

# PHOENIX CITY COUNCIL FORMAL AGENDA



Mayor Greg Stanton

Vice Mayor  
District 8  
Michael Johnson

District 1  
Thelda Williams

District 2  
Jim Waring

District 3  
Bill Gates

District 4  
Tom Simplot

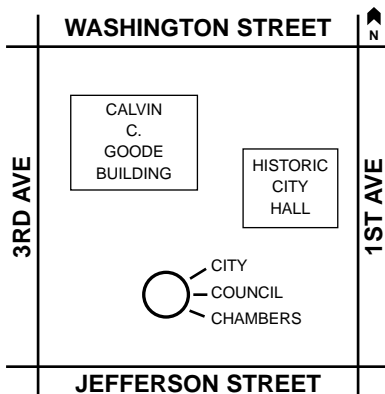
District 5  
Daniel Valenzuela

District 6  
Sal DiCiccio

District 7  
Michael Nowakowski

*Online agendas and  
results available at  
[www.phoenix.gov](http://www.phoenix.gov)*

City Council Chambers  
200 W. Jefferson St.  
Phoenix, AZ 85003



## WELCOME!

You are now participating in the process of representative government. We welcome your interest and hope you and your friends will often attend Phoenix City Council meetings. Democracy cannot endure without an informed electorate. Phoenix utilizes a Council-Manager form of local government. Policy is set by the Mayor and Council who are elected by the people, and carried out by the City Manager, who is appointed by the Council. The Council decides what is to be done and the City Manager, operating through the entire City staff, does it. This separation of policy-making and policy administration is considered the most economical and efficient form of city government.

## FORMAL CITY COUNCIL MEETINGS

The Council takes official action at "formal" meetings each Wednesday at 5:00 p.m. Ordinances, Resolutions and Formal Actions are officially enacted or rejected at this time from the agenda. Although this agenda is subject to change from time to time, all changes to the printed agenda will be available 24 hours prior to the meeting.

The "formal" meeting may appear to proceed extremely fast, with important decisions reached after very little discussion. Actually, Council members receive the agenda the Friday prior to the meeting. They have the opportunity to study every item on the agenda over the weekend and ask questions of City staff members. If no additional facts are presented at the "formal" meeting, they often act on matters, particularly routine ones, without further discussion.

## HOW CITIZENS CAN PARTICIPATE

Citizens may appear before the City Council or a Council Subcommittee to express their views on any published agenda item. In addition, a Citizen Comment Session is held on Wednesdays immediately following the formal City Council meetings which begin at 5:00 p.m. The City Council does not meet every Wednesday, so please call the City Clerk Department at 602-262-6811 to confirm the date and time of the next formal meeting.

If you have an individual problem involving the City, you are encouraged to contact your District Council member at 602-262-7029 or the City Manager's Office at 602-262-4449. To reach the Mayor's office, call 602-262-7111. We will do everything possible to be responsive to your individual requests.

## REGISTERED LOBBYISTS

Individuals paid to lobby on behalf of persons or organizations other than themselves shall register with the City Clerk prior to lobbying or within five business days thereafter and must re-register annually. If you have any questions about registration or whether or not you must register, please contact the City Clerk's Office at 602-256-3186.

An assistive listening system is available in the Council Chambers for individuals with hearing loss. Headset units are available at the entrance table in the Chambers. In addition, the City Clerk's office will provide sign language interpreting services. Please call (voice) 602-256-3186 or (TTY) 602-534-2737 as early as possible to coordinate needed arrangements.

Si necesita asistencia o traducción en español, favor de llamar lo mas pronto posible a la oficina de la Secretaría Municipal de Phoenix al 602-256-3186.

# City of Phoenix Council members and district boundaries



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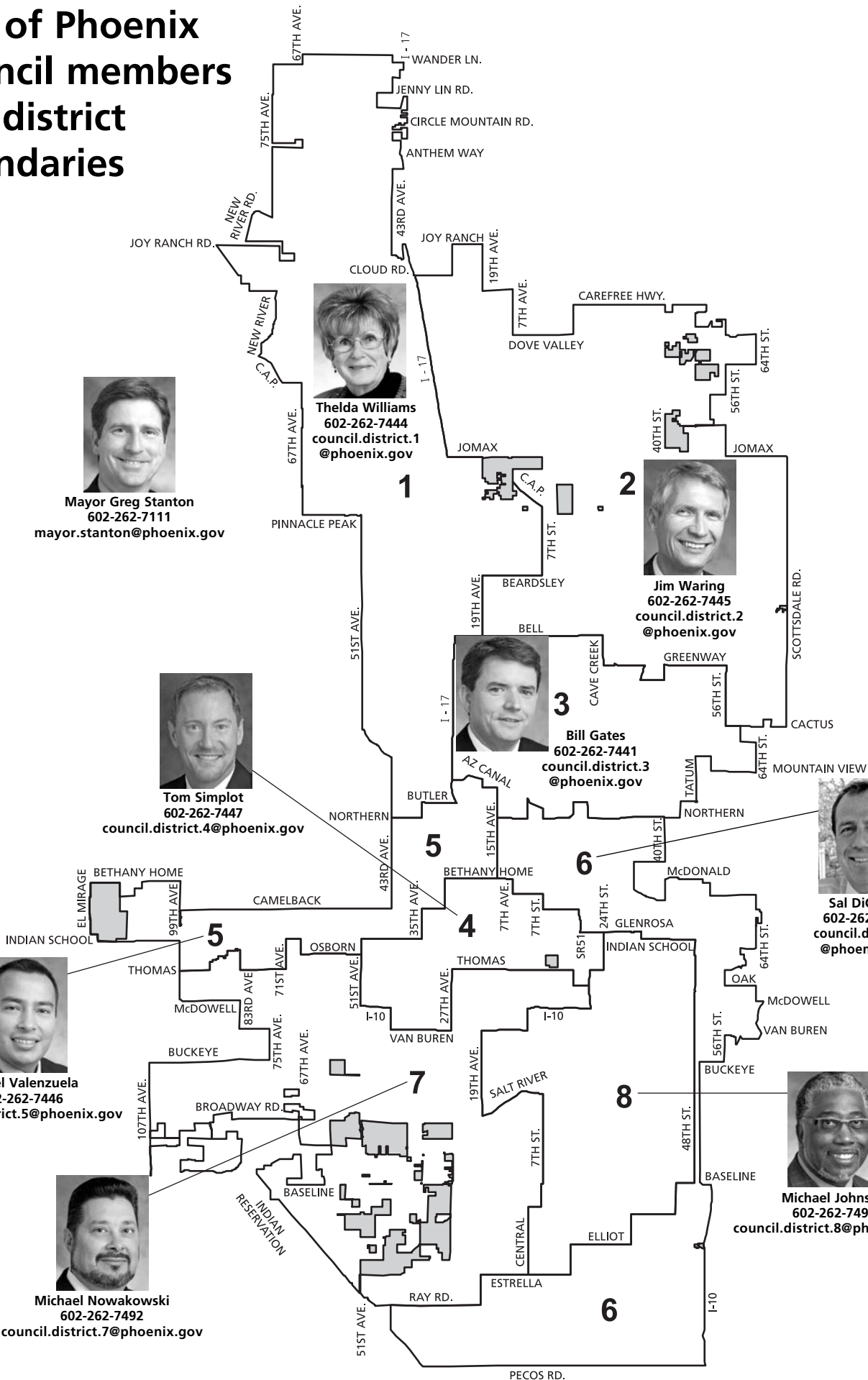
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COUNCIL CHAMBERS, 200 WEST JEFFERSON  
PHOENIX, ARIZONA 85003**

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## **AGENDA FOR FORMAL MEETING**

**PHOENIX CITY COUNCIL  
WEDNESDAY, OCTOBER 31, 2012, 3:00 P.M.  
COUNCIL CHAMBERS, 200 WEST JEFFERSON  
PHOENIX, ARIZONA 85003**

### **INVOCATION**

The invocation to be given by Rabbi Reuven Mann, Young Israel of Phoenix.

### **PLEDGE**

The Pledge of Allegiance to the Flag to be led by Councilwoman Thelda Williams.

### **ROLL CALL**

### **MINUTES OF MEETINGS**

For approval or correction, the minutes of the formal meeting of October 3, 2012. (Submitted to Mrs. Williams)

### **BOARDS AND COMMISSIONS**

Mayor's appointments to Boards and Commissions.

City Council Members' appointments to Boards and Commissions.

The names of persons being recommended for appointment and the Board, Commission, or Committee to which their appointments are being recommended are available in the City Clerk's Office, 15th Floor, Phoenix City Hall, 200 West Washington Street, not less than 24 hours prior to the meeting.

**LIQUOR LICENSE APPLICATIONS**

**ITEM 1**

**DISTRICT 2**

**LIQUOR LICENSE APPLICATION - SPECIAL  
EVENT - ST. GABRIEL  
THE ARCHANGEL ROMAN CATHOLIC PARISH  
CAVE CREEK**

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The following is an application for a Special Event liquor license for temporary sale of all liquors. There are no departmental objections and no protests.

Series Definition

SE - Special Event License for temporary sale of all liquors

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
2	Dennis O'Rourke St. Gabriel the Archangel Roman Catholic Parish Cave Creek 32648 North Cave Creek Road  (Dinner/Games/Rock Wall)	- <u>Event Location:</u> 32648 North Cave Creek Road - <u>Day/Date/Time:</u> Saturday, November 10, 2012 4:30 p.m. to 10:30 p.m. - <u>Total Expected Attendance:</u> 400

Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

**ITEM 2**

**DISTRICT 3**

**LIQUOR LICENSE APPLICATION - SPROUTS  
FARMERS MARKET #18**

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Request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned C-2. Arizona State Application 10076328.

Applicant: Randy Nations, Agent  
Sprouts Farmers Market #18  
245 East Bell Road, #15

This request is for a new Series 10 liquor license for a grocery store. This location was previously licensed for liquor sales as Sunflower Farmers Market and is currently operating with an interim permit. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Friday, November 9, 2012.

Consideration may be given only to the applicant's personal qualifications and not to the location.

1. Department of Liquor Licenses and Control Public Access Data - This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.
2. Police Calls for Service - This information is not provided due to the multiple ownership interests of the applicant.
3. Public Opinion - No petitions or protests have been received.
4. 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 conduct cashier training and provide continuous refresher courses."

5. 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.

If denied, the applicant will continue operations without a liquor license and the previous owner will not resume ownership.

This item is submitted by Ms. Takata and the City Clerk Department.

**ITEM 3                      DISTRICT 6                      LIQUOR LICENSE APPLICATION - SPECIAL EVENT - SUMMIT BUILDERS CHARITIES**

The following is an application for a Special Event liquor license for temporary sale of all liquors. There are no departmental objections and no protests.

Series Definition

SE - Special Event License for temporary sale of all liquors

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
6	Peter Schweizer Summit Builders Charities 3333 East Camelback Road, Suite 122  (Chili and Salsa Cook-Off)	- <u>Event Location:</u> 3333 East Camelback Road - <u>Day/Date/Time:</u> Thursday, November 8, 2012 4:00 p.m. to 10:00 p.m. - <u>Total Expected Attendance:</u> 199

Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

**ITEM 4                      DISTRICT 6                      LIQUOR LICENSE APPLICATION - CAFFE DANIEL**

Request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned PSC. Arizona State Application 12079276.

Applicant:                      Daniel Malventano, Agent  
   Caffe Daniel  
   3115 East Lincoln Drive

This request is for a new Series 12 liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. The operation plan filed with the application shows that the restaurant area seats 62 and the bar area seats 8. This location requires a Use Permit for a restaurant located in a PSC zoning district. This business is currently being remodeled with plans to open in November 2012. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Friday, November 16, 2012.

Consideration may be given to the applicant's personal qualifications and to the location.

1. Department of Liquor Licenses and Control Public Access Data - This database indicates that the applicant does not hold an interest in any other liquor license in the State of Arizona.
2. Police Calls for Service - Not applicable since the applicant does not hold an interest in any other liquor license in the City of Phoenix.

3. Public Opinion - No petitions or protests have been received.
4. 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:
  - A. I have the capability, reliability, and qualifications to hold a liquor license because: "I had 16 years of experience as an agent and restaurant owner. With the responsibilities that is required for a liquor license."
  - B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "I owned Daniel's Italian Cuisine for 16 years with great credits. My cuisine will excel if accompanied with a selection of wine or spirits."
5. Neighborhood Stability

Liquor License Data		1 Mile	1/2 Mile
Description	Series	#	#
Bar	6	2	0
Restaurant	12	2	1

Crime Data	Avg.	1 Mile	1/2 Mile
Violent Crimes	5.82	0.75	1
Property Crimes	45.04	14.41	8.83

Property Violation Data	Avg.	1/2 Mile
Parcels w/Violations	57	2
Total Violations	105	2

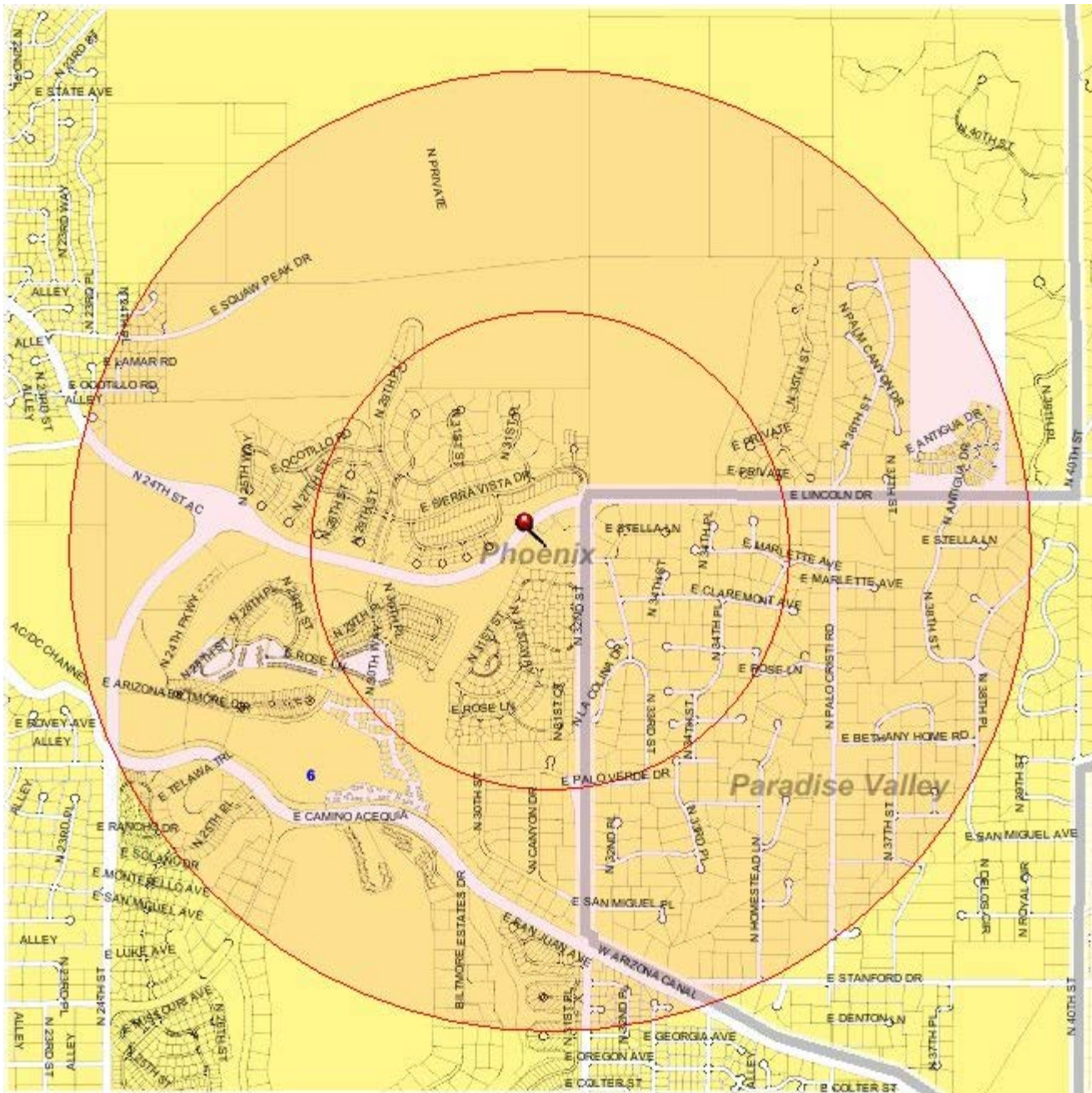
Census 2000 Data 1/2 Mile				
Block Group	2000 Population	Owner Occupied	Residential Vacancy	Persons In Poverty
1051021	884	94%	11%	2%
1078001	186	88%	36%	0%
1078002	508	95%	28%	6%
Average		63%	6%	15%

6. 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 prior to beginning operations.

