMATES CREATED BY THE URBAN ENVIRONMENT TO ACHIEVE A HEALTHY, VIABLE, LONG-TERM SURVIVABILITY RATE. An efficient, APPROPRIATE irrigation system will SUPPORT LONG-TERM PLANT HEALTH BY APPLYING THE RIGHT AMOUNT OF SUPPLEMENTAL WATER FOR OPTIMUM PLANT HEALTH AND ~~control~~ growth and reduce maintenance costs.

Amend Chapter 5, Section 507 Tab A.II.A.4 (Guidelines for Design Review – Site Design/Development – Open Space/Amenities) by amending paragraphs 4.1 and 4.2 to read as follows:

4. Open Space/Amenities.

- 4.1 Improved open spaces, plazas and courtyards should be SHADED A MINIMUM 50 PERCENT AND functional in terms of area, dimensions, location and amenities to promote safe human interaction. (P)

Rationale: SHADED ~~P~~pedestrian amenities help to encourage the use of public spaces. With respect to open space, bigger is not necessarily better. A series of small areas, each provided with amenities may foster more human interrelationship than a large monolithic space.

- 4.2 Usable public space should incorporate A MINIMUM OF 50 PERCENT shading through the use of TREES OR structures that provide shading, landscaping, or a combination of the two unless otherwise prohibited by site visibility triangles or other technical constraints. (P)

Rationale: SHADE IS NECESSARY FOR ~~P~~people are attracted to USE AND ENJOY public areas with shade during large portions of the year in Phoenix FOR THEIR HEALTH, SAFETY, AND WELFARE.

Amend Chapter 5, Section 507 Tab A.II.B.6 (Guidelines for Design Review – Building Design/Construction – Public Amenities/Environmental Protection) by amending paragraph 6.1 to read as follows:

6. Public Amenities/Environmental Protection.

- 6.1 PUBLIC AND PRIVATE ~~P~~pedestrian walkways and gathering areas should be shaded (minimum 50% at maturity) FOR THE HEALTH, SAFETY, AND WELFARE OF PEDESTRIANS AND to encourage use. (P)

Rationale: The design of pedestrian routes and gathering areas, such as WALKWAYS, courtyards and plazas, should be designed with appropriate shading FOR THE HEALTH, SAFETY, AND WELFARE OF PEDESTRIANS AND to MITIGATE THE HEAT ISLAND EFFECT TO enhance the PEDESTRIAN environment ~~and the pedestrian experience.~~

Amend Chapter 5, Section 507 Tab A.II.C.1. (Guidelines for Design Review – Subdivision Design/Development – Streets/Circulation) by adding new paragraph 1.9 accordingly:

1. Streets/Circulation.

- 1.9 PUBLIC AND PRIVATE SIDEWALKS ADJACENT TO ARTERIAL AND COLLECTOR STREETS AND LOCATED WITHIN AND CONNECTING ALL COMMON OPEN SPACE TRACTS AND AMENITIES SHOULD BE SHADED A MINIMUM OF 50 PERCENT. (P)

RATIONALE: SHADED SIDEWALKS AND PEDESTRIAN WALKWAYS SHOULD BE DESIGNED WITH APPROPRIATE SHADING FOR THE HEALTH, SAFETY, AND WELFARE OF PEDESTRIANS THAT MITIGATES THE EXTREME SUMMER TEMPERATURES, AS WELL AS THE HEAT ISLAND EFFECT AND ENHANCES THE PEDESTRIAN ENVIRONMENT.

Amend Chapter 5, Section 507 Tab A.II.C.4 (Guidelines for Design Review – Subdivision Design/Development – Open Space/Amenities) by amending paragraphs 4.1 and 4.2 to read as follows:

4. Open Space/Amenities.

- 4.1 Large open space and retention areas (generally greater than 10,000 square feet) should be improved to include active and passive amenities (e.g. tot lot, ramada, tennis court, barbecues, large seating areas,

landscaping, etc.) AND A MINIMUM 50% VEGETATION. SEATING AREAS SHOULD BE SHADED BY STRUCTURES OR VEGETATION (50% AT MATURITY). (P)

Rationale: Different types of improvements will appeal to different segments of the resident population. To ensure long-term maintenance AND USE of open space areas, it is important to provide YEAR-ROUND amenities FOR THE HEALTH, SAFETY, AND WELFARE OF ALL RESIDENTS to MITIGATE THE EXTREME SUMMER TEMPERATURES, AS WELL AS THE HEAT ISLAND EFFECT, in which the homeowners association will maintain interest.

- 4.2 Open space and retention tracts/easements should be landscaped, accessible, safe and secure. Common retention may qualify for required common open space if it has a minimum area of 1000 square feet of level bottom with maximum side slopes of 4:1 and is properly landscaped as usable open space (minimum 50% vegetation). ANY PROPOSED SEATING AREAS SHOULD BE SHADED BY STRUCTURES OR VEGETATION (50% AT MATURITY). Streets (public and/or private) and required perimeter landscape setbacks will not count towards common open space. (P)

Rationale: Open space and retention areas that are accessible, and functional, AND PROVIDE YEAR-ROUND SHADED AMENITIES FOR THE HEALTH, SAFETY, AND WELFARE OF ALL RESIDENTS TO MITIGATE THE EXTREME SUMMER TEMPERATURES, AS WELL AS THE HEAT ISLAND EFFECT, are an amenity to the neighborhood. If feasible, open space should be centrally located in order to be accessible to as many residents as possible.