A map indicating liquor licenses within a one-mile radius accompanies this item on the following page.

This item is submitted by Ms. Takata and the City Clerk Department.

District 6  
 Daniel Malventano, Agent  
 Caffè Daniel  
 3115 East Lincoln Drive



**ITEM 5**

**DISTRICT 6**

**LIQUOR LICENSE APPLICATION - CAPRIOTTI'S SANDWICH SHOP**

Request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079265.

Applicant: Warren Ruttenberg, Agent  
Capriotti's Sandwich Shop  
6025 North 16th Street

This request is for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales as Convenience Station One with a Series 10, Off Sale-Beer and Wine liquor license and does not have an interim permit. The operation plan filed with the application shows that the restaurant area seats 44 and there is no bar area. This business will have outdoor dining and outdoor alcohol consumption. This location requires a Use Permit for this type of activity. This business is currently being remodeled with plans to open in November 2012. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Monday, November 5, 2012.

Consideration may be given to the applicant's personal qualifications and to the location.

1. Department of Liquor Licenses and Control Public Access Data - This database indicates that the applicant does not hold an interest in any other liquor license in the State of Arizona.
2. Police Calls for Service - Not applicable since the applicant does not hold an interest in any other liquor license in the City of Phoenix.
3. Public Opinion - No petitions or protests have been received.
4. 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:
  - A. I have the capability, reliability, and qualifications to hold a liquor license because: "I have been a business owner in many differet businesses for over 20 years now. This is a second location for us and we feel confident that a liquor license will compliment the food and atmosphere in a neighborhood that has a night presence."
  - B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "Our sandwich shop will allow a customer to enjoy a beer or glass of wine with a sandwich and should become a casual meeting location vs. a bar environment. The goal is to remain at eighty plus percent food to liquor."
5. Neighborhood Stability

Liquor License Data		1 Mile	1/2 Mile
Description	Series	#	#
Bar	6	3	3
Liquor Store	9	2	0
Beer & Wine Store	10	8	4
Restaurant	12	13	8

Crime Data	Avg.	1 Mile	1/2 Mile
Violent Crimes	5.82	2.79	1.63
Property Crimes	45.04	39.91	29.36

Property Violation Data	Avg.	1/2 Mile
Parcels w/Violations	57	112
Total Violations	105	171

Census 2000 Data 1/2 Mile				
Block Group	2000 Population	Owner Occupied	Residential Vacancy	Persons In Poverty
1064002	962	49%	5%	5%
1064003	412	100%	4%	2%
1064004	920	30%	9%	6%
1065004	1336	31%	10%	14%
1065005	571	75%	10%	1%
1065008	727	43%	11%	7%
1065009	422	54%	5%	3%
1076001	953	93%	4%	4%
1077001	716	100%	1%	0%
1077004	1208	77%	4%	13%
Average		63%	6%	15%

6. 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 prior to beginning operations.

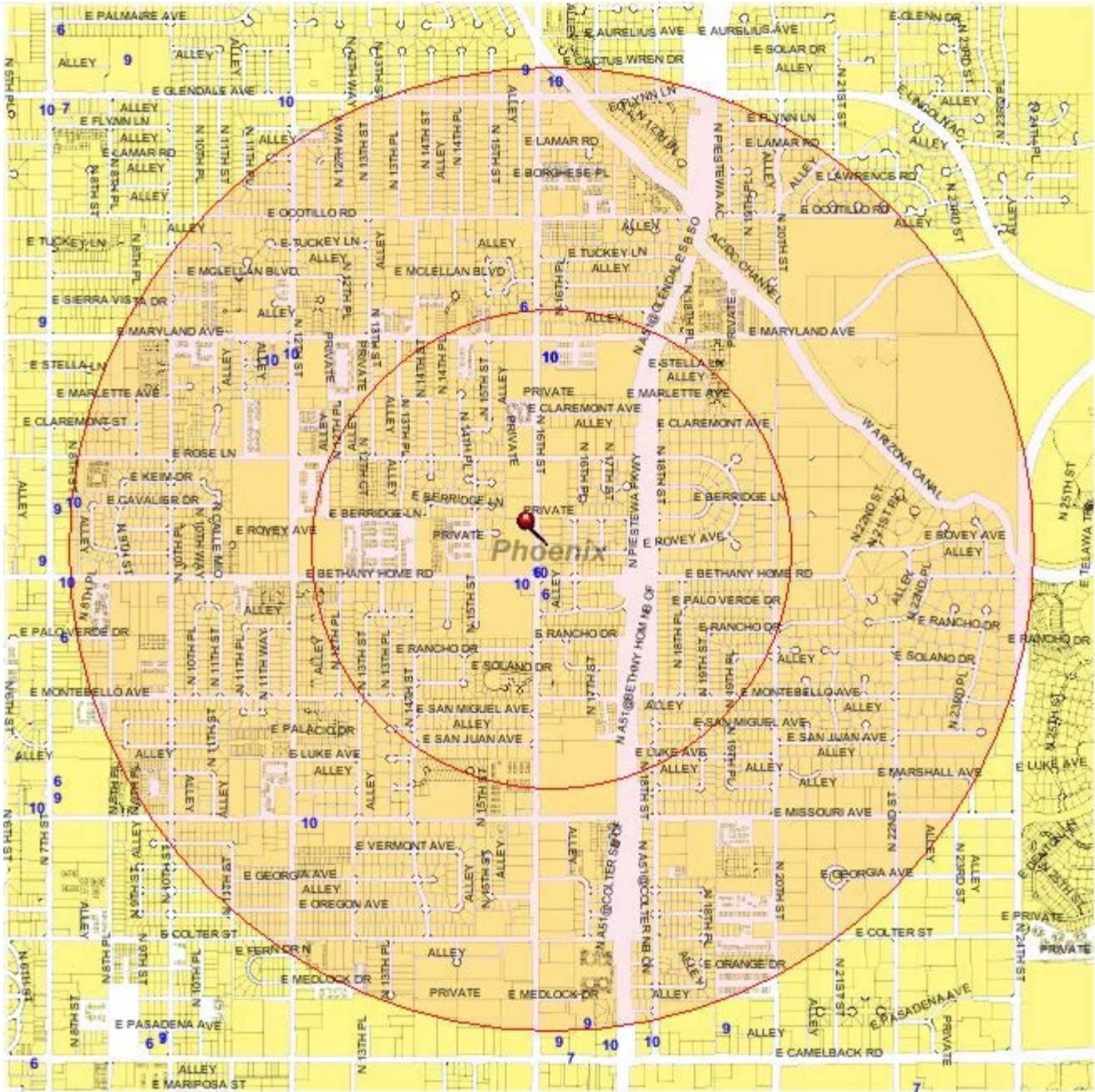


A map indicating liquor licenses within a one-mile radius accompanies this item on the following page.

This item is submitted by Ms. Takata and the City Clerk Department.

District 6

Warren Ruttenberg, Agent  
Capriotti's Sandwich Shop  
6025 North 16th Street



**ITEM 6**

**DISTRICT 6**

**LIQUOR LICENSE APPLICATION -  
GB ON 7TH STREET**

Request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079261.

Applicant: Georgia Robson, Agent

GB on 7th Street  
6035 North 7th Street

This request is for a new Series 12 liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. The operation plan filed with the application shows that the restaurant area seats 86 and the bar area seats 9. This business is currently being remodeled with plans to open in January 2013. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Saturday, November 3, 2012.

Consideration may be given to the applicant's personal qualifications and to the location.

1. Department of Liquor Licenses and Control Public Access Data - The ownership of this business also has an interest in the following liquor license:

Foothills Cafe  
4740 East Warner Road  
Phoenix, Arizona

The Public Access Database indicates that the above license has not had any administrative sanctions levied against the ownership by the Department.

2. Police Calls for Service - The Department reports the following number of aggregate calls for police service in the last 12 months at establishments located in the City of Phoenix in which the applicant has an ownership interest:

Foothills Cafe  
4740 East Warner Road  
1 call

3. Public Opinion - No petitions or protests have been received.
4. 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:
  - A. I have the capability, reliability, and qualifications to hold a liquor license because: "My husband and I are upstanding members of the community and have high standards as it relates to the management of local, state and federal liquor laws. We have over twenty years of combined experience in the hospitality industry."
  - B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "We are excited to bring new life to a neighborhood and community, as well as being a major addition to a revitalized shopping center. We want to create a warm and inviting environment for families where they can enjoy a local neighborhood food and beverage establishment."

5. Neighborhood Stability

Liquor License Data		1 Mile	1/2 Mile
Description	Series	#	#
Bar	6	3	2
Beer & Wine Bar	7	3	0
Liquor Store	9	4	3
Beer & Wine Store	10	10	2
Restaurant	12	16	3

Crime Data	Avg.	1 Mile	1/2 Mile
Violent Crimes	5.82	3.61	4
Property Crimes	45.04	55.55	55.57

Property Violation Data	Avg.	1/2 Mile
Parcels w/Violations	57	157



Total Violations	105	193
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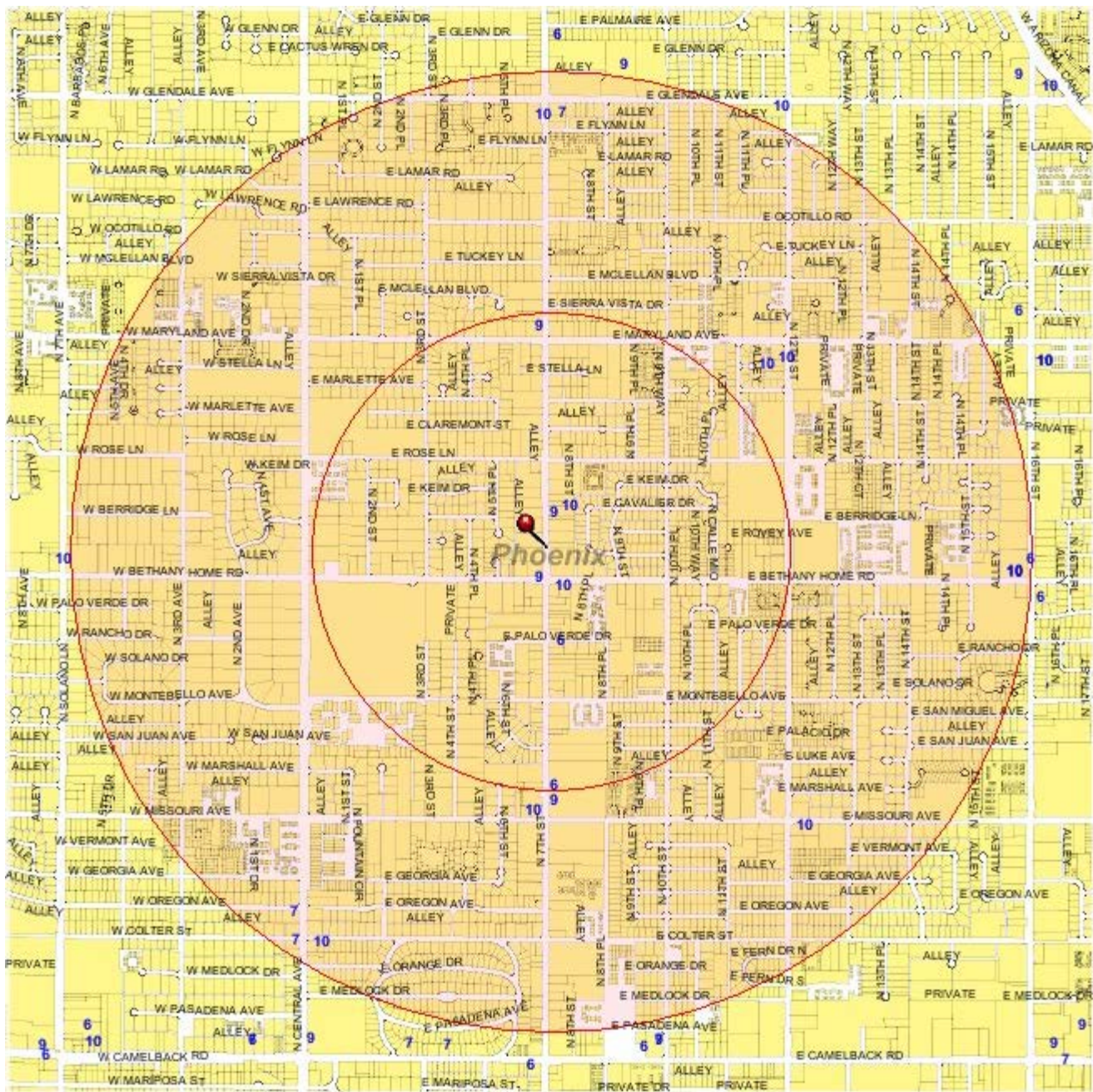
Census 2000 Data 1/2 Mile				
Block Group	2000 Population	Owner Occupied	Residential Vacancy	Persons In Poverty
1065003	757	67%	0%	5%
1065006	932	48%	0%	14%
1065007	826	29%	8%	10%
1065008	727	43%	11%	7%
1066001	816	98%	3%	7%
1066004	1085	50%	8%	11%
1075001	708	72%	3%	11%
1076004	597	77%	9%	2%
1076007	657	13%	7%	10%
1076008	591	29%	12%	24%
Average		63%	6%	15%

6. 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 prior to beginning operations.

A map indicating liquor licenses within a one-mile radius accompanies this item on the following page.

This item is submitted by Ms. Takata and the City Clerk Department.

District 6  
 Georgia Robson, Agent  
 GB on 7th Street  
 6035 North 7th Street



**ITEM 7**

**DISTRICT 7**

**LIQUOR LICENSE APPLICATION -  
SPECIAL EVENT -  
LOCAL FIRST ARIZONA**

The following is an application for a Special Event liquor license for temporary sale of all liquors. There are no departmental objections and no protests.

Series Definition

SE - Special Event License for temporary sale of all liquors

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
7	Tod Mettler Local First Arizona 12 West Camelback Road  (Civic Festival)	- <u>Event Location:</u> 1100 North Central Avenue  - <u>Day/Date/Time:</u> Saturday, November 10, 2012

10:00 a.m. to 4:00 p.m.

-  
Total Expected Attendance: 2,000

Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

**ITEM 8**                      **DISTRICT 7**                      **LIQUOR LICENSE APPLICATION - CARNICERIA**  
**RANCHO GRANDE**

---

Request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned C-3. Arizona State Application 10076326.

Applicant:                      Carlos Ruiz-Gomez, Agent  
   Carniceria Rancho Grande  
   4227 South Central Avenue

This request is for a new Series 10 liquor license for a grocery store. This location is currently licensed for liquor sales with a Series 9 - Off-Sale All Liquor, liquor license and does not have an interim permit. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Sunday, November 4, 2012.

Consideration may be given to the applicant's personal qualifications and to the location.