Amend Chapter 7, Section 703 (Landscaping, Fences and Walls) to add new subsection “E” as follows:

E. GENERAL LANDSCAPE STANDARDS AND REQUIREMENTS.

1. LANDSCAPE CONSERVATION AND SALVAGE AND TREE PROTECTION.

- a. ALL TREES, PLANTS AND CACTI ON SITE AND IN THE ABUTTING RIGHTS OF WAY MUST REMAIN IN PLACE IN A HEALTHY, STRUCTURALLY SOUND, AND VIABLE CONDITION, IN ACCORDANCE WITH APPROVED DEVELOPMENT REVIEW DOCUMENTS. REMOVAL OR DESTRUCTION OF LANDSCAPE MATERIALS INSTALLED IN ACCORDANCE WITH APPROVED

DEVELOPMENT REVIEW DOCUMENTS WILL BE CONSIDERED A VIOLATION OF THE ZONING ORDINANCE, EXCEPT WHEN IN COMPLIANCE WITH SECTION 703.E.1.B AND 1.C.

- b. NO TREES, PLANTS OR CACTI MAY BE REMOVED OR DESTROYED ON A PROPERTY WITHOUT FIRST OBTAINING A PLANT SALVAGE PERMIT FROM THE PLANNING AND DEVELOPMENT DEPARTMENT, EXCEPT AS FOLLOWS:
- (1) THE PLANNING AND DEVELOPMENT DEPARTMENT HAS EXPRESSLY STATED IN WRITING THAT A PLANT SALVAGE PLAN IS NOT REQUIRED FOR THE SITE AS PART OF THE APPROVED PRELIMINARY SITE PLAN OR PRELIMINARY PLAT APPROVAL DOCUMENTS, OR ON THE FINAL SITE PLAN IF A PRELIMINARY APPROVAL IS NOT REQUIRED; OR
 - (2) TREES, PLANTS OR CACTI TO BE REMOVED ARE LOCATED ON A SINGLE-FAMILY LOT HAVING ONE HOME OR DUPLEX; OR
 - (3) TREES, PLANTS OR CACTI TO BE REMOVED WERE DESTROYED BY A NATURAL CAUSE OR OTHER UNFORESEEN AND ACCIDENTAL INCIDENT; OR
 - (4) TREES, PLANTS OR CACTI REMOVED BY THE OWNER OR A PUBLIC UTILITY PROVIDER FOR THE PURPOSE OF MAINTAINING ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES. UPON REQUEST, THE OWNER SHALL PROVIDE THE PLANNING AND DEVELOPMENT DEPARTMENT A WRITTEN EXPLANATION FROM THE PUBLIC UTILITY PROVIDER THAT THE REMOVAL IS NECESSARY FOR THE CONSTRUCTION, INSTALLATION, OPERATION, AND MAINTENANCE OF THE ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES.
- c. OWNERS OF PROPERTY MUST REPLACE TREES, PLANTS OR CACTI WITH LIKE KINDS AND SIZES OR EQUIVALENT AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT LANDSCAPE ARCHITECT, IN ACCORDANCE WITH THE APPROVED DEVELOPMENT REVIEW DOCUMENTS, AS FOLLOWS:

- (1) WHEN TREES, PLANTS AND CACTI WERE DESTROYED BY A NATURAL CAUSE OR OTHER UNFORESEEN AND ACCIDENTAL INCIDENT AND WERE REMOVED; OR
- (2) WHEN REMAIN/PROTECT IN PLACE AND SALVAGED TREES, PLANTS AND CACTI HAVE DIED, BEEN REMOVED OR DESTROYED.

UNLESS SPECIFICALLY AUTHORIZED BY THE PLANNING AND DEVELOPMENT DIRECTOR OR DESIGNEE, NO FINAL CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLETION WILL BE ISSUED PRIOR TO THE INSTALLATION OF THE LIKE KIND AND SIZE REPLACEMENTS IN ACCORDANCE WITH 507.K.4.