1. Department of Liquor Licenses and Control Public Access Data - The ownership of this business also has an interest in the following liquor licenses:

Carniceria Rancho Grande (Series 9) 4227 South Central Avenue Phoenix, Arizona	Carniceria Rancho Grande 827 East Main Street Mesa, Arizona
---	---

Carniceria Rancho Grande: 4227 South Central Avenue (Series 9)

In September 1998, a fine of \$1,000 was paid for failing to request identification from an underage buyer and selling, giving, or furnishing an underage person with alcohol.

In December 2010, a fine of \$750 was paid for permitting illegal gambling on the premises.

Carniceria Rancho Grande: 827 East Main Street

In August 2007, a fine of \$500 was paid for selling alcohol between 2:00 a.m. and 6:00 a.m. (2:00 a.m. and 10:00 a.m. on Sundays).

2. Police Calls for Service - The Department reports the following number of aggregate calls for police service in the last 12 months at establishments located in the City of Phoenix in which the applicant has an ownership interest:

Carniceria Rancho Grande  
4227 South Central Avenue  
108 calls

3. Public Opinion - No petitions or protests have been received.

4. 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:

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "I have managed a liquor license at this location for 16 years. I wish to down grade my license to only sell beer and wine. I will continue to maintain the same business practices I I have utilized for

the last 16 years."

- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "My company would like to continue the sales of beer and wine in the community we have served 16 years. At this time we wish to discontinue full alcohol sales and concentrate solely on beer and wine. By reducing the products we sell in number, we can have a better selection of products we do sell."

5. Neighborhood Stability

Liquor License Data		1 Mile	1/2 Mile
Description	Series	#	#
Government	5	1	0
Bar	6	3	1
Beer & Wine Bar	7	1	0
Liquor Store	9	7	2
Beer & Wine Store	10	9	3
Restaurant	12	1	0
Club	14	1	0

Crime Data	Avg.	1 Mile	1/2 Mile
Violent Crimes	5.82	10.82	12
Property Crimes	45.04	49.88	57.57

Property Violation Data	Avg.	1/2 Mile
Parcels w/Violations	57	50
Total Violations	105	70

Census 2000 Data 1/2 Mile				
Block Group	2000 Population	Owner Occupied	Residential Vacancy	Persons In Poverty
1153002	903	36%	8%	50%
1154001	1339	53%	7%	40%
1154002	1540	48%	6%	28%
1158011	2294	31%	4%	39%
1158021	1777	56%	6%	40%
Average		63%	6%	15%

6. 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.

If denied, the applicant will continue operations with the current Series 9 liquor license.

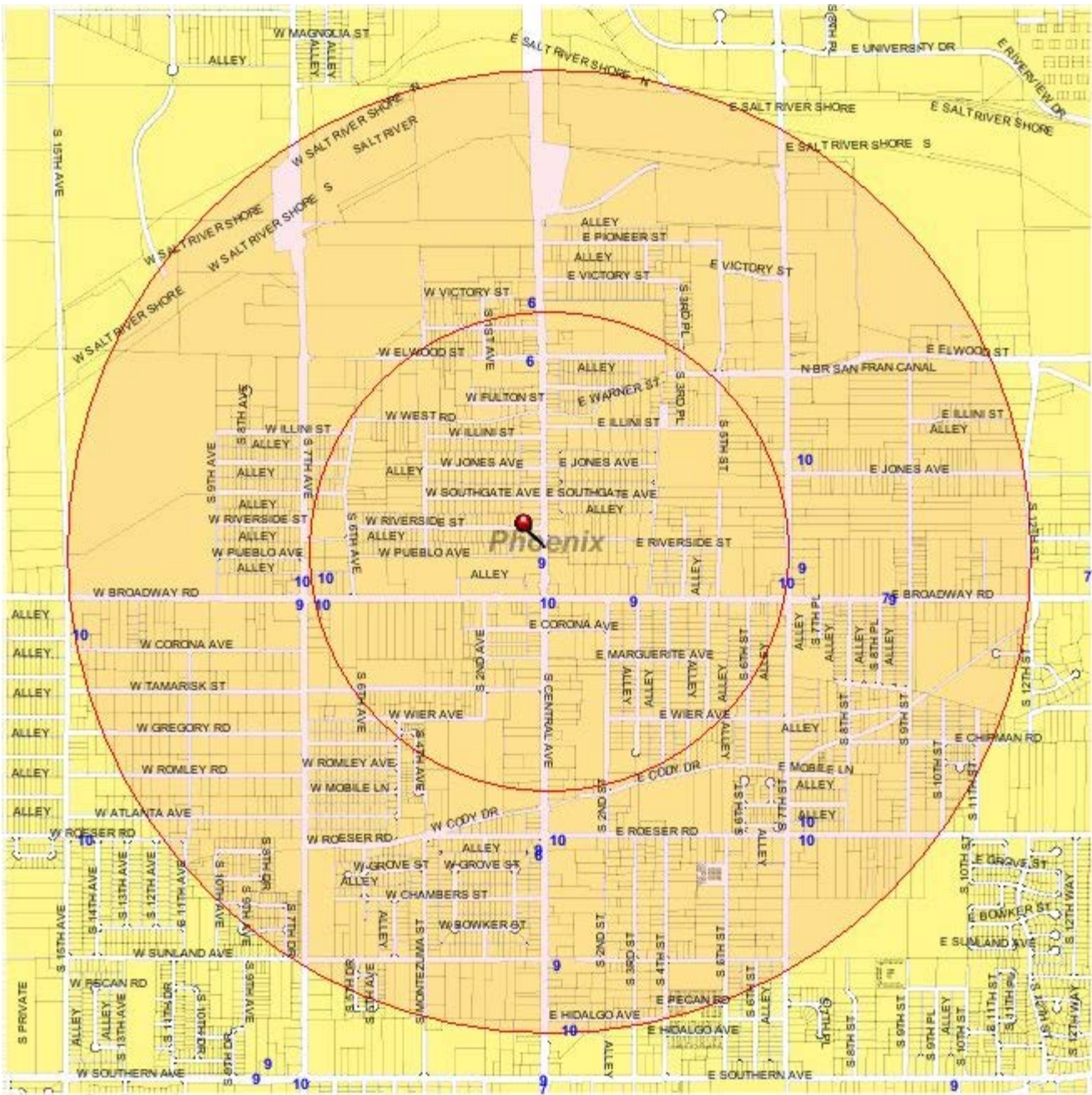
A map indicating liquor licenses within a one-mile radius accompanies this item on the following page.

This item is submitted by Ms. Takata and the City Clerk Department.

District 7

Carlos Ruiz-Gomez, Agent  
Carniceria Rancho Grande  
4227 South Central Avenue





**ITEM 9**

**DISTRICT 8**

**LIQUOR LICENSE APPLICATION - SPECIAL EVENT - THE BEER FOR BRAINS FOUNDATION**

The following is an application for a Special Event liquor license for temporary sale of all liquors. There are no departmental objections and no protests.

Series Definition

SE - Special Event License for temporary sale of all liquors

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
8	Amanda Nash The Beer for Brains Foundation 2990 East Washington Street, #134  (Live Music/Silent Auction)	- <u>Event Location:</u> 600 East Washington Street  - <u>Day/Date/Time:</u> Saturday, November 10, 2012 6:30 p.m. to 11:30 p.m.

-  
Total Expected Attendance: 1,250

Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

**ITEM 10**                      **DISTRICT 8**                      **LIQUOR LICENSE APPLICATION - SPECIAL  
EVENT - INDIA ASSOCIATION**

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The following is an application for a Special Event liquor license for temporary sale of all liquors. There are no departmental objections and no protests.

Series Definition

SE - Special Event License for temporary sale of all liquors

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
8	Nitin Jain India Association P.O. Box 60121  (Cultural Celebration)	- <u>Event Location:</u> 115 North 6th Street - <u>Day/Date/Time:</u> Sunday, November 18, 2012 10:00 a.m. to 7:00 p.m. - <u>Total Expected Attendance:</u> 4,000

Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

**ITEM 11**                      **DISTRICT 8**                      **LIQUOR LICENSE APPLICATION - GOJO  
ETHIOPIAN RESTAURANT**

---

Request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079263.

Applicant:                      Tadesse Alemu, Agent  
   GOJO Ethiopian Restaurant  
   3015 East Thomas Road, #101

This request is for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales as Bacchanal Restaurant until July 2012 and is currently operating with an interim permit. The operation plan filed with the application shows that the restaurant area seats 97 and the bar area seats 8. This business will have patron dancing. This location requires a Use Permit for patron dancing. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Sunday, November 4, 2012.

Consideration may be given only to the applicant's personal qualifications and not to the location.

1. Department of Liquor Licenses and Control Public Access Data - This database indicates that the applicant does not hold an interest in any other liquor license in the State of Arizona.
2. Police Calls for Service - Not applicable since the applicant does not hold an interest in any other liquor license in the City of Phoenix.
3. Public Opinion - No petitions or protests have been received.
4. 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 law abiding citizen of United States of America with no criminal background to run number 12 licence and the business qualifies with all the requirements not limited to parking and with all the necessary requirements."

5. 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.

This item is submitted by Ms. Takata and the City Clerk Department.

**ITEM 12**                      **DISTRICT 8**                      **LIQUOR LICENSE APPLICATION - LO-LO'S CHICKEN & WAFFLES**

---

Request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-3. Arizona State Application 12079181.

Applicant:                      Larry White, Agent  
   Lo-Lo's Chicken & Waffles  
   1220 South Central Avenue

This request is for a new Series 12 liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. The operation plan filed with the application shows that the restaurant area seats 120 and there is no bar area. This business will have outdoor dining and outdoor alcohol consumption. This location requires a Use Permit for this type of activity. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Saturday, November 10, 2012.

Consideration may be given to the applicant's personal qualifications and to the location.

1. Department of Liquor Licenses and Control Public Access Data - The ownership of this business also has an interest in the following liquor license:

Lo Lo's Chicken and Waffles  
2765 North Scottsdale Road, #101  
Scottsdale, Arizona

The Public Access Database indicates that the above license has not had any administrative sanctions levied against the ownership by the Department.

2. Police Calls for Service - Not applicable since the applicant does not hold an interest in any other liquor license in the City of Phoenix.
3. Public Opinion - No petitions or protests have been received.
4. 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:
  - A. I have the capability, reliability, and qualifications to hold a liquor license because: "I have been a responsible business owner in the City of Phoenix for 10 years. I have taken the classes required to hold a liquor license. I have also consulted with my food purveyor & they are going to train my staff, so we will be in compliance."
  - B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "We are a soul food restaurant, and we sell food. I plan to offer a glass of beer or wine as a compliment to our food. Our main focus is food! We will have a 2 drink map for consumers we will not offer any shots! Our main focus

is food! "

5. Neighborhood Stability

Liquor License Data		1 Mile	1/2 Mile
Description	Series	#	#
Producer	1	1	0
Bar	6	12	0
Beer & Wine Bar	7	3	0
Liquor Store	9	4	0
Beer & Wine Store	10	9	6
Hotel	11	1	0
Restaurant	12	25	3
Club	14	4	2

Crime Data	Avg.	1 Mile	1/2 Mile
Violent Crimes	5.82	12.68	15.25
Property Crimes	45.04	52.86	59.25

Property Violation Data	Avg.	1/2 Mile
Parcels w/Violations	57	81
Total Violations	105	186

Census 2000 Data 1/2 Mile				
Block Group	2000 Population	Owner Occupied	Residential Vacancy	Persons In Poverty
1142001	915	20%	11%	69%
1142002	1104	27%	6%	46%
1143022	1487	11%	2%	83%
1148002	1376	45%	16%	71%
1149001	656	22%	6%	39%
1149002	1158	22%	5%	51%
1149003	899	5%	4%	79%
1149004	280	60%	15%	34%
Average		63%	6%	15%

6. 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.

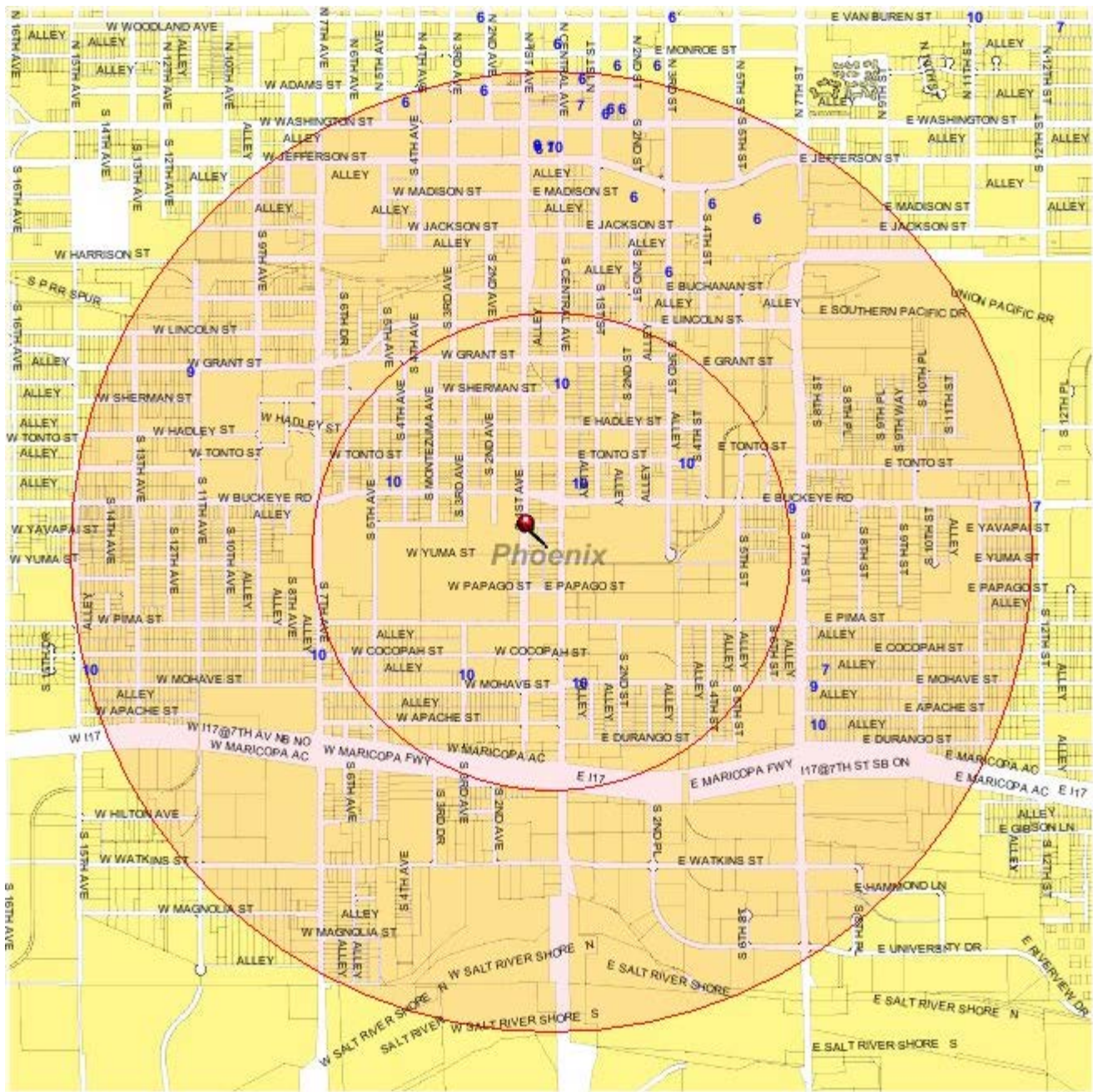
A map indicating liquor licenses within a one-mile radius accompanies this item on the following page.

This item is submitted by Ms. Takata and the City Clerk Department.

District 8

Larry White, Agent  
 Lo-Lo's Chicken & Waffles  
 1220 South Central Avenue





## **OLD BUSINESS**

### **ITEM 13**

#### **CITYWIDE**

#### **REVIEW AND AMEND THE INTERNATIONAL PLUMBING CODE OR THE UNIFORM PLUMBING CODE IN THE 2012 CONSTRUCTION CODE ADOPTION PROCESS**

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(Continued from October 17, 2012) - Request to authorize Planning and Development staff to review and amend either the 2012 International Plumbing Code (IPC) or the 2012 Uniform Plumbing Code (UPC) in the 2012 Construction Code Adoption.

Planning and Development performed a preliminary review and comparison of the two 2012 editions of plumbing codes for consideration in the 2012 Construction Code Adoption. Based on that review, staff recommended adoption of the UPC.

Staff presented this item to the Development Advisory Board (DAB) on July 19, 2012. Following a tie vote (7-7) where a motion to move the IPC forward in the code adoption process failed to pass, the DAB then voted unanimously to forward this item to the City Council Subcommittee without a recommendation.

The Neighborhoods, Planning and Development, Housing, and Homeless (NPDHH) Subcommittee recommended approval (2-1) of the IPC on September 18, 2012.

The NPDHH Subcommittee also reviewed and expressed support of staff's recommendation to eliminate the 2012 International Swimming Pool and Spa Code, and the 2012 International Wildland-Urban Interface Code from consideration in the 2012 Construction Code Adoption process.

This item is recommended by Mr. Naimark and the Planning and Development Department.

### **ITEM 14**

#### **CITYWIDE**

#### **CHANGE ORDER WITH FIRST TRANSIT AND VEOLIA TRANSPORTATION TO IMPLEMENT BUS SERVICE EFFICIENCIES**

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(Continued from October 17, 2012) - Request to authorize the City Manager, or his designee, to implement bus service efficiency changes, including the reduction of end of bus route turnaround service. Further request authorization to enter into change orders as a result of the efficiencies, which will result in savings of up to \$10 million over three years.

Public Transit staff continually evaluates the operation of its transit service in order to ensure that Phoenix-funded transit service is both efficient and productive. Through the most recent evaluation process, staff identified various potential service efficiencies, including reducing turnaround miles and compensation to contractors. "Turnarounds" are miles at the end of bus routes needed to position the bus to start its next route. The Public Transit Department presented to City Council on June 13, 2012, efficiencies totaling up to \$4,325,000 annually or approximately \$13 million over the next three years. Through negotiations with Veolia Transportation Services (Agreement 128473) and First Transit, Inc. (Agreement 122510), amendments to the work scope and fee schedule have been finalized in order to implement the service efficiencies.

During review with the bus contractors, staff further evaluated the costs of turnarounds in order to fairly compensate the contractors for mileage requested to provide service. As a result, staff recommends reimbursement for turnarounds for both agreements is estimated at \$2,902,274 or about \$1 million per year over the next three years. As a result, the total actual savings will be approximately \$10 million over three years. All other service miles are to be paid under the Cost per Revenue Mile as established in the agreements. The amendments in no way alter the parties' respective positions concerning the City's right to alter the fixed route transit service in any form under the agreement.

#### **Financial Impact**

There is no cost increase associated with the implementation of these service efficiencies, as Public Transit is projected to spend less than the original estimated amounts for both agreements as originally approved by City Council. Change orders to both transit service agreements will allow for the continued implementation of the aforementioned service efficiencies and result in an overall savings of up to \$10,000,000 over the next three years.

This item is recommended by Mr. Zuercher and the Public Transit Department.



**ORDINANCES AND RESOLUTIONS**

**ITEM 15**

**CITYWIDE**

**ORDINANCE G-5741 -  
AMEND CITY CODE - CHAPTER 12 - TO  
ESTABLISH LEGAL DESCRIPTIONS FOR NEW  
CITY COUNCIL  
DISTRICT BOUNDARIES**

---

Request authorization to amend Chapter 12 of the Code of the City of Phoenix by repealing Section 12-1602, which establishes legal descriptions of the eight geographical City Council districts within the city of Phoenix, and adopting a

new Section 12-1602, which establishes the legal descriptions of the eight geographical City Council districts adopted by the City Council on July 3, 2012, for election purposes in accordance with Section 12-1600, to be effective January 1, 2013.

This item is submitted by Ms. Takata and the City Clerk Department.

**ITEM 16**

**CITYWIDE**

**PUBLIC HEARING -  
ORDINANCE G-5742 -  
Z-TA-9-11 - HOSPITAL HELISTOPS AND  
HELIPADS**

---

Request to hold a public hearing and approve the text amendment changes for the following item by adopting the Planning Commission's recommendation and the related ordinance.

Application: Z-TA-9-11  
Request: Modify requirements for Heliports and Helistops  
Proposal: Amend Section 202 (Definitions), Section 622.D.78 (Commercial C-1 District Neighborhood Retail), Section 623.D.83 (Commercial C-2 District Intermediate Commercial), Section 647.A.2.c and Section 647 A.2.i (Special Permit Uses) of the Zoning Ordinance in regards to helistops as an accessory use to a hospital.  
Applicant: City of Phoenix Planning Commission  
Representative: Planning and Development Department  
Staff: Approved.  
VPC Action: Ahwatukee Foothills - 9/24/2012 - Approved - Vote 11-1  
Alhambra - 9/25/2012 - Approved - Vote 14-0  
Camelback East - 9/11/2012 - Approved - Vote 15-0  
Central City - 9/10/2012 - Approved with comments - Vote 10-1  
Deer Valley - 9/20/2012 - Approved - Vote 6-0  
Desert View - 10/2/2012 - Approved - Vote 10-0  
Encanto - 9/10/2012 - Approved - Vote 15-1  
Estrella - 9/18/2012 - Approved - Vote 5-0  
Laveen - 9/10/2012 - Approved - Vote 5-0-1  
Maryvale - 9/12/2012 - Approved - Vote 11-0  
North Gateway - 9/13/2012 - Approved - Vote 6-0  
North Mountain - 9/19/2012 - Approved - Vote 10-0-1  
Paradise Valley - 9/10/2012 - Approved - Vote 15-0  
Rio Vista - 9/24/2012 - Approved - Vote 3-0  
South Mountain - 9/11/2012 - Approved - Vote 11-0  
PC Action: October 9, 2012 - Approved. Vote 8-0

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

**Staff's Proposed Language**

Amend Section 202 (Definitions) to read as follows:

\*\*\*

Hospital: An institution WHICH IS LICENSED BY THE STATE OF ARIZONA TO PROVIDE IN-PATIENT AND OUT-PATIENT MEDICAL CARE, DIAGNOSIS, TREATMENT, OR MAJOR SURGICAL SERVICES FOR PERSONS SUFFERING FROM ILLNESS, INJURY, OR DEFORMITY OR FOR THE RENDERING OF OBSTETRICAL OR OTHER PROFESSIONAL MEDICAL CARE. A HOSPITAL MAY INCLUDE SUCH RELATED FACILITIES AS LABORATORIES,

MEDICAL TESTING SERVICES, CENTRAL SERVICE FACILITIES, STAFF OFFICES, AND VOLUNTEER COMMUNITY BLOOD CENTERS (NON-PROFIT ONLY). ~~for the diagnosis, care, or treatment of two (2) or more unrelated persons suffering from illness, injury, or deformity or for the rendering of obstetrical or other professional medical care other than in an emergency.~~ The term "hospital" shall not be construed to include the office of a physician or practitioner. (For purposes of the definition "nursing care" shall not be construed to be "professional medical care".)

\*\*\*

Amend Section 622.D. (Commercial C-1 District Neighborhood Retail, Permitted Uses) Paragraph 78 to read as follows:

\*\*\*

78. Hospital, subject to a use permit. THE FOLLOWING SHALL BE PERMITTED AS ACCESSORY USES:

- a. ~~Hospitals may provide~~ Recreational vehicle parking ~~as an accessory use for persons visiting hospital patients.~~ Recreational vehicle parking stalls shall be located no less than sixty (60) feet from the hospital perimeter boundary, and be delineated on a site plan. Recreational vehicle parking areas are subject to an approved parking plan for new facilities, or an amended parking plan for existing facilities.
- b. HELISTOP, SUBJECT TO THE FOLLOWING REGULATIONS AND CONDITIONS:
  - (1) THE HOSPITAL SHALL BE LICENSED BY THE STATE OF ARIZONA EITHER AS A "GENERAL HOSPITAL" OR AS A "SPECIALTY HOSPITAL - CHILDREN'S", AND FOR A MINIMUM OF 50 BEDS.
  - (2) A LETTER FROM THE PHOENIX AVIATION DEPARTMENT THAT ARTICULATES CONCURRENCE THAT THE FOLLOWING ITEMS HAVE BEEN ADDRESSED:
    - (a) COMPLIANCE WITH THE FEDERAL AVIATION ADMINISTRATION ADVISORY CIRCULAR NO. 150/5390-2C "HELISTOP AND HELIPORT DESIGN," OR SUBSEQUENT REVISIONS TO THIS ADVISORY CIRCULAR.
    - (b) SUBMISSION OF THE "NOTICE OF LANDING AREA PROPOSAL" FEDERAL AVIATION FORM 7480-1 AND A LETTER OF DETERMINATION WITH NO OBJECTION FROM THE FEDERAL AVIATION ADMINISTRATION.
  - (3) A HELICOPTER SITTING ON THE TOUCHDOWN PAD OF A HELISTOP OR HELIPORT SHALL EMIT A MAXIMUM NOISE LEVEL OF NO GREATER THAN 90 DB(A) AT THE BOUNDARIES OF THE LOT OR PARCEL CONTAINING THE NEAREST RESIDENTIAL USE. NOISE WILL BE MEASURED WITH AN IEC (INTERNATIONAL ELECTROTECHNICAL COMMISSION) OR ANSI S1.4-1971 (AMERICAN NATIONAL STANDARDS INSTITUTE) TYPE 1 SOUND LEVEL METER WITH A-WEIGHTED IMPULSE RESPONSE.

\*\*\*

Amend Section 623.D.83 (Commercial C-2 District-Intermediate Commercial, Permitted Uses) Paragraph 83 to read as follows:

\*\*\*

83. Hospital. THE FOLLOWING SHALL BE PERMITTED AS AN ACCESSORY USE TO A HOSPITAL:

- a. ~~Hospitals may provide~~ Recreational vehicle parking ~~as an accessory use for persons visiting hospital patients.~~ Recreational vehicle parking stalls shall be located no less than sixty (60) feet from the hospital perimeter boundary, and be delineated on a site plan. Recreational vehicle parking areas are subject to an approved parking plan for new facilities, or an amended parking plan for existing facilities.
- b. HELISTOP, SUBJECT TO THE FOLLOWING REGULATIONS AND CONDITIONS:
  - (1) THE HOSPITAL SHALL BE LICENSED BY THE STATE OF ARIZONA EITHER AS A

"GENERAL HOSPITAL" OR AS A "SPECIALTY HOSPITAL - CHILDREN'S", AND FOR A MINIMUM OF 50 BEDS.

- (2) A LETTER FROM THE PHOENIX AVIATION DEPARTMENT THAT ARTICULATES CONCURRENCE THAT THE FOLLOWING ITEMS HAVE BEEN ADDRESSED:
  - (a) COMPLIANCE WITH THE FEDERAL AVIATION ADMINISTRATION ADVISORY CIRCULAR NO. 150/5390-2C "HELISTOP AND HELIPORT DESIGN," OR SUBSEQUENT REVISIONS TO THIS ADVISORY CIRCULAR.
  - (b) SUBMISSION OF THE "NOTICE OF LANDING AREA PROPOSAL" FEDERAL AVIATION FORM 7480-1 AND A LETTER OF DETERMINATION WITH NO OBJECTION FROM THE FEDERAL AVIATION ADMINISTRATION.
- (3) A HELICOPTER SITTING ON THE TOUCHDOWN PAD OF A HELISTOP OR HELIPORT SHALL EMIT A MAXIMUM NOISE LEVEL OF NO GREATER THAN 90 DB(A) AT THE BOUNDARIES OF THE LOT OR PARCEL CONTAINING THE NEAREST RESIDENTIAL USE. NOISE WILL BE MEASURED WITH AN IEC (INTERNATIONAL ELECTROTECHNICAL COMMISSION) OR ANSI S1.4-1971 (AMERICAN NATIONAL STANDARDS INSTITUTE) TYPE 1 SOUND LEVEL METER WITH A-WEIGHTED IMPULSE RESPONSE.

\*\*\*

Amend Section 647.A. (Special Permit Uses) Paragraph 2.c to read as follows:

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- c. Helistop or heliport for public or private use when located in any commercial, industrial, or any high-rise, residential district, ~~and the R-5 zoning district when the use is for a hospital.~~ These regulations are designed to find appropriate locations for helistops or heliports which are consistent with safety, noise, and the directions of approach and departure paths resulting in minimum adverse impact to residential uses. Special permits for helistops and heliports granted prior to April 1, 1982, shall continue in effect for the period of time specified in the ordinances granting the special permits, and may be renewed as provided in Section (4) of this section upon a finding by the Zoning Administrator or Board of Adjustment that the helistop or heliport operator has complied with all the terms and conditions of the ordinance granting the special permit. Helistops and Heliports are subject to the special procedure requirements of Section 504.1.B.2.a. The applicant for the special permits will be required to comply with additional stipulations or any study related to the following standards:
  - (1) Frequency of use. ~~On a daily basis, unless otherwise stipulated, not more than ten combined takeoffs and landings are permitted for the helistop or heliport use, exclusive of emergencies.~~ The hours of operation AND NUMBER OF TAKEOFFS AND LANDINGS may be stipulated to make operation compatible with surrounding land use activities, EXCLUSIVE OF EMERGENCIES.

\*\*\*

Amend Section 647.A. (Special Permit Uses) Paragraph 2.i to read as follows:

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- i. Hospital in the R-5 District. THE FOLLOWING SHALL BE PERMITTED AS AN ACCESSORY USE TO A HOSPITAL:
  - (1) ~~Hospitals may provide~~ Recreational vehicle parking ~~as an accessory use~~ for persons visiting hospital patients. Recreational vehicle parking stalls shall be located no less than sixty (60) feet from the hospital perimeter boundary, and be delineated on a site plan. Recreational vehicle parking areas are subject to an approved parking plan for new facilities, or an amended parking plan for existing facilities.
  - (2) HELISTOP SUBJECT TO THE FOLLOWING REGULATIONS AND CONDITIONS:

- (a) THE HOSPITAL SHALL BE LICENSED BY THE STATE OF ARIZONA EITHER AS A "GENERAL HOSPITAL" OR AS A "SPECIALTY HOSPITAL - CHILDREN'S", AND FOR A MINIMUM OF 50 BEDS.
- (b) A LETTER FROM THE PHOENIX AVIATION DEPARTMENT THAT ARTICULATES CONCURRENCE THAT THE FOLLOWING ITEMS HAVE BEEN ADDRESSED:
  - i. COMPLIANCE WITH THE FEDERAL AVIATION ADMINISTRATION ADVISORY CIRCULAR NO. 150/5390-2C "HELISTOP AND HELIPORT DESIGN," OR SUBSEQUENT REVISIONS TO THIS ADVISORY CIRCULAR.
  - ii. SUBMISSION OF THE "NOTICE OF LANDING AREA PROPOSAL" FEDERAL AVIATION FORM 7480-1 AND A LETTER OF DETERMINATION WITH NO OBJECTION FROM THE FEDERAL AVIATION ADMINISTRATION.
- (c) A HELICOPTER SITTING ON THE TOUCHDOWN PAD OF A HELISTOP OR HELIPORT SHALL EMIT A MAXIMUM NOISE LEVEL OF NO GREATER THAN 90 DB(A) AT THE BOUNDARIES OF THE LOT OR PARCEL CONTAINING THE NEAREST RESIDENTIAL USE. NOISE WILL BE MEASURED WITH AN IEC (INTERNATIONAL ELECTROTECHNICAL COMMISSION) OR ANSI S1.4-1971 (AMERICAN NATIONAL STANDARDS INSTITUTE) TYPE 1 SOUND LEVEL METER WITH A-WEIGHTED IMPULSE RESPONSE.