2. REQUIRED LANDSCAPE PLANS. LANDSCAPE PLANS ARE REQUIRED FOR REVIEW AND APPROVAL IN ACCORDANCE WITH THE APPLICABILITY REQUIREMENTS OF SECTIONS 507.B, I AND K. "LANDSCAPE PLANS" MAY REFER TO ANY OR ALL OF THE FOLLOWING PLANS: PLANT INVENTORY PLAN, PLANT SALVAGE AND TREE PROTECTION PLAN, AND/OR LANDSCAPE (INSTALLATION) PLAN. ALL PLANS MUST PROVIDE THE INFORMATION AND FORMAT REQUIRED ON CHECKLISTS PROVIDED BY THE PLANNING AND DEVELOPMENT DEPARTMENT AND BE SEALED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA.
 - a. **PLANT INVENTORY PLAN:** IDENTIFIES THE TYPES, SIZES, AND LOCATIONS OF ALL TREES, CACTI, AND PLANTS EXISTING ON THE SITE AND STATES THE PHYSICAL HEALTH AND CONDITION OF EACH AS DETERMINED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA.
 - b. **PLANT SALVAGE AND TREE PROTECTION PLAN:** IDENTIFIES THE DISPOSITION OF ALL OF THE TREES, CACTI, AND PLANTS IDENTIFIED IN THE PLANT INVENTORY PLAN (I.E., "REMAIN/PROTECT IN PLACE", "SALVAGE", OR "DESTROY"), INCLUDING DETAILS OF THE PLANT NURSERY AND WATERING SYSTEM AND SCHEDULES FOR WATERING, PRUNING, FERTILIZATION, MONITORING AND INSPECTION TO BE PROVIDED FOR SALVAGED AND REMAIN/PROTECT IN PLACE PLANTS UNTIL FINAL COMPLETION. FOR ALL TREES, CACTI AND PLANTS THAT WILL REMAIN IN PLACE, THE PLAN WILL INCLUDE A DESCRIPTION OF HOW THE CRITICAL ROOT ZONES WILL BE PROTECTED DURING THE CONSTRUCTION PHASE, INCLUDING PROTECTIVE FENCING.

MINIMUM CRITICAL ROOT ZONES WILL BE DETERMINED ACCORDING TO THE CURRENT STANDARDS SET FORTH BY THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), THE SUSTAINABLE LANDSCAPE MANAGEMENT STANDARDS OF THE ARIZONA LANDSCAPE CONTRACTORS' ASSOCIATION, OR OTHER ACCEPTABLE SUSTAINABLE LANDSCAPE STANDARDS AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT LANDSCAPE ARCHITECT.

- c. **LANDSCAPE (INSTALLATION) PLAN:** IDENTIFIES THE TYPES, SIZES, AND LOCATIONS OF ALL TREES, CACTI, AND PLANTS (INCLUDING THOSE TO REMAIN/PROTECT IN PLACE OR SALVAGED) TO BE INSTALLED ON THE SITE, ON DOCUMENTS SEALED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA. LANDSCAPE PLANS ARE TO ALSO INCLUDE ALL LANDSCAPE MATERIALS, A MAINTENANCE SCHEDULE, IRRIGATION PLANS, PLUS OTHER INFORMATION AS MAY BE REQUIRED BY PLANNING AND DEVELOPMENT STAFF. PLANT MATERIAL SIZES AND SPECIFICATIONS MUST CONFORM TO THE STANDARDS OF THE AMERICAN STANDARDS FOR NURSERY STOCK (ANSI Z60.1) OR THE ARIZONA NURSERY ASSOCIATION.

- (1) LANDSCAPE PLANS SHALL INCLUDE A MAINTENANCE SCHEDULE WHICH IDENTIFIES THE RECOMMENDED LANDSCAPE MAINTENANCE INCLUDING, BUT NOT LIMITED TO, WEEDS, ROCK MULCH, AND IRRIGATION. THE SCHEDULE SHALL IDENTIFY SEASONAL WATER APPLICATION RATES, TYPES AND METHODS OF FERTILIZATION, AND PRUNING, ETC. FOR EACH PLANT TYPE. ACCORDING TO THE CURRENT STANDARDS SET FORTH BY THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), THE SUSTAINABLE LANDSCAPE MANAGEMENT STANDARDS OF THE ARIZONA LANDSCAPE CONTRACTORS' ASSOCIATION, OR OTHER ACCEPTABLE STANDARDS AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT LANDSCAPE ARCHITECT.

DEVIATIONS FOR PRUNING STANDARDS ARE PERMITTED WHEN DONE FOR THE PURPOSE OF MAINTAINING ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES. UPON REQUEST, THE OWNER SHALL PROVIDE THE PLANNING AND DEVELOPMENT DEPARTMENT A WRITTEN

EXPLANATION FROM THE PUBLIC UTILITY PROVIDER
THAT THE PRUNING IS NECESSARY FOR THE
CONSTRUCTION, INSTALLATION, OPERATION, AND
MAINTENANCE OF THE ELECTRIC TRANSMISSION OR
DISTRIBUTION FACILITIES.

Attachment F

REPORT OF PLANNING COMMISSION ACTION June 3, 2021

ITEM NO: 8	
	DISTRICT NO.: Citywide
SUBJECT:	
Application #:	Z-TA-5-15 (Landscape)
Proposal:	Amend Chapter 5, Sections 507 (Development Review Approval) and 507 Tab A (Guidelines for Design Review) and Chapter 7, Section 703 (Landscaping, Fences and Walls) of the Phoenix Zoning Ordinance to address landscape maintenance.
Applicant:	City of Phoenix, Planning Commission
Representative:	City of Phoenix, Planning Commission

ACTIONS:

Staff Recommendation: Approval.

Village Planning Committee (VPC) Recommendation:

Ahwatukee Foothills 4/26/2021 Continued. Vote: 11-0.

Ahwatukee Foothills 5/24/2021 Approval, per the staff recommendation with additional language. Vote: 11-0.

Alhambra 4/27/2021 Continued. Vote: 15-0.

Alhambra 5/25/2021 No recommendation due to lack of quorum.

Camelback East 5/4/2021 Approval, per the staff recommendation with additional language. Vote: 13-2

Central City 5/10/2021 Approval, per the staff recommendation with additional language. Vote: 11-3.

Deer Valley 5/13/2021 Approval, per the staff recommendation. Vote: 8-3.

Desert View 5/4/2021 Approval, per the staff recommendation. Vote: 7-0.

Encanto 5/3/2021 Approval, per the staff recommendation with additional language. Vote: 10-0.

Estrella 4/20/2021 Approval, per the staff recommendation. Vote: 4-1.

Laveen 5/10/2021 Approval, per the staff recommendation with additional language. Vote: 9-0.

Maryvale 4/14/2021 Approval, per the staff recommendation with direction. Vote: 8-1.

North Gateway 5/13/2021 Approval, per the staff recommendation with direction. Vote: 6-0.

North Mountain 4/21/2021 Approval, per the staff recommendation. Vote: 14-0.

Paradise Valley 5/3/2021 Approval, per the staff recommendation with direction. Vote: 16-0 (1 abstained).

Rio Vista 5/11/2021 Approval, per the staff recommendation with additional language. Vote: 3-1

South Mountain 5/11/2021 Approval, per the staff recommendation with additional language. Vote: 12-0.

Planning Commission Recommendation: Approval, per the language in Exhibit A of the Addendum A Staff Report.

Motion Discussion: N/A

Motion details: Commissioner Howard made a MOTION to approve, per the language in Exhibit A of the Addendum A Staff Report.

Maker: Howard
Second: Perez
Vote: 8-0
Absent: Gorraiz
Opposition Present: No

Proposed Language:

Amend Chapter 5, Section 507.I. (Guidelines For Design Review - Review of technical documents) by amending paragraph I. to read as follows:

I. Review of ~~technical~~ DEVELOPMENT REVIEW documents.

2. **Technical plans and ~~improvements~~ DEVELOPMENT REVIEW DOCUMENTS.** The following plans indicating dedications and improvements should be shown, as determined by the Planning and Development Department, and are required for review and approval:
- a. Grading and drainage plans including, but not limited to, hillside and floodplain reviews.
 - b. Paving plans.
 - c. Water and sewer line plans.
 - d. **~~Landscaping plans.~~ LANDSCAPE PLANS, PLANT INVENTORY PLANS, AND PLANT SALVAGE AND TREE PROTECTION PLANS.** Each applicant shall submit ~~landscaping plans showing the information required on the checklist provided and in the format required by the Planning and Development Department including:~~
 - (1) **~~Landscape conservation plan.~~** Prior to clearing and grubbing a site or obtaining a grading permit, an applicant shall submit a landscape conservation plan indicating existing vegetation and salvage items. The Planning and Development Department will determine if this plan is necessary following the review of the context plan.
 - (2) **~~Landscape plan.~~** Each applicant shall submit a landscape plan which must show the information required on the checklist provided and in the format required by the Planning and Development Department.

- (3) ~~Standards.~~ Plant material sizes and specifications must conform to American Nursery Association standards.
 - (4) ~~Installation and maintenance.~~ All plant material as shown on approved landscape plans is to be installed and maintained with an appropriate watering system in a living and viable state.
- e. Architectural plans and elevations.

Amend Chapter 5, Section 507.K. (Effect of development review approval) by amending paragraphs K.1., K.4. and K.6. to read as follows:

K. Effect of development review approval.

1. **Construction document submittal and building permit issuance.** Approved development review documents ~~shall be~~ ARE binding upon the ~~applicant's~~ PROPERTY OWNERS and their successors or assignees and ~~shall nullify all previously approved plans.~~ Copies of the approved development review documents or exemption must be included in any construction documents submitted for building permit approval. No building permit ~~shall~~ MAY be issued for any building or structure not in accordANCE with the approved development review documents and conditions of approval. The construction, location, use, ~~or~~ operation, OR MAINTENANCE of all land and structures within the site ~~shall~~ MUST conform to all conditions and limitations set forth in the development review documents. Evidence of development review approval in the form of a copy of the approved development review documents or exemption must be available on the construction site. In the event THE SITE HAS NOT BEEN DEVELOPED OR MAINTAINED IN ACCORDANCE WITH THE APPROVED ~~property owner does not comply with the conditions imposed on the~~ development review documents, ~~this shall~~ IT WILL be considered a violation of the Zoning Ordinance.
2. **Temporary construction facilities.** Temporary construction facilities shall be permitted for the purpose of developing the project. In case of a question the Planning and Development Department shall determine if facilities proposed qualify as temporary and related to construction. Such facilities shall be removed within seven days after completion of initial construction or prior to issuance of the certificate of occupancy, whichever first occurs.
3. **Amendments.** No structure, use or element of approved development review documents shall be eliminated, altered, or provided in another manner unless an amendment is approved in accordance with the standards for new reviews.