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This item is recommended by Mr. Naimark and the Planning and Development Department.

**ITEM 17**

**CITYWIDE**

**PUBLIC HEARING -  
ORDINANCE G-5743 -  
Z-TA-9-12 - CLEAN-UP OF USE PERMITS AND  
SPECIAL PERMITS REQUIREMENTS**

Request to hold a public hearing and approve the text amendment changes for the following item by adopting the Planning Commission's recommendation and the related ordinance.

Application: Z-TA-9-12  
 Request: Clean-up and revisions to multiple sections regarding Use Permits and Special Permits.  
 Proposal: Clean-up and revisions to multiple sections of the Zoning Ordinance regarding Use Permits and Special Permits.  
 Applicant: City of Phoenix Planning Commission  
 Representative: Planning and Development Department  
 Staff: Approved.  
 VPC Action: Ahwatukee Foothills - 9/24/2012 - Approved with modifications - Vote 11-0:  
 1. Schools: business, data processing, insurance, private real estate, stenograph - delete 2,500-square-foot provision and allow by right in C-O.  
 9. Commercial Schools - Delete 5,000-square-foot provision in Commerce Park and allow by right.  
 17. Environmental remediation - Delete Special Permit provision and replace with Use Permit in all residential districts.

Denied:  
 16. Conversions of apartments to hotel motel by right.

Alhambra - 9/25/2012 - Approved - 14-0:

1. Schools: business, data processing, insurance, private real estate, stenographic
2. Copying and reproduction center
3. Jewelers, Retail Sales, and Repairs, Gem Stone Repair and Cutting
4. Schools: business, data processing, insurance, private real estate, stenographic
5. Veterinary Offices
6. Bank Vault Storage
7. Propane sales accessory to a gas station
8. Propane Retail sales accessory to a retail facility
9. Commercial Schools
10. Free-standing water/ice kiosk or other facility with a maximum of 250-square-foot in parking lot
11. Second Hand/Used Merchandise
12. Automobile Rental and Leasing
13. Tattoo Shops
14. Self-Storage Warehouse
15. Bank Vault Storage
17. Temporary Environmental Remediation Facilities
19. Golf and Baseball Ranges
20. Hide and Tallow, Rawhide and Skins Treatment
21. Limited outdoor Uses
22. Private clubs, Lodges, Community Organizations with public activities

Denied - Vote 14-0:

16. Conversion of Apartments To Hotel/Motel Units (Leave in to protect the neighborhoods)
18. Dependent Care Facilities for 13+ (need more clarification of the use - did not feel that it was clear that only for children)

-

Camelback East - 10/2/2012 - Approved motion not to make a recommendation due to time constraints - Vote 14-0

-

Central City - 10/8/2012 - Vote 16-0

Denied:

20. Hide and Tallow

That the treatment of hides be removed from the land use description as it is not seen as a noxious use, and that the requirement for a Special Permit for Tallow, Rawhide, and Skins Treatment in A-2 be retained.

Approved with comments:

13. Tattoo Shops

That Law Department review has occurred to ensure that the text amendment is not contrary to the recent court decision in Mesa regarding approval of a tattoo establishment.

18. Dependent Care Facilities and Schools for Mentally or Physically Handicapped

That the language for the dependent care facilities and the language for schools for mentally or physically handicapped be separated in the ordinance.

14. Self-Storage Warehouse

That it be clarified that the prohibition against "auctions" refers to an auction business being run from a self-storage facility, not that auctions of abandoned units are prohibited.

-

Deer Valley - 9/20/2012 - Approved the following as recommended by staff with a modification to add a guideline that design would be integrated into the overall site design:

10. Free-standing water/ice kiosk or other facility with a maximum of 250-square-foot in parking lot - Vote 7-0



Denied the following - Vote 7-0:

11. Second Hand/Used Merchandise
12. Automobile Rental and Leasing
14. Self-Storage Warehouse

Denied the removal of the Special Permit and recommend a Use Permit for the following - Vote 7-0:

16. Conversion of Apartments To Hotel/Motel Units

Denied - Vote 5-2:

22. Private clubs, Lodges, Community Organizations with public activities

-

Desert View - 10/2/2012 - Approved the following - Vote 10-0:

1. Schools: business, data processing, insurance, private real estate, stenographic
3. Jewelers, Retail Sales, and Repairs, Gem Stone Repair and Cutting
4. Schools: business, data processing, insurance, private real estate, stenographic
5. Veterinary Offices
6. Bank Vault Storage
7. Propane sales accessory to a gas station
8. Propane Retail sales accessory to a retail facility
9. Commercial Schools
10. Free-standing water/ice kiosk or other facility with a maximum of 250-square-foot in parking lot
11. Second Hand/Used Merchandise
12. Automobile Rental and Leasing
13. Tattoo Shops
14. Self-Storage Warehouse
15. Bank Vault Storage
16. Conversion of Apartments To Hotel/Motel Units
19. Golf and Baseball Ranges
20. Hide and Tallow, Rawhide and Skins Treatment
21. Limited outdoor Uses
22. Private clubs, Lodges, Community Organizations with public activities

Approved the following - Vote 10-0-1:

2. Copying and reproduction center

Approved with a modification - Vote 10-0:

17. Temporary Environmental Remediation Facilities  
"Screening will be required PER SECTION 507 TAB A GUIDELINES and cannot be chain link or chain link with slats."

Denied the following - Vote 10-0:

18. Dependent Care Facilities for 13+

-

Encanto - 9/10/2012 - Approved - 9-6

-

Estrella - 9/18/2012 - Approved - 5-0

-

Laveen - 10/8/2012 - Approved the following - Vote 7-0:

1. Schools: business, data processing, insurance, private real estate, stenographic
2. Copying and reproduction center
3. Jewelers, Retail Sales, and Repairs, Gem Stone Repair and Cutting
4. Schools: business, data processing, insurance, private real estate, stenographic
6. Bank Vault Storage

- 8. Propane Retail sales accessory to a retail facility
- 9. Commercial Schools
- 10. Free-standing water/ice kiosk or other facility with a maximum of 250-square-foot in parking lot
- 14. Self-Storage Warehouse
- 15. Bank Vault Storage
- 17. Temporary Environmental Remediation Facilities
- 18. Dependent Care Facilities for 13+
- 19. Golf and Baseball Ranges
- 21. Limited outdoor Uses

Denied the following:

- 5. Veterinary Offices
- 13. Tattoo Shops
- 16. Conversion of Apartments To Hotel/Motel Units
- 20. Hide and Tallow, Rawhide and Skins Treatment

Approved the following with modifications:

- 7. Propane retail sales
- 144.a. delete - provision regarding tank being mounted higher than 4 feet,
- 144.b. delete - allow provision for horizontally installed containers (want vertical)
- 144.f. delete - use permit provision
- 11. Second Hand merchandise 149.a. delete - allow sorting on site and delivery/processing from other sites
- 12. Auto Rental 623.D.12.c modify language to read vehicles (not cars)
- 22. Private Clubs - 139.e.2 delete - provision regarding cooking area

- Maryvale - 9/12/2012 - Approved with the modification that Schools: business, data processing, insurance, private real estate, stenographic should require a use permit in C-O and C-O/G-O only if greater than 5,000 square feet and that the Hide and Tallow, Rawhide and Skins Treatment should stay as is - A Special Permit be required in A-2 zoning district - Vote 11-0

- North Gateway - 9/13/2012 - Approved as recommended by staff; except for the removal of the Special Permit for the Conversion of Apartments to Hotel/ Motel units in R-5, C-1, C-2 RSC and C-3 - Vote 5-1

- North Mountain - 9/19/2012 - Approved - Vote 10-1

- Paradise Valley - 10/1/2012 - Approved and recommended the hotel/motel conversions keep the Special Permit requirement - Vote 14-0

- Rio Vista - 9/24/2012 - Approved as recommended by staff; except for the removal of the Special Permit to the following items - Vote 4-0:

Conversion of Apartments to Hotel/ Motel Units AND  
Hide and Tallow, Rawhide and Skins Treatment

South Mountain - 9/11/2012 - Approved as proposed except for changes to Propane Retail Sales, Temporary Environmental Remediation Facilities, and Private Clubs, Lodges, Community Organizations with public activities - Vote 11-0

PC Action: October 9, 2012 - Approved with modifications. Vote 8-0

CC Subcommittee Action: Neighborhoods, Planning and Development, Housing, and Homeless Subcommittee - October 24, 2012 - Recommendation will be verbal.

The following language is subject to discussion at the meeting and the City Council may add, delete, or amend the language. The Planning Commission modifications are denoted by bold and underlined or ~~bold and double strikethrough~~ text.

Staff's Proposed Language

Amend Section 615.C (R-3 Multiple-Family Residence District, Special Regulations) to add a new Paragraph 6 to read as follows:

\*\*\*

6. DEPENDENT CARE FACILITY FOR THIRTEEN OR MORE DEPENDENTS AND SCHOOLS FOR THE MENTALLY OR PHYSICALLY HANDICAPPED SUBJECT TO SECURING A USE PERMIT PERSUANT TO SECTION 307.

\*\*\*

Amend Section 616.C (R-3A Multiple-Family Residence District, Special Regulations) to add a new Paragraph 7 to read as follows:

\*\*\*

7. DEPENDENT CARE FACILITY FOR THIRTEEN OR MORE DEPENDENTS AND SCHOOLS FOR THE MENTALLY OR PHYSICALLY HANDICAPPED SUBJECT TO SECURING A USE PERMIT PERSUANT TO SECTION 307.

\*\*\*

Amend Section 617.C (R-4 Multiple-Family Residence District, Special Regulations) to add a new Paragraph 7 to read as follows:

\*\*\*

7. DEPENDENT CARE FACILITY FOR THIRTEEN OR MORE DEPENDENTS AND SCHOOLS FOR THE MENTALLY OR PHYSICALLY HANDICAPPED SUBJECT TO SECURING A USE PERMIT PERSUANT TO SECTION 307.

\*\*\*

Amend Section 618.D (R-5 Multiple-Family Residence District, Permitted Uses) to add a new Paragraph 6 to read as follows and renumber remaining section accordingly:

\*\*\*

6. DEPENDENT CARE FACILITY FOR THIRTEEN OR MORE DEPENDENTS AND SCHOOLS FOR THE MENTALLY OR PHYSICALLY HANDICAPPED SUBJECT TO SECURING A USE PERMIT PERSUANT TO SECTION 307.

\*\*\*

Amend Section 619.A (R-4A Multiple-Family Residence District, Permitted Uses) to add a new Paragraph 10 to read as follows:

\*\*\*

10. DEPENDENT CARE FACILITY FOR THIRTEEN OR MORE DEPENDENTS AND SCHOOLS FOR THE MENTALLY OR PHYSICALLY HANDICAPPED SUBJECT TO SECURING A USE PERMIT PERSUANT TO SECTION 307.

\*\*\*

Amend Section 621.B.1 (Commercial Office C-O District-Restricted Commercial, Permitted Uses) Paragraphs k. and l. to read as follows:

\*\*\*

- k. Schools: business, data processing, insurance, private real estate, stenographic, and general curriculum private schools. Such schools, IF GREATER THAN ~~2,500~~ 5,000 SQUARE FEET, shall require obtaining a use permit subject to the standards and procedures of Section 307 if the site has a common property line with a lot or parcel which is zoned for single-family or multiple-family development.
- l. Copying and reproduction center, ~~subject to a use permit.~~

\*\*\*

Amend Section 621.C.1.a (Commercial Office C-O District-Restricted Commercial, General Office option (G-O), Permitted Uses) Paragraph (6) to read as follows:

\*\*\*

- (6) Schools. business, data processing, insurance, private real estate, stenographic and general curriculum private schools. Such schools, IF GREATER THAN ~~2,500~~ 5,000 SQUARE FEET, shall require obtaining a use permit subject to the standards and procedures of Section 307 if the site

has a common property line with a lot or parcel which is zoned for single-family or multiple-family development. Dependent care facilities are permitted as an accessory use to any school permitted pursuant to this provision.

\*\*\*

Amend Section 622.C (Commercial C-1 District-Neighborhood Retail, District Restrictions), to delete Paragraph 7 as follows and renumber remaining section accordingly:

\*\*\*

7. ~~Drive-up or drive-through facilities housing permitted uses are allowed in a free-standing or "kiosk" type service building of no more than two hundred fifty (250) square feet in size, subject to a use permit. If there are more than two such facilities proposed for any one site, they may be required to be grouped for common access as a condition of the use permit approval.~~

\*\*\*

Amend Section 622.D (Commercial C-1 District-Neighborhood Retail, Permitted Uses) as follows, and renumber remaining section accordingly:

\*\*\*

88. ~~Jewelers, Retail Sales and Repairs—subject to a use permit, Gem Stone Repair and Cutting~~

\*\*\*

139. PRIVATE CLUBS, LODGES, AND COMMUNITY ORGANIZATIONS QUALIFYING BY LAW AS A NONPROFIT ENTITY WHICH MAY CONDUCT ACTIVITIES OPEN TO THE PUBLIC AND MAY HAVE THEIR FACILITIES AVAILABLE TO THE PUBLIC FOR FUNCTIONS NOT INVOLVING MEMBERS, WITH ACCESS FROM AN ARTERIAL OR COLLECTOR STREET AS DESIGNATED ON THE STREET CLASSIFICATION MAP, SUBJECT TO THE FOLLOWING CONDITIONS OR LIMITATIONS.

- a. MUSIC OR ENTERTAINMENT SHALL BE PERMITTED SUBJECT TO THE FOLLOWING REGULATIONS:
- (1) THE STAGE OR PERFORMANCE AREA SHALL BE A MAXIMUM OF 80 SQUARE FEET UNLESS A USE PERMIT IS OBTAINED PURSUANT TO SECTION 307.
  - (2) THE NOISE LEVEL, MEASURED AT ANY POINT ON THE RECEIVED PROPERTY, SHALL NOT EXCEED 55 DBA UNLESS A USE PERMIT IS OBTAINED. AN OCCURRENCE WHERE THE SOUND LEVEL INCREASES UP TO 60 DBA FOR FIVE CONTINUOUS SECONDS OR LESS SHALL NOT BE DEEMED A VIOLATION OF THIS SECTION AS LONG AS THERE ARE NO MORE THAN FIVE OCCURRENCES WITHIN AN HOUR LONG INTERVAL.
  - (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO INCLUDE AN ADULT USE.
- b. PATRON DANCING SHALL BE PERMITTED ONLY UPON SECURING A USE PERMIT PURSUANT TO SECTION 307.
- c. OUTDOOR RECREATION USES, OUTDOOR DINING, AND OUTDOOR ALCOHOLIC BEVERAGE CONSUMPTION SHALL BE PERMITTED AS ACCESSORY USES ONLY UPON SECURING A USE PERMIT, IF WITHIN 500 FEET OF A RESIDENTIAL DISTRICT ZONING LINE. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALL OF THE BUILDING OR PORTION THEREOF IN WHICH THE BUSINESS IS CONDUCTED OR PROPOSED USE IS TO BE CONDUCTED CLOSEST TO THE RESIDENTIAL DISTRICT ZONING LINE.
- d. ANY BAR OR COCKTAIL LOUNGE WHICH EXCEEDS 5,000 SQUARE FEET IN GROSS FLOOR AREA AND IS LOCATED ON A LOT OR PARCEL WITHIN 300 FEET OF A RESIDENTIAL DISTRICT SHALL BE PERMITTED ONLY UPON SECURING A USE PERMIT. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALL

OF THE BUILDING OR PORTION THEREOF IN WHICH THE BUSINESS IS CONDUCTED OR PROPOSED USE IS TO BE CONDUCTED CLOSEST TO THE RESIDENTIAL DISTRICT ZONING LINE.

- e. OUTDOOR FOOD PREPARATION AND COOKING SHALL BE PERMITTED AS AN ACCESSORY USE SUBJECT TO THE FOLLOWING CONDITIONS:
- (1) SECURING A USE PERMIT PURSUANT TO SECTION 307.
  - (2) THE REGULARLY USED COOKING AREA INSIDE THE ESTABLISHMENT SHALL BE OF EQUAL OR GREATER SIZE THAN THE OUTDOOR COOKING AREA.
  - (3) THE OUTDOOR COOKING AREA SHALL BE LOCATED WITHIN 50 FEET OF A BUILDING ENTRANCE FROM WHERE THE RESTAURANT IS OPERATED. THIS DISTANCE SHALL BE MEASURED FROM THE APPLIANCE IN THE OUTDOOR COOKING AREA CLOSEST TO THE BUILDING ENTRANCE FROM WHERE THE RESTAURANT IS OPERATED.
  - (4) THE OUTDOOR COOKING AREA SHALL BE SET BACK A MINIMUM OF 300 FEET FROM A RESIDENTIAL DISTRICT. THIS DISTANCE SHALL BE MEASURED FROM THE APPLIANCE IN THE OUTDOOR COOKING AREA CLOSEST TO THE RESIDENTIAL DISTRICT ZONING LINE.

\*\*\*

148. Schools, subject to a use permit IF GREATER THAN 5,000 SQUARE FEET: Barber, Beauty, Business, Dancing, Data Processing, Insurance, Martial Arts, Modeling, Real Estate, and Stenographic.
149. Second Hand ~~/~~ OR Used Merchandise Sales, subject to the following conditions or limitations:
- a. No merchandise shall be received and/or processed for sale at another site; and
  - b. ~~A use permit shall be obtained in accordance with the standards and procedures of Section 307; and~~
  - c. b. ~~In addition to the findings set forth in Section 307.A.7, the following conditions shall be met:~~
    - ~~b.~~ (1) That no such use is located on a lot with a property line within thirteen hundred twenty (1,320) feet, measured in a straight line in any direction, of the lot line of another such use regardless of the zoning district. ~~or section; and~~
    - (2) ~~That at the time of application, a maximum of three such uses (regardless of the underlying zoning district) shall exist within the same section as the proposed use and all lots abutting the opposite side of the arterial(s) to which the subject site is adjacent.~~
    - ~~c.~~ (3) ~~"Section" means a section as defined by the Gila and Salt River Baseline and Principal Meridian.~~
  - ~~d. c.~~ The applicant shall provide the following additional information in conjunction with the use permit application:
    - (1) A survey of second hand/used merchandise sales uses within ONE MILE OF THE PROPOSED LOCATION ~~the area identified in section 622.D.1497.c.2,~~ SHALL BE PROVIDED ON A FORM PROVIDED BY THE PLANNING AND DEVELOPMENT DEPARTMENT AND APPROVED PRIOR TO SUBMITTAL FOR A CHANGE OF USE TO THE SECOND HAND OR USED MERCHANDISE FACILITY. ~~and within thirteen hundred twenty (1,320) feet of the lot line of the proposed use as provided in section 622.D.147.c.1.~~

~~(2) Evidence that notice of the date, time, place and nature of the request has been sent by first class mail to each real property owner, as shown on the last assessment of the property, within three hundred (300) feet of the subject property.~~

~~(3) Evidence that notice of the date, time, place and nature of the request has been sent to all homeowners associations registered with the City located within one (1) mile of the subject property.~~

~~e. d. It shall be the responsibility of the applicant to comply with the provisions of Section 142.C, and to provide the City with evidence of such compliance pursuant to Section 142.D.i. Failure to comply with the provisions of Section 142.C shall be grounds for revocation of the use permit.~~

\*\*\*

163. TEMPORARY ENVIRONMENTAL REMEDIATION FACILITIES SUBJECT TO A USE PERMIT IF WITHIN 300 FEET OF RESIDENTIAL ZONING DISTRICTS. SCREENING WILL BE REQUIRED AND CANNOT BE CHAIN LINK OR CHAIN LINK WITH SLATS.

\*\*\*

169. Veterinary Offices, INDOORS, subject to the following stipulations:

~~a. The granting of a use permit by the Zoning Administrator or Board of Adjustment.~~

~~b. a. They shall be so constructed and operated as to prevent objectionable noise and odor outside the walls of the office.~~

~~e. b. Keeping or boarding of animals shall not occupy more than twenty-five percent (25%) of the gross floor area of the office.~~

(1) There shall be no outdoor kennels or runs.

(2) There shall be no direct outside exit from any room containing kennels.

170. VETERINARY OFFICES, WITH OUTDOOR ACCESSORY USES, SUBJECT TO THE FOLLOWING LIMITATIONS:

a. A USE PERMIT SHALL BE OBTAINED IN ACCORDANCE WITH THE STANDARDS AND PROCEDURES OF SECTION 307.

b. SHALL BE CONSTRUCTED SO THAT DIRECT UNACCOMPANIED ACCESS BY ANIMALS TO OUTSIDE AREAS OF THE BUILDINGS IS NOT ALLOWED.

c. ANIMALS MUST BE ACCOMPANIED BY A FACILITY EMPLOYEE OR PET OWNER AT ALL TIMES WHEN OUTSIDE THE BUILDING. ALL WALKS AND EXERCISE PERIODS MUST TAKE PLACE ON FACILITY GROUNDS.

d. WHEN LOCATED ADJACENT TO A RESIDENTIAL DISTRICT, EVERY BUILDING AND EVERY OUTDOOR ANIMAL EXERCISE RUN SHALL BE SET BACK AT LEAST ONE HUNDRED FEET FROM ANY LOT LINE ABUTTING SUCH RESIDENTIAL DISTRICT.

e. A SOLID MASONRY WALL OR FENCE SEVEN FEET IN HEIGHT SHALL BE CONSTRUCTED ALONG THE PERIMETER OF ALL OUTDOOR RUNS UNLESS OTHERWISE RESTRICTED IN THIS ORDINANCE.

f. SOLID WASTE SHALL BE REMOVED FROM OUTDOOR EXERCISE AREAS EVERY FIVE HOURS AT A MINIMUM DURING TIME PERIODS WHEN THESE AREAS ARE IN USE.

g. THE AVERAGE NOISE LEVEL, MEASURED AT THE PROPERTY LINE, SHALL NOT EXCEED FIFTY-FIVE DB(ONE LDN) WHEN MEASURED ON AN "A WEIGHTED"

SOUND LEVEL METER AND ACCORDING TO THE PROCEDURES OF THE ENVIRONMENTAL PROTECTION AGENCY.

- h. OPERATION SHALL BE LIMITED TO THE HOURS BETWEEN 6:00 A.M. AND 10:00 P.M.
- i. SOME REVIEW PERIOD OF THE USE PERMIT MAY BE ESTABLISHED SHOULD A NEIGHBORHOOD PROTEST OCCUR AT THE USE PERMIT HEARING.

\*\*\*

Amend Section 623.D (Commercial C-2 District-Intermediate Commercial, Permitted Uses) to read as follows and renumber remaining section accordingly:

\*\*\*

- 12. AUTOMOBILE RENTAL EXCLUDING HOUSEHOLD MOVING CENTERS, SUBJECT TO THE FOLLOWING REGULATIONS:
  - a. A USE PERMIT SHALL BE OBTAINED SUBJECT TO THE PROVISIONS OF SECTION 307.
  - b. NO ON-SITE MAINTENANCE/WASHING ALLOWED.
  - c. MAXIMUM OF 10 RENTAL CARS AT ANY ONE LOCATION.

\*\*\*

- 16. Bank Vault Storage, ~~subject to a Use Permit~~

\*\*\*

- 144. Propane Retail Sales permitted as an accessory use to service stations, subject to the following limitations:
  - 
  - 
  - ~~a. A use permit shall be obtained in accordance with the standards and which is contiguous to a lot or parcel which is zoned for residential development.~~
  - 
  - b. a. One container of a size not to exceed one thousand (1,000) gallons water capacity nor be mounted higher than four (4) feet.
  - 
  - e. b. The container shall be installed horizontally.
  - 
  - d. c. The container shall be screened from view of adjacent public rights-of-way with a two-sided, four- (4-) foot high masonry block wall. The bottom two (2) feet of the wall shall be ventilated in accordance with the Fire Code. The wall shall be architecturally compatible with the buildings on the site.
  - 
  - e. d. The container shall not be located closer than one hundred (100) feet to a residential zoning district boundary line nor four hundred (400) feet to a school property line.
  - 
  - f. e. Compliance with all pertinent requirements of the Phoenix Fire Code, the National Fire Protection Association Standard No. 58 as required by the Fire Department, and other codes and regulations.
  - 
  - f. f. Safety inspections of the containers for which use permits are issued shall be conducted by the supplier semiannually and a copy of the safety review form shall be sent to the City for inclusion in the use permit file and sent to and reviewed by the City of Phoenix Fire Marshal.
  - 
  - h. g. Signage on the container and screen walls shall be limited to that required by the Fire Code.

\*\*\*

- 146. Propane Retail Sales as an outside accessory use to a retail facility, subject to the following limitations:
  - 
  - 
  - ~~a. Securing a use permit in accordance with the provisions of Section 307 if the rack of propane containers is located less than two hundred (200) feet from a residential district~~

including undeveloped or residential R-5 property, day care facility or school property line. ~~The use permit shall specifically address placement of the racks in order to ensure access is not obstructed.~~

- 
- ~~b.~~ a. Site plan approval in accordance with Section 507 of the Zoning Ordinance through the Planning and Development Department for the purpose of assuring continuous pedestrian access to buildings and minimizing view from public streets.
- 
- ~~e.~~ b. The public's view of the rack of propane containers shall be minimized with screening devices such as planters, building columns, facade elements or walls as determined through the site plan review process.
- 
- ~~d.~~ c. The propane shall be sold only in sealed steel containers with a maximum volume of 20 lbs. (4.8 gallons propane). The containers shall be in racks with an aggregate capacity of not more than 12 containers at each location.
- 
- ~~e.~~ d. The rack of containers shall be mounted or anchored to the ground or building, the rack shall not block the view into a store window and in all events may not be more than 41 inches high.
- 
- f. e. Each 20 lb. (4.8-gallon propane) container shall be fitted with a propane service valve (Type I) for safety purposes.
- 
- ~~g.~~ f. Review by the Fire Department and compliance with all pertinent requirements of the Phoenix Fire Code, the National Fire Protection Association Standard No. 58 as required by the Fire Department, and other codes and regulations.
- ~~h.~~ g. Signage shall be limited to product identification on each 20 lb. (4.8 gallon propane) container and to six (6) square feet of identification signs on the storage rack.

\*\*\*

165. SELF-SERVICE STORAGE WAREHOUSE SUBJECT TO SUBJECT TO SECURING A USE PERMIT PERSUANT TO SECTION 307 AND THE FOLLOWING REGULATIONS:

- a. ALL STORAGE SHALL BE WITHIN A CLOSED BUILDING EXCEPT THAT WITHIN THE GROUNDS OF A SELF-SERVICE STORAGE WAREHOUSE WHERE TRAILERS AND MOTOR VEHICLES MAY BE PLACED IN OUTDOOR STORAGE AREAS WHICH ARE SEPARATE FROM VIEW FROM ADJACENT STREETS AND PROPERTY BY WALLS, FENCES, OR LANDSCAPING. OUTDOOR STORAGE AREAS SHALL NOT EXCEED TEN PERCENT OF THE GROSS SITE AREA AND SHALL NOT COUNT TOWARD MEETING PARKING REQUIREMENTS.
- 
- b. NO AUCTIONS, SALES, SERVICE, OR REPAIR ACTIVITIES OR ANYTHING OTHER THAN DEAD STORAGE AND THE RENTAL AND SUPERVISION OF STORAGE UNITS AND SUCH ADDITIONAL USES PERMITTED IN THE C-2 DISTRICT THAT ARE SPECIFIED THROUGH SPECIAL PERMIT APPROVAL SHALL BE CONDUCTED ON THE PREMISES.
- 
- c. THERE SHALL BE NO STORAGE [OR] USE OF HAZARDOUS OR DANGEROUS MATERIALS ON THE PREMISES.
- 
- d. THE PREMISES SHALL ABUT OR HAVE DIRECT ACCESS TO A FREEWAY OR ARTERIAL STREET, AS DESIGNATED ON THE STREET CLASSIFICATION MAP.
- 
- e. THERE SHALL BE A PERSON ON THE PREMISES AT ALL TIMES WHO SHALL BE RESPONSIBLE FOR OPERATING THE WAREHOUSE IN CONFORMANCE TO THESE REGULATIONS AND ALL OTHER CONDITIONS OF THE SPECIAL PERMIT.
- 
- f. SCREENING THE PERIMETER OF THE PREMISES OF A SELF-SERVICE STORAGE WAREHOUSE MAY BE REQUIRED. ALL PARTS OF THE PERIMETER WHICH ARE ADJACENT TO A RESIDENTIAL ZONE SHALL BE SCREENED BY A FENCE OR WALL



WITH A LANDSCAPED AREA AT LEAST TEN FEET WIDE, ADDITIONAL SETBACK AND THE REORIENTATION OF BUILDINGS MAY BE REQUIRED TO INSURE COMPATIBILITY WITH SURROUNDING PROPERTIES.

- 
- g. A SELF-STORAGE WAREHOUSE MAY BE COMBINED WITH A HOUSEHOLD MOVING CENTER.

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- 184. TATTOO SHOPS, SUBJECT TO SECURING A USE PERMIT PERSUANT TO SECTION 307.

\*\*\*

Amend Section 626.C.2 (Commerce Park District Single User Option, Permitted Uses) Paragraphs h. and i. to read as follows:

\*\*\*

- h. Commercial schools, which may include outdoor activities subject to a use permit IF GREATER THAN 5,000 SQUARE FEET.
- i. BANK VAULT

\*\*\*

Amend Section 626.D.2 (Commerce Park District Research Park option, Permitted Uses) Paragraphs g. and h. to read as follows:

\*\*\*

- g. Commercial schools, which may include outdoor activities subject to a use permit IF GREATER THAN 5,000 SQUARE FEET.
- h. BANK VAULT

\*\*\*

Amend Section 626.E.2 (Commerce Park District Business Park option, Permitted Uses) Paragraph r. to read as follows:

\*\*\*

- r. Commercial schools, which may include outdoor activities subject to a use permit IF GREATER THAN 5,000 SQUARE FEET.

\*\*\*

Amend Section 626.F.2 (Commerce Park District General Commerce Park option, Permitted Uses) to read as follows:

\*\*\*

- p. Commercial schools, which may include outdoor activities subject to a use permit IF GREATER THAN 5,000 SQUARE FEET.

\*\*\*

- x. BANK VAULT

- y. LIMITED OUTDOOR USES INCLUDING PLANT NURSERY AND/OR INERT LANDSCAPE MATERIALS PROCESSING AND SALES; BUILDING AND LANDSCAPE CONTRACTORS, INCLUDING YARDS; BUILDING MATERIALS, WHOLESAL AND STORAGE; AND RECREATIONAL VEHICLE/BOAT STORAGE, WHEN ANY SUCH USES ARE LOCATED IN A GENERAL COMMERCE PARK (GCP) DISTRICT, SUBJECT TO USE PERMIT APPROVAL PURSUANT TO SECTION 307 AND THE FOLLOWING CONDITIONS:

- a) THE SITE PLAN REQUIRED FOR THE USE SHALL IDENTIFY SPECIFIC AREAS FOR THE ORDERLY ARRANGEMENT OF ALL OPERATIONS, PRODUCTS, MATERIALS, EQUIPMENT, AND STORAGE ON THE SITE. THIS PLAN SHALL BE SUBMITTED AS PART OF THE USE PERMIT APPLICATION.
- b) IN ADDITION TO REQUIRED SETBACKS, ALL OPERATIONS AND STORAGE SHALL MAINTAIN A TEN-FOOT LANDSCAPE SETBACK ALONG ALL INTERIOR LOT LINES NOT ON A STREET, UNLESS ADJACENT TO ANOTHER USE PERMITTED BY THIS SECTION.
- c) OPEN USES AND STORAGE AREAS SHALL BE SCREENED BY A MINIMUM SIX-

FOOT-HIGH SOLID MASONRY WALL. ADDITIONAL WALL HEIGHT MAY BE REQUIRED AS A CONDITION OF APPROVAL OF THE USE PERMIT. VIEW FENCING MAY BE CONSIDERED INSTEAD OF A SOLID MASONRY WALL ADJACENT TO PLANT NURSERY MATERIALS THAT PROVIDE EQUIVALENT SCREENING.