4. **Site inspection and issuance of certificate of occupancy.** The Planning and Development Department shall MUST inspect each project FOR COMPLIANCE WITH THE APPROVED DEVELOPMENT REVIEW DOCUMENTS prior to ISSUING A certificate of occupancy OR CERTIFICATE OF COMPLETION. No final certificate of occupancy OR CERTIFICATE OF COMPLETION shall WILL be issued if the project does not meet the requirements of THE STRUCTURE AND ASSOCIATED SITE IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO SITE UTILITIES, PAVING, GRADING, PLANT SALVAGE AND TREE PROTECTION, AND LANDSCAPE INSTALLATION, INCLUDING IRRIGATION, HAVE NOT BEEN INSTALLED, PROTECTED, OR SALVAGED IN ACCORDANCE WITH the approved development review documents. The Planning and Development Department may issue conditional OR TEMPORARY certificates of occupancy in conformance with the provisions of the Construction Code. In the case of subdivision development, the Planning and Development Department will monitor the buildout of each subdivision approved through the development review process for conformance to approved development review documents and exhibits. The Planning and Development Department may withhold the release of building permits within a subdivision if, at the discretion of the Planning and Development Director, the buildings within the subdivision are not conforming to diversity standards set by the approved development review documents.

5. **Enforcement.** Development review documents approved under this section shall be enforced by the Planning and Development Department under the supervision of the Zoning Administrator. Whenever enforcement personnel find that any proposed construction or occupancy or completed facility does not or will not comply with the approved development review documents, they shall require the property owner to comply with the conditions of the development review documents.

In the event the property owner does not comply with the conditions imposed on the development review documents, it will be considered a violation of the Zoning Ordinance.

6. **Validity.**

a. *Preliminary approval.* Approval of the preliminary development review documents shall be IS valid for a period of 24 months. In a phased project, if preliminary development review documents are filed over the total site and final development review approval is achieved on a portion of the site within the 24-month period, the preliminary development review documents will remain valid for an additional 12 months. Additional time beyond the 36 months shall requireS WRITTEN approval by THE PLANNING AND DEVELOPMENT DIRECTOR ~~City Manager's representative~~.

b. *Final approval.* Approved development review documents shall be ARE valid for a period of 24 months and continue in effect beyond 24 months if a building permit has been issued and has not

expired. ~~or~~ IF a FINAL certificate of occupancy OR CERTIFICATE OF COMPLETION has been issued FOR THE SITE, APPROVED DEVELOPMENT REVIEW DOCUMENTS WILL REMAIN VALID AND ENFORCEABLE UNTIL SUCH TIME THAT REVISED OR REPLACEMENT DOCUMENTS FOR THE SITE ARE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT ~~with the project complying with the approved development review documents.~~

Amend Chapter 5, Section 507 Tab A.I.B. (Urban Design Principles – Amenity/Comfort) by amending paragraph B.1. to read as follows:

- B. Amenity/Comfort.** Settlements in the desert generally occur in an "oasis" setting which is a respite from the extreme of the larger area context. A development in an arid setting requires design features to aid human comfort. It is important to understand that urban conditions such as paved areas and buildings generating reflected heat create aridity and require mitigating design features which enhance habitability.
1. Promote human comfort by providing shaded areas, courtyards, PUBLIC AND PRIVATE WALKWAYS, colonnades and other areas as site amenities.

Amend Chapter 5, Section 507 Tab A.I.G. (Urban Design Principles – Definition of Space) by amending paragraph G.2. to read as follows:

- G. Definition of Space.** Streets, parking lots, buildings and landscape are the major elements that define the special qualities of our environment. Organize them to foster a setting supportive to the pedestrian as well as the driver.
1. Relate the size, character and setting of proposed projects to the functions of adjacent streets and pedestrian networks. Buildings should be oriented to the public rights-of-way and close to pedestrian movement.
 2. The areas immediately adjacent to buildings should be designed to integrate with surrounding landscape and pedestrian walkways. Shaded courtyards, WALKWAYS, cloisters, trellises, colonnades and public art are encouraged for consideration into the design to define space.

Amend Chapter 5, Section 507 Tab A.II.A.3.1 (Guidelines for Design Review – Site Design/Development - Landscape Architecture) by amending paragraph 3.1.10 to read as follows and to add new paragraph 3.1.16 accordingly:

3. Landscape Architecture.

3.1 Plant Materials.

- 3.1.10 Trees SHOULD BE LOCATED adjacent to ~~pedestrian walkways~~ PUBLIC AND PRIVATE WALKWAYS, AND MULTI-USE TRAILS AND PATHS, TO PROVIDE A MINIMUM OF 50 PERCENT SHADE AND ~~should have~~ a minimum canopy clearance of six feet eight inches. (P)

Rationale: SHADED ~~C~~clear walkways are necessary for pedestrian HEALTH, safety, AND WELFARE.

- 3.1.16 PLANT MATERIALS SHOULD BE SELECTED FOR APPROPRIATE MATURE SIZE, SPACE NEEDS, LOCATION, AND REQUIRED USE FOR THEIR ULTIMATE LOCATION ON THE SITE. (P)

RATIONALE: ALL PLANTS ARE NOT SUITABLE FOR ALL LOCATIONS. CONSIDERATION SHOULD BE GIVEN FOR SIZE AT MATURITY, REASON FOR CHOICE (E.G., SHADE PROVISION OR SCREENING/BUFFERING), MAINTENANCE REQUIREMENTS, AND LONG-TERM VIABILITY. LOW MAINTENANCE PLANTS WHICH HAVE A PROVEN TRACK RECORD OF SURVIVABILITY IN THE URBAN DESERT ENVIRONMENT SHOULD BE INSTALLED WHENEVER POSSIBLE.