- d) ANY MATERIAL AND/OR PRODUCT DISPLAY BINS SHALL BE NO HIGHER THAN THE HEIGHT OF THE SCREEN WALL.
- e) A PERIMETER LANDSCAPING PLAN SHALL BE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

\*\*\*

Amend Section 627 (A-1 Light Industrial District) to add a new Paragraph 77 to read as follows and renumber remaining section accordingly:

\*\*\*

~~77. HIDE AND TALLOW, RAWHIDE AND SKINS TREATMENT, TALLOW RENDERING, DEAD STOCK COLLECTORS, FAT RENDERING, STOCKYARDS AND LIVESTOCK SLAUGHTERING IN THE A-2 ZONING DISTRICT, SUBJECT TO SECURING A USE PERMIT PERSUANT TO SECTION 307.~~

\*\*\*

Amend Section 637.B (Planned Shopping Center (PSC) District, Permitted Uses) Paragraph 4 to read as follows:

\*\*\*

4. In addition, the following uses shall be permitted:

BANK VAULT STORAGE

Family Game Center (not to exceed two thousand four hundred (2,400) square feet of usable floor area.)

Floor covering store, retail

Key shop

Leather goods shop, retail sales

Music store, retail sales (no instruction)

Reducing salon

Sound systems and equipment, retail sales and rental

\*\*\*

Amend Section 647.A.1. (Special Permit Uses, Permitted Uses) to delete Paragraphs g. and i. and renumber remaining section accordingly:

\*\*\*

~~g. Golf and baseball driving ranges.~~

\*\*\*

~~i. Temporary environmental remediation facilities in all districts where not otherwise permitted and in all districts where permitted and the standards of that district are exceeded.~~

\*\*\*

Amend Section 647.A.2. (Special Permit Uses, Permitted Uses) to read as follows and renumber remaining section accordingly:

\*\*\*

e. Automobile retail sales, rental FOR MORE THAN TEN CARS, and leasing, and household moving centers in C-2. The following special provisions shall be complied with:

(1) Body repair and painting done on the lot shall be confined to a closed building.

(2) The area used for parking, display, storage or circulation shall be dust-free.

(3) Lots shall be properly enclosed with a wall, fence, hedge, plantings, or combinations thereof, having a minimum height of ten inches above the grade at which the cars are to be displayed unless a hedge, planting or combinations thereof are approved in lieu of the ten-inch wall and/or the lot is depressed below the elevation of adjacent lots in which

case appropriate landscaping may be approved.

- (4) Any artificial light used for such lot or area shall be so arranged as to reflect light away from the adjoining premises, lot and/or streets and shall be so located as not to be a nuisance to adjacent property and streets.

\*\*\*

~~g- Dependent care facility for thirteen or more dependents and schools for the mentally or physically handicapped in any multiple-family residential district, R-3 through R-5 and P.A.D. 13 through 15.~~

\*\*\*

~~j- Self-service storage warehouse in the C-2 District and bank vault storage in the PSC district subject to the following regulations:~~

- 
- 
- (1) ~~No building shall exceed a height of two stories, not to exceed twenty-four feet, except that the City Council may limit building height to less than twenty-four feet.~~
- 
- 
- (2) ~~All storage shall be within a closed building except that within the grounds of a self-service storage warehouse where trailers and motor vehicles may be placed in outdoor storage areas which are separate from view from adjacent streets and property by walls, fences or landscaping. Outdoor storage areas shall not exceed ten percent of the gross site area and shall not count toward meeting parking requirements.~~
- 
- 
- (3) ~~No auctions, sales, service or repair activities or anything other than dead storage and the rental and supervision of storage units and such additional uses permitted in the C-2 district that are specified through special permit approval shall be conducted on the premises.~~
- 
- 
- (4) ~~There shall be no storage [or] use of hazardous or dangerous materials on the premises.~~
- 
- 
- (5) ~~The premises shall abut or have direct access to a freeway or arterial street, as designated on the street classification map.~~
- 
- 
- (6) ~~There shall be a person on the premises at all times who shall be responsible for operating the warehouse in conformance to these regulations and all other conditions of the special permit.~~
- 
- 
- (7) ~~Screening the perimeter of the premises of a self-service storage warehouse may be required. All parts of the perimeter which are adjacent to a residential zone shall be screened by a fence or wall with a landscaped area at least ten feet wide, additional setback and the reorientation of buildings may be required to insure compatibility with surrounding properties.~~
- 
- 
- (8) ~~A self-storage warehouse may be combined with a household moving center.~~

\*\*\*

~~k. Private clubs, lodges, and community organizations qualifying by law as a nonprofit entity which may conduct activities open to the public and may have their facilities available to the public for functions not involving members, with access from an arterial or collector street as designated on the street classification map IN ANY RESIDENTIAL DISTRICT.~~

\*\*\*

~~n. Hide and tallow, rawhide and skins treatment, tallow rendering, dead stock collectors, fat rendering, stockyards and livestock slaughtering in the industrial district.~~

\*\*\*

~~s- Conversion of apartment units to hotel or motel units in the C-2, RSC and C-3 districts.~~

\*\*\*

~~y- Tattoo shops in the C-2, C-3, and RSC districts.~~

\*\*\*

~~dd. Limited outdoor uses including plant nursery and/or inert landscape materials processing and sales; building and landscape contractors, including yards; building materials, wholesale and storage; and recreational vehicle/boat storage, when any such uses are located in a General Commerce Park (GCP) District, subject to the following conditions:~~

-

- (1) The site plan required for the special permit use shall identify specific areas for the orderly arrangement of all operations, products, materials, equipment, and storage on the site.
- (2) In addition to required setbacks, all operations and storage shall maintain a ten-foot landscape setback along all interior lot lines not on a street, unless adjacent to another use permitted by this section.
- (3) Open uses and storage areas shall be screened by a minimum six-foot-high solid masonry wall. Additional wall height may be required as a condition of approval of the special permit. View fencing may be considered instead of a solid masonry wall adjacent to plant nursery materials that provide equivalent screening.
- (4) Any material and/or product display bins shall be no higher than the height of the screen wall.
- (5) A perimeter landscaping plan shall be approved by the Planning and Development Department.

\*\*\*

kk. GOLF AND BASEBALL DRIVING RANGES IN C-1 AND C-2.

\*\*\*

ll. TEMPORARY ENVIRONMENTAL REMEDIATION FACILITIES IN ANY RESIDENTIAL DISTRICTS WHERE NOT OTHERWISE PERMITTED AND IN ALL DISTRICTS WHERE PERMITTED AND THE STANDARDS OF THAT DISTRICT BE EXCEEDED AS PART OF THE REMEDIATION PROCESS.

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This item is recommended by Mr. Naimark and the Planning and Development Department.

**ITEM 18**                      **CITYWIDE**                      **PUBLIC HEARING -  
ORDINANCE G-5744 -  
Z-TA-10-12 - DEFINE GENERAL CONFORMANCE  
FOR SITE PLANS**

Request to hold a public hearing and approve the text amendment changes for the following item by adopting the Planning Commission's recommendation and the related ordinance.

Application:                      Z-TA-10-12  
Request:                              Define general conformance for site plans  
Proposal:                            Amend Section 202 (Definitions), to establish a definition for general conformance.  
Applicant:                         City of Phoenix Planning Commission  
Representative:                 Planning and Development Department  
Staff:                                 Approved.  
VPC Action:                        Ahwatukee Foothills - 9/24/2012 - Approved - Vote 12-0  
   Alhambra - 9/25/2012 - Approved - Vote 14-0  
   Camelback East - 9/11/2012 - Approved with the modification that applicants could not be able to modify general conformance to the site plan and elevations through the Planning Hearing Officer process - Vote 15-0  
   Central City - 9/10/2012 - Approved - Vote 7-4  
   Deer Valley - 9/20/2012 - Approved as recommended by staff with one modification to the definition. The word "substantial" should be replaced with "absolute" to clearly explain that no changes would be made to the site plan should the stipulation read "absolute" conformance - Vote 7 0  
   Desert View - 10/2/2012 - Approved - Vote 11-0  
   Encanto - 9/10/2012 - Approved - Vote 11-2  
   Estrella - 9/18/2012 - Approved - Vote 5-0  
   Laveen - 10/8/2012 - Approved - Vote 7-0  
   Maryvale - 9/12/2012 - Approved -Vote 11-0  
   North Gateway - 9/13/2012 - Approved - Vote 6-0

North Mountain - 9/19/2012 - Approved - Vote 10-1  
Paradise Valley - 10/1/2012 - Denied - Vote 14-0  
Rio Vista - 9/24/2012 - Approved as recommended by staff except for replacing the word substantial conformance to absolute conformance - Vote 4-0  
South Mountain - 9/11/2012 - Approved - Vote 10-1

PC Action: October 9, 2012 - Approved - Vote 8-0  
CC Subcommittee Action: Neighborhoods, Planning and Development, Housing, and Homeless Subcommittee - October 24, 2012 - Recommendation will be verbal.

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

Staff's Proposed Language

- Amend Chapter 2, Section 202 (Definitions) by adding a new definition in correct alphabetical order as follows:

\*\*\*

Conference and Reception Center: A building or structure which houses one or more of the following: Cafeteria or dining room for employees or a related office complex, kitchen, ballroom, banquet room. The center may be used for any or all of the following activities or other activities normally conducted at a conference and reception center: Trade show displays; civic events; charitable events; teleconferences; seminars held or sponsored by an individual, entity, or organization on an advance registration basis; receptions; meetings; breakfasts, brunches, lunches, and dinners on an advance registration basis; parties with or without live music or entertainment; balls or dances including live music and other live entertainment; conferences; conventions.

CONFORMANCE, GENERAL: A TERM USED IN ZONING/ZONING ADJUSTMENT STIPULATIONS TO REQUIRE THAT FINAL PLANS, SUCH AS SITE PLANS OR ELEVATIONS APPROVED BY THE CITY GENERALLY CONFORM TO KEY DESIGN ELEMENTS THAT WERE SHOWN ON PUBLIC HEARING PLANS. THESE KEY DESIGN ELEMENTS MAY NOT EXCEED THE ESTABLISHED ZONING ORDINANCE STANDARDS. THIS ALLOWS FOR UP TO A 10% VARIATION IN KEY DESIGN ELEMENTS, SUCH AS BUT NOT LIMITED TO, BUILDING HEIGHT, LANDSCAPE SETBACKS, BUILDING SETBACKS, DENSITY, LOT COVERAGE AND OPEN SPACE. THE TERM SUBSTANTIAL CONFORMANCE MAY BE USED AS A SUBSET OF A GENERAL CONFORMANCE STIPULATION TO REMOVE THE 10% VARIATION AND AS SUCH THAT PARTICULAR ITEM SHALL APPEAR EXACTLY AS SHOWN ON THE STIPULATED PUBLIC HEARING PLANS.

Conservation Area: Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance or character. +28

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This item is recommended by Mr. Naimark and the Planning and Development Department.

**ITEM 19**

**CITYWIDE**

**PUBLIC HEARING -  
ORDINANCE G-5745 -  
Z-TA-11-12 - NEW REGULATIONS FOR  
ASSEMBLY/BANQUET HALLS**

Request to hold a public hearing and approve the text amendment changes for the following item by adopting the Planning Commission's recommendation and the related ordinance.

Application: Z-TA-11-12  
Request: Banquet halls and similar dance/music events  
Proposal: Amend Section 202 (Definitions), and Section 623.D (Commercial C-2 District, Permitted Uses) of the Zoning Ordinance in regards to Banquet Halls and Assembly Halls.  
Applicant: City of Phoenix Planning Commission

Representative: Planning and Development Department  
Staff: Approved.  
VPC Action: Ahwatukee Foothills - 9/24/2012 - Approved - Vote 12-0  
Alhambra - 9/25/2012 - Approved with a modification to require a one year review - Vote 14-0  
Camelback East - 9/11/2012 - Approved with the modification that applicants shall be required to obtain a Special Permit - Vote 13-1  
Central City - 9/10/2012 - Approved - Vote 11-0  
Deer Valley - 9/20/2012 - Approved - Vote 6-0  
Desert View - 9/4/2012 - Approved - Vote 11-0  
Encanto - 9/10/2012 - Approved - Vote 15-1  
Estrella - 9/18/2012 - Approved - Vote 5-0  
Laveen - 9/10/2012 - Approved - Vote 4-2  
Maryvale - 9/12/2012 - Approved - Vote 10-0  
North Gateway - 9/13/2012 - Approved with a recommendation that the definition of "assembly hall" be clarified - Vote 6-0  
North Mountain - 9/19/2012 - Denied - Vote 11-0  
Paradise Valley - 9/10/2012 - Approved - Vote 15-0  
Rio Vista - 9/24/2012 - Approved - Vote 3-1  
South Mountain - 9/11/2012 - Denied - Vote 11-1  
PC Action: October 9, 2012 - Approved - Vote 8-0  
CC Subcommittee Action: Neighborhoods, Planning and Development, Housing, and Homeless Subcommittee - October 24, 2012 - Recommendation will be verbal.

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

Staff's Proposed Language

- Amend Chapter 2, Section 202 (Definitions) by adding the following new definitions in correct alphabetical order as follows:

\*\*\*

Artistic Enhancement: Permanent works of art located in exterior spaces arranged for public use and enjoyment.

ASSEMBLY HALL: A BUILDING OR PORTION OF A BUILDING THAT IS USED ON A CONTINUING BASIS FOR DANCES, PARTIES, RECEPTIONS, AND OTHER GATHERINGS WHICH MAY PROVIDE ALL OR SOME OF THE FOLLOWING: LIVE OR AMPLIFIED MUSIC, LIVE OR AMPLIFIED ENTERTAINMENT, SERVE ALCOHOLIC BEVERAGES, OR SERVE CATERED MEALS. THE OWNER OR OPERATOR MUST HOLD ALL OTHER APPROPRIATE LICENSES AND PERMITS. AN ASSEMBLY HALL DOES NOT INCLUDE A RESTAURANT OR A BAR.

Auto Court: Same as "Motel".

\*\*\*

Banner: A temporary sign composed of fabric, pliable plastic, paper, or other light material not enclosed in a rigid frame, and secured or mounted so as to allow the movement of the atmosphere to move the sign.

BANQUET HALL: SAME AS "ASSEMBLY HALL".

Bar: An establishment the main use of which is to serve spirituous liquors to be consumed on the premise. Food may or may not be served. Usually a counter and stools are present.

\*\*\*

Amend Chapter 6, Section 623.D (Commercial C-2 District-Intermediate Commercial, Permitted Uses) Paragraph 9 as follows:

\*\*\*

9. Assembly Halls, ~~and~~ Auditoriums AND BANQUET HALLS, SUBJECT TO THE FOLLOWING

CONDITIONS:

- a. ANY ASSEMBLY HALL OR BANQUET HALL OF LESS THAN 25,000 SQUARE FEET IN GROSS FLOOR AREA SHALL BE PERMITTED ONLY UPON SECURING A USE PERMIT PERSUANT TO SECTION 307.
- b. OUTDOOR USES SHALL BE PERMITTED ONLY UPON SECURING A USE PERMIT PERSUANT TO SECTION 307.