Amend Chapter 5, Section 507 Tab A.II.A.3.2 (Guidelines for Design Review – Site Design/Development - Landscape Architecture) by amending paragraph 3.2.3 to read as follows:

3. Landscape Architecture.

3.2 Maintenance OF LANDSCAPE AREAS.

- 3.2.3 ~~Irrigation systems should be permanent and automatic~~ A PERMANENT AUTOMATIC IRRIGATION SYSTEM SHOULD BE INSTALLED TO WATER ALL TREES, CACTI, AND PLANTS

INSTALLED IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLANS OR OTHER DEVELOPMENT REVIEW DOCUMENTS to minimize maintenance and water consumption, AND TO MAXIMIZE PLANT HEALTH, SURVIVABILITY, AND VIABILITY, UNLESS OTHERWISE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. (P)

Rationale: DIFFERENT TYPES AND SPECIES OF PLANTS REQUIRE DIFFERENT AMOUNTS OF SUPPLEMENTAL WATER BASED ON VARYING MICROCLIMATES CREATED BY THE URBAN ENVIRONMENT TO ACHIEVE A HEALTHY, VIABLE, LONG-TERM SURVIVABILITY RATE. An efficient, APPROPRIATE irrigation system will SUPPORT LONG-TERM PLANT HEALTH BY APPLYING THE RIGHT AMOUNT OF SUPPLEMENTAL WATER FOR OPTIMUM PLANT HEALTH AND ~~control~~ growth and reduce maintenance costs.

Amend Chapter 5, Section 507 Tab A.II.A.4 (Guidelines for Design Review – Site Design/Development – Open Space/Amenities) by amending paragraphs 4.1 and 4.2 to read as follows:

4. Open Space/Amenities.

- 4.1 Improved open spaces, plazas and courtyards should be SHADED A MINIMUM 50 PERCENT AND functional in terms of area, dimensions, location and amenities to promote safe human interaction. (P)

Rationale: SHADED ~~P~~pedestrian amenities help to encourage the use of public spaces. With respect to open space, bigger is not necessarily better. A series of small areas, each provided with amenities may foster more human interrelationship than a large monolithic space.

- 4.2 Usable public space should incorporate A MINIMUM OF 50 PERCENT shading through the use of TREES OR structures that provide shading, ~~landscaping~~, or a combination of the two unless otherwise prohibited by site visibility triangles or other technical constraints. (P)

Rationale: SHADE IS NECESSARY FOR ~~P~~people are attracted to USE AND ENJOY public areas ~~with shade~~ during large portions of the year in Phoenix FOR THEIR HEALTH, SAFETY, AND WELFARE.

Amend Chapter 5, Section 507 Tab A.II.B.6 (Guidelines for Design Review – Building Design/Construction – Public Amenities/Environmental Protection) by amending paragraph 6.1 to read as follows:

6. Public Amenities/Environmental Protection.

- 6.1 PUBLIC AND PRIVATE ~~P~~pedestrian walkways and gathering areas should be shaded (minimum 50% at maturity) FOR THE HEALTH, SAFETY, AND WELFARE OF PEDESTRIANS AND to encourage use. (P)

Rationale: The design of pedestrian routes and gathering areas, such as WALKWAYS, courtyards and plazas, should be designed with appropriate shading FOR THE HEALTH, SAFETY, AND WELFARE OF PEDESTRIANS AND to MITIGATE THE HEAT ISLAND EFFECT TO enhance the PEDESTRIAN environment and ~~the pedestrian experience.~~

Amend Chapter 5, Section 507 Tab A.II.C.1. (Guidelines for Design Review – Subdivision Design/Development – Streets/Circulation) by adding new paragraph 1.9 accordingly:

1. Streets/Circulation.

- 1.9 PUBLIC AND PRIVATE SIDEWALKS ADJACENT TO ARTERIAL AND COLLECTOR STREETS AND LOCATED WITHIN AND CONNECTING ALL COMMON OPEN SPACE TRACTS AND AMENITIES SHOULD BE SHADED A MINIMUM OF 50 PERCENT. (P)

RATIONALE: SHADED SIDEWALKS AND PEDESTRIAN WALKWAYS SHOULD BE DESIGNED WITH APPROPRIATE SHADING FOR THE HEALTH, SAFETY, AND WELFARE OF PEDESTRIANS THAT MITIGATES THE EXTREME SUMMER TEMPERATURES, AS WELL AS THE HEAT ISLAND EFFECT AND ENHANCES THE PEDESTRIAN ENVIRONMENT.

Amend Chapter 5, Section 507 Tab A.II.C.4 (Guidelines for Design Review – Subdivision Design/Development – Open Space/Amenities) by amending paragraphs 4.1 and 4.2 to read as follows:

4. Open Space/Amenities.

- 4.1 Large open space and retention areas (generally greater than 10,000 square feet) should be improved to include active and passive amenities (e.g. tot lot, ramada, tennis court, barbecues, large seating areas, landscaping, etc.) AND A MINIMUM 50% VEGETATION. SEATING AREAS SHOULD BE SHADED BY STRUCTURES OR VEGETATION (50% AT MATURITY). (P)

Rationale: Different types of improvements will appeal to different segments of the resident population. To ensure long-term maintenance AND USE of open space areas, it is important to provide YEAR-ROUND amenities FOR THE HEALTH, SAFETY, AND WELFARE OF ALL RESIDENTS to MITIGATE THE EXTREME SUMMER TEMPERATURES, AS WELL AS THE HEAT ISLAND EFFECT, in which the homeowners

association will maintain interest.

- 4.2 Open space and retention tracts/easements should be landscaped, accessible, safe and secure. Common retention may qualify for required common open space if it has a minimum area of 1000 square feet of level bottom with maximum side slopes of 4:1 and is properly landscaped as usable open space (minimum 50% vegetation). ANY PROPOSED SEATING AREAS SHOULD BE SHADED BY STRUCTURES OR VEGETATION (50% AT MATURITY). Streets (public and/or private) and required perimeter landscape setbacks will not count towards common open space. (P)

Rationale: Open space and retention areas that are accessible, and functional, AND PROVIDE YEAR-ROUND SHADED AMENITIES FOR THE HEALTH, SAFETY, AND WELFARE OF ALL RESIDENTS TO MITIGATE THE EXTREME SUMMER TEMPERATURES, AS WELL AS THE HEAT ISLAND EFFECT, are an amenity to the neighborhood. If feasible, open space should be centrally located in order to be accessible to as many residents as possible.

Amend Chapter 7, Section 703 (Landscaping, Fences and Walls) to add new subsection "E" as follows:

E. GENERAL LANDSCAPE STANDARDS AND REQUIREMENTS.

1. LANDSCAPE CONSERVATION AND SALVAGE AND TREE PROTECTION.
- a. ALL TREES, PLANTS AND CACTI ON SITE AND IN THE ABUTTING RIGHTS OF WAY MUST REMAIN IN PLACE IN A HEALTHY, STRUCTURALLY SOUND, AND VIABLE CONDITION, IN ACCORDANCE WITH APPROVED DEVELOPMENT REVIEW DOCUMENTS. REMOVAL OR DESTRUCTION OF LANDSCAPE MATERIALS INSTALLED IN ACCORDANCE WITH APPROVED DEVELOPMENT REVIEW DOCUMENTS WILL BE CONSIDERED A VIOLATION OF THE ZONING ORDINANCE, EXCEPT WHEN IN COMPLIANCE WITH SECTION 703.E.1.B AND 1.C.
 - b. NO TREES, PLANTS OR CACTI MAY BE REMOVED OR DESTROYED ON A PROPERTY WITHOUT FIRST OBTAINING A PLANT SALVAGE PERMIT FROM THE PLANNING AND DEVELOPMENT DEPARTMENT, EXCEPT AS FOLLOWS:
 - (1) THE PLANNING AND DEVELOPMENT DEPARTMENT HAS EXPRESSLY STATED IN WRITING THAT A PLANT SALVAGE PLAN IS NOT REQUIRED FOR THE SITE AS

PART OF THE APPROVED PRELIMINARY SITE PLAN OR PRELIMINARY PLAT APPROVAL DOCUMENTS, OR ON THE FINAL SITE PLAN IF A PRELIMINARY APPROVAL IS NOT REQUIRED; OR

- (2) TREES, PLANTS OR CACTI TO BE REMOVED ARE LOCATED ON A SINGLE-FAMILY LOT HAVING ONE HOME OR DUPLEX; OR
- (3) TREES, PLANTS OR CACTI TO BE REMOVED WERE DESTROYED BY A NATURAL CAUSE OR OTHER UNFORESEEN AND ACCIDENTAL INCIDENT; OR
- (4) TREES, PLANTS OR CACTI REMOVED BY THE OWNER OR A PUBLIC UTILITY PROVIDER FOR THE PURPOSE OF MAINTAINING ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES. UPON REQUEST, THE OWNER SHALL PROVIDE THE PLANNING AND DEVELOPMENT DEPARTMENT A WRITTEN EXPLANATION FROM THE PUBLIC UTILITY PROVIDER THAT THE REMOVAL IS NECESSARY FOR THE CONSTRUCTION, INSTALLATION, OPERATION, AND MAINTENANCE OF THE ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES.

c. OWNERS OF PROPERTY MUST REPLACE TREES, PLANTS OR CACTI WITH LIKE KINDS AND SIZES OR EQUIVALENT AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT LANDSCAPE ARCHITECT, IN ACCORDANCE WITH THE APPROVED DEVELOPMENT REVIEW DOCUMENTS, AS FOLLOWS:

- (1) WHEN TREES, PLANTS AND CACTI WERE DESTROYED BY A NATURAL CAUSE OR OTHER UNFORESEEN AND ACCIDENTAL INCIDENT AND WERE REMOVED; OR
- (2) WHEN REMAIN/PROTECT IN PLACE AND SALVAGED TREES, PLANTS AND CACTI HAVE DIED, BEEN REMOVED OR DESTROYED.

UNLESS SPECIFICALLY AUTHORIZED BY THE PLANNING AND DEVELOPMENT DIRECTOR OR DESIGNEE, NO FINAL CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLETION WILL BE ISSUED PRIOR TO THE INSTALLATION OF THE LIKE KIND AND SIZE REPLACEMENTS IN ACCORDANCE WITH 507.K.4.

2. REQUIRED LANDSCAPE PLANS. LANDSCAPE PLANS ARE REQUIRED FOR REVIEW AND APPROVAL IN ACCORDANCE WITH THE APPLICABILITY REQUIREMENTS OF SECTIONS 507.B. I AND K.

“LANDSCAPE PLANS” MAY REFER TO ANY OR ALL OF THE FOLLOWING PLANS: PLANT INVENTORY PLAN, PLANT SALVAGE AND TREE PROTECTION PLAN, AND/OR LANDSCAPE (INSTALLATION) PLAN. ALL PLANS MUST PROVIDE THE INFORMATION AND FORMAT REQUIRED ON CHECKLISTS PROVIDED BY THE PLANNING AND DEVELOPMENT DEPARTMENT AND BE SEALED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA.

- a. **PLANT INVENTORY PLAN:** IDENTIFIES THE TYPES, SIZES, AND LOCATIONS OF ALL TREES, CACTI, AND PLANTS EXISTING ON THE SITE AND STATES THE PHYSICAL HEALTH AND CONDITION OF EACH AS DETERMINED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA.
- b. **PLANT SALVAGE AND TREE PROTECTION PLAN:** IDENTIFIES THE DISPOSITION OF ALL OF THE TREES, CACTI, AND PLANTS IDENTIFIED IN THE PLANT INVENTORY PLAN (I.E., “REMAIN/PROTECT IN PLACE”, “SALVAGE”, OR “DESTROY”), INCLUDING DETAILS OF THE PLANT NURSERY AND WATERING SYSTEM AND SCHEDULES FOR WATERING, PRUNING, FERTILIZATION, MONITORING AND INSPECTION TO BE PROVIDED FOR SALVAGED AND REMAIN/PROTECT IN PLACE PLANTS UNTIL FINAL COMPLETION. FOR ALL TREES, CACTI AND PLANTS THAT WILL REMAIN IN PLACE, THE PLAN WILL INCLUDE A DESCRIPTION OF HOW THE CRITICAL ROOT ZONES WILL BE PROTECTED DURING THE CONSTRUCTION PHASE, INCLUDING PROTECTIVE FENCING. MINIMUM CRITICAL ROOT ZONES WILL BE DETERMINED ACCORDING TO THE CURRENT STANDARDS SET FORTH BY THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), THE SUSTAINABLE LANDSCAPE MANAGEMENT STANDARDS OF THE ARIZONA LANDSCAPE CONTRACTORS’ ASSOCIATION, OR OTHER ACCEPTABLE SUSTAINABLE LANDSCAPE STANDARDS AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT LANDSCAPE ARCHITECT.
- c. **LANDSCAPE (INSTALLATION) PLAN:** IDENTIFIES THE TYPES, SIZES, AND LOCATIONS OF ALL TREES, CACTI, AND PLANTS (INCLUDING THOSE TO REMAIN/PROTECT IN PLACE OR SALVAGED) TO BE INSTALLED ON THE SITE, ON DOCUMENTS SEALED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA. LANDSCAPE PLANS ARE TO ALSO INCLUDE ALL LANDSCAPE MATERIALS, A MAINTENANCE SCHEDULE, IRRIGATION PLANS, PLUS OTHER INFORMATION AS MAY BE REQUIRED BY PLANNING AND DEVELOPMENT STAFF. PLANT MATERIAL SIZES AND SPECIFICATIONS MUST CONFORM TO THE STANDARDS OF THE AMERICAN STANDARDS FOR

NURSERY STOCK (ANSI Z60.1) OR THE ARIZONA NURSERY ASSOCIATION.

- (1) LANDSCAPE PLANS SHALL INCLUDE A MAINTENANCE SCHEDULE WHICH IDENTIFIES THE RECOMMENDED LANDSCAPE MAINTENANCE INCLUDING, BUT NOT LIMITED TO, WEEDS, ROCK MULCH, AND IRRIGATION. THE SCHEDULE SHALL IDENTIFY SEASONAL WATER APPLICATION RATES, TYPES AND METHODS OF FERTILIZATION, AND PRUNING, ETC. FOR EACH PLANT TYPE. ACCORDING TO THE CURRENT STANDARDS SET FORTH BY THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), THE SUSTAINABLE LANDSCAPE MANAGEMENT STANDARDS OF THE ARIZONA LANDSCAPE CONTRACTORS' ASSOCIATION, OR OTHER ACCEPTABLE STANDARDS AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT LANDSCAPE ARCHITECT.

DEVIATIONS FOR PRUNING STANDARDS ARE PERMITTED WHEN DONE FOR THE PURPOSE OF MAINTAINING ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES. UPON REQUEST, THE OWNER SHALL PROVIDE THE PLANNING AND DEVELOPMENT DEPARTMENT A WRITTEN EXPLANATION FROM THE PUBLIC UTILITY PROVIDER THAT THE PRUNING IS NECESSARY FOR THE CONSTRUCTION, INSTALLATION, OPERATION, AND MAINTENANCE OF THE ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES.

This publication can be made available in alternative format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.