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This item is recommended by Mr. Naimark and the Planning and Development Department.

**ITEM 20**                      **CITYWIDE**                      **PUBLIC HEARING-  
ORDINANCE G-5746 -  
Z-TA-13-12 - NEW REGULATIONS FOR SMOKE  
SHOPS**

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Request to hold a public hearing and approve the text amendment changes for the following item by adopting the Planning Commission's recommendation and the related ordinance.

Application:                      Z-TA-13-12  
Request:                              Smoke Shop Regulations  
Proposal:                            Amend Sections 202 (Definitions), 622 (Commercial C-1 District - Neighborhood Retail) and 623 (Commercial C-2 District - Intermediate Commercial) regarding the regulations for tobacco oriented retailers commonly referred to as "smoke shops".

Applicant:                        City of Phoenix Planning Commission  
Representative:                Planning and Development Department  
Staff:                                Approval

VPC Action:                      Ahwatukee Foothills - 9/24/2012 - Denied - Vote 12-0  
Alhambra - 9/25/2012 - Approved - Vote 14-0  
Camelback East - 10/2/2012 - Approved - Vote 13-0  
Central City - 9/10/2012 - Approved with the modification that applicants should be required to obtain a Special Permit - Vote 11-0  
Deer Valley - 9/20/2012 - Approved - Vote 6-0  
Desert View - 10/2/2012 - Approved - Vote 10-1  
Encanto - 9/10/2012 - Denied - Vote 12-3-1  
Estrella - 9/18/2012 - Approved with the following modifications:  
1) Quarter mile spacing between establishments  
2) Quarter mile spacing from schools - Vote 4-1  
Laveen - 10/8/2012 - Denied - 6-1  
Maryvale - 9/12/2012 - Approved with the deletion of 10,000 square feet in gross floor area and that the distance is measured from the property line - Vote 10-0  
North Gateway - 9/13/2012 - Approved as recommended by staff, except for the following modifications:  
1) Shall not be located within one thousand (1000) feet of the same type of use;  
2) Shall not be located within one thousand (1000) feet from a public, private, or charter school providing primary or secondary education, a park or playground, or a licensed daycare facility - Vote 6-0  
North Mountain - 9/19/2012 - Approved - Vote 11-0  
Paradise Valley - 10/1/2012 - Approved - Vote 8-6  
Rio Vista - 9/24/2012 - Approved - Vote 3-1  
South Mountain - 9/11/2012 - Approved - Vote 10-1  
PC Action:                        October 9, 2012 - Approved with a modification regarding Distancing - Vote 8-0  
CC Subcommittee Action:      Neighborhoods, Planning and Development, Housing, and Homeless Subcommittee - October 24, 2012 - Recommendation will be verbal.

The following language is subject to discussion at the meeting and the City Council may add, delete, or amend the language. The Planning Commission modifications are denoted by bold and underlined text.

Staff's Proposed Language

-  
Amend Chapter 2, Section 202 (Definitions) by adding the following new definition in correct alphabetical order as follows:

Theaters: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances. +61

TOBACCO ORIENTED RETAILER: AN ESTABLISHMENT ENGAGED IN THE SALE AND/OR DISPLAY OF TOBACCO RELATED PRODUCTS, INCLUDING, BUT NOT LIMITED TO: CIGARETTES, CHEWING AND DIPPING TOBACCO, CIGARETTE PAPERS, OR ANY OTHER INSTRUMENT OR PARAPHERNALIA FOR THE SMOKING OR INGESTION OF TOBACCO AND PRODUCTS PREPARED FROM TOBACCO. THIS INCLUDES USES SUCH AS, BUT NOT LIMITED TO, A CIGAR STORE, HEAD SHOP OR HOOKAH LOUNGE. A TOBACCO ORIENTED RETAILER SHALL NOT INCLUDE ANY ESTABLISHMENT OVER 10,000 SQUARE FEET IN GROSS FLOOR AREA, OR ANY ESTABLISHMENT DEVOTING LESS THAN 15 PERCENT OF ITS FLOOR SPACE TO THE SALE/DISPLAY OF TOBACCO RELATED PRODUCTS.

Tourist Court : Same as "Motel".

\*\*\*

Amend Chapter 6, Section 622.D (Commercial C-1 District-Neighborhood Retail, Permitted Uses) by deleting Paragraph 30 and renumber remaining section accordingly:

\*\*\*

~~30. Cigar stores~~

\*\*\*

Amend Chapter 6, Section 623.D (Commercial C-2 District-Intermediate Commercial, Permitted Uses) by adding a new Paragraph 190 as follows and renumber remaining section accordingly:

\*\*\*

189. Tire Repairing Equipment and Supplies

190. TOBACCO ORIENTED RETAILERS, SUBJECT TO THE FOLLOWING LIMITATIONS:

- a. SHALL NOT BE LOCATED WITHIN 500 FEET OF THE SAME TYPE USE. THIS DISTANCE SHALL BE MEASURED FROM THE PROPERTY LINE OF THE PARCEL IN WHICH THE USE IS CONDUCTED TO THE NEAREST PROPERTY LINE OF THE PARCEL OF THE SAME TYPE OF USE.
- b. SHALL NOT BE LOCATED WITHIN 500 FEET OF A PUBLIC, PRIVATE, OR CHARTER SCHOOL PROVIDING PRIMARY OR SECONDARY EDUCATION, A PARK OR PLAYGROUND, OR A LICENSED DAYCARE FACILITY. THIS DISTANCE SHALL BE MEASURED FROM THE PROPERTY LINE OF THE PARCEL IN WHICH THE USE IS CONDUCTED TO THE NEAREST PROPERTY LINE OF THE PROTECTED USE.

-  
~~190-191.~~ Tobacco, Wholesale and Storage

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This item is recommended by Mr. Naimark and the Planning and Development Department.

**ITEM 21**

**DISTRICTS 5 AND 7**

**ORDINANCE S-39261 -  
AMEND ORDINANCE S-37489 - REASSIGNMENT  
OF CORE PROGRAM FUNDS**



into a Commercial Outreach Renovation and Enhancement (CORE) program agreement and execute necessary documents with Red Mountain Asset Fund I, LLC (Red Mountain), and authorize the City Controller to disburse up to \$150,000 in CORE funds for the proposed project.

The CORE program was developed to provide financial and technical assistance to property owners for the rehabilitation of existing commercial properties located within the West Phoenix Revitalization Area (WPRA). The CORE program will reimburse property owners up to 50 percent of their costs for eligible exterior improvements, including façade renovations, landscaping upgrades, improved signage to meet City Code, infrastructure improvements, and associated costs. The maximum reimbursement is \$250,000 per project. The program is funded by bond funds designated for economic development activity in the WPRA through the 2006 Bond Program.

On November 3, 2010, City Council authorized \$150,000 in CORE funds for 67T I, LLC, which is owned by Red Mountain, to provide exterior renovations for Maryvale Village located at the southeast corner of 67th Avenue and Thomas Road (District 7). Subsequent to City Council approval, the tenant received federal funds to improve the property, which eliminated the need for the authorized CORE funds.

Red Mountain has requested that the CORE funds be reallocated to a nearby distressed property at the southwest corner of 51st Avenue and Indian School Road, adjacent to Maryvale Plaza (District 5). The proposed improvements would effectively expand Maryvale Plaza by renovating and enhancing the exterior appearance of a distressed building just south of the retail center, and improving landscaping and signage throughout the property. Staff is supportive of the request as this project meets the requirements of the CORE program and the original agreement.

The CORE agreement requires property owners to retain ownership of the property for five years and maintain improvements in good and operable condition while operating the property with uses that are not prohibited by the agreement. If the property is sold or the property owner fails to maintain improvements and acceptable uses during the five-year agreement, CORE program funds must be repaid in full, or a portion thereof, depending upon the date of default.

Financial Impact

There is no financial impact to the General Fund as a result of this change. Funds in the amount of \$150,000 were encumbered in December 2010 for 67T I, LLC.

The proposed activity by Red Mountain Asset Fund 1, LLC is consistent with the goals of the WPRA and continues its efforts to revitalize and rehab existing commercial properties.

This item is recommended by Mr. Cavazos, Mr. Miller, and the Community and Economic Development Department.

**ITEM 22**

**CITYWIDE**

**ORDINANCE S-39292 -  
PAYMENT ORDINANCE**

(Continued from October 17, 2012) - Request to authorize the expenditure of public money for payment of claims against the City of Phoenix.

\$	46,666.67	f)	To Julie Simpson to fund the settlement of claim 2:11-cv-00386-NVW, RE: Simpson versus City of Phoenix, City File 10-0143-001, for the Finance Department.
	23,333.33	n)	To Stephen Montoya to fund the settlement of claim 2:11-cv-00386-NVW, RE: Simpson versus City of Phoenix, City File 10-0143-001, for the Finance Department.
<hr/>			
\$	70,000.00		

This item is recommended by Mr. Cavazos, Mr. Zuercher, and the Finance Department.

**ITEM 23**

**CITYWIDE**

**ORDINANCE S-39293 -  
PAYMENT ORDINANCE**

Request to authorize the expenditure of public money for payment of claims against the City of Phoenix.

\$ 12,552.55	a)	To Barrett Homes Contractors for the labor and repair of the ceiling panels in the North Building Ball Room, for the Phoenix Convention Center Department.
\$ 23,084.16	b)	To Border Construction Specialties for the purchase of a band saw to support remote facilities water pumping stations, as existing equipment has reached the end of its service life, for the Water Services Department.
27,779.69	c)	To Canyon Pipe & Supply, Inc. for the purchase of 7,200 feet of copper pipe for the Water Services Department.
20,760.00	d)	To CoStar Realty Information Group, Inc., Baltimore, MD, for the purchase of eight licenses for online subscription access to real estate information, used by staff to facilitate the attraction, retention, and expansion of businesses in the city, through June 30, 2013, for the Community and Economic Development and Neighborhood Services Departments.
33,358.00	e)	To Forensic Technology WAI, Inc., Cote St-Luc, QC, Canada, for the annual maintenance agreement for the Forensic Technology, Inc. (FTI) BrassTrax 3D system, through October 3, 2013, for the Laboratory Services Bureau of the Police Department.
9,088.00	f)	To Incident Communications Solutions, Stevensville, MD, for technical support and on-site periodic maintenance for the Command Response Vehicle and Communications Suburban, funded by the Urban Area Security Initiative grant, for the Fire Department.
26,917.05	g)	To Judicial Watch, Inc. for payment of Condemnation Judgment dated September 27, 2012, RE: Judicial Watch versus City of Phoenix, Maricopa Superior Court Case CV2010-015452, for the Law Department.
27,312.50	h)	To Nike USA, Inc., Dallas, TX, for the annual purchase of golf balls rented by customers at the driving ranges at five City golf courses, for the Parks and Recreation Department.
\$ 21,232.18	i)	To Osam Document Solutions, Inc. to provide OnBase Electronic Document Management System software and related design, implementation, and support services used to archive court case files, for the Municipal Court.
28,795.47	j)	To Perkin Elmer, Shelton, CT, for the purchase of the Turbomatrix Headspace Sampler, used by the Toxicology Unit of the Crime Lab to analyze samples for DUI cases, replacing current non-functioning equipment, for the Police Department.
12,438.34	k)	To Phoenix Tent & Awning Company for the purchase and installation of a shade structure at Fire Station 20 to house a ladder tender that is too large to fit into the existing apparatus bays, for the Fire Department.
11,851.40	l)	To ProComm, Division of Southwest Radio Sales, Inc. for the purchase of 50 noise attenuating headsets, to protect hearing and to ensure clear communication, for the Fire Department.
22,669.20	m)	To Supreme Oil Company, San Diego, CA, for the purchase of unleaded gasoline delivered on October 5, 2012, for the Rental Car Center at Phoenix Sky Harbor International Airport, for the Aviation Department.
19,674.00	n)	To Supreme Oil Company, San Diego, CA, for the purchase of unleaded

gasoline delivered on August 28, 2012, for the Rental Car Center at Phoenix Sky Harbor International Airport, for the Aviation Department.

- 49,694.09 o) To Tracker Marine Boating Center, Mesa, for the purchase of a search and rescue boat, to meet safety requirements and standards required by the Phoenix Police Search and Recovery Dive Team, funded by the Buffer Zone Protection Program Grant, for the Public Works Department.
- 20,537.00 p) To Union Distributing Company for the purchase of unleaded gasoline delivered on October 11, 2012, for the Rental Car Center at Phoenix Sky Harbor International Airport, for the Aviation Department.

This requests continuing payment authority, up to amounts indicated, for the following contracts and/or bids awarded:

- \$ 18,000.00 q) To AGS Safety & Supply, Inc., Tempe, to exercise an option to extend Agreement MW10-00030 awarded by RFQ 10-030 through October 31, 2013, to continue to supply high visibility reflective safety shirts, for the Streets Transportation Department.
- 13,400.00 r) To Aircuity, Inc., Newton, MA, to exercise an option to extend Agreement P-09341-12/130867 awarded by RFA 11-015 through March 31, 2013, to continue to provide indoor air quality monitoring systems services at Phoenix Sky Harbor International Airport, for the Aviation Department.
- 24,408.00 s) To Aqua-Serv Engineers, Inc., Fontana, CA, to exercise an option to extend Agreement P-08791-11 awarded by IFB 09-036 through November 30, 2013, to provide boiler treatment and testing services, for the Water Services Department.
- 40,000.00 t) To Arrowhead Forensics, Lenexa, KS, to supply drug testing kits on an as-needed basis through June 30, 2014, awarded under Agreement MW13-00010, for the Police Department.
- 20,000.00 u) To Copper State Supply, Inc., Mesa, to exercise an option to extend Agreement P-08889-10 awarded by RFQ 09-170 through March 31, 2013, to continue to supply recycled safety cones, for Citywide departments.
- 25,000.00 v) To Eve Vrla Design, Ltd., Amendment 3, to provide graphic design services for the Phoenix Airport Museum program and exhibitions for the more than 100,000 daily passengers at Phoenix Sky Harbor International Airport, under Agreement 127546, through December 31, 2013, for the Aviation Department.
- 140,457.00 w) To Ferguson Waterworks to exercise an option to extend Agreement P-08766-11 awarded by IFB 08 263 through August 31, 2013, to supply manhole rings, meter boxes, and accessories on an as-needed basis, for the Water Services Department.
- \$ 67,829.00 x) To Laerdal Medical Corporation, Wappingers Falls, NY, to exercise an option to extend Agreement P 08620-10/122948 awarded by IFB 08-093 through January 31, 2013, to continue to supply resuscitation training aids and medical equipment, for the Fire and Police Departments.
- 12,500.00 y) To Manuel Rodriguez Parra and Carmen Teresa Para and/or Assignee(s) to provide displacement relocation assistance as part of the Community Noise Reduction Program, for the Aviation Department by the Finance Department.
- 26,667.00 z) To Miner Southwest, LLC, dba Cornell-Miner of Arizona, Mesa, to

exercise an option to extend Agreement P-A8559-09/122617 awarded by IFB 08 031 through October 31, 2013, to continue to provide maintenance and repair services for industrial and commercial doors for various City departments.

60,000.00	aa)	To Miner Southwest, LLC, dba Cornell-Miner of Arizona, Mesa, to exercise an option to extend Agreement P-A8756-09/124208 awarded by IFB 08 249 through September 30, 2013, to continue to provide automatic door maintenance services, for various City Departments.
36,799.00	ab)	To Norwood Equipment, Inc. to exercise an option to extend Agreement P-09133-11/129060 awarded by IFB 10-091 through December 31, 2013, to continue to provide maintenance and repair services for commercial mowers, street sweepers, and sewer cleaning vehicles, for the Public Works Department.
45,000.00	ac)	To Performance Based Studies Research Group for payment authority for Amendment 1 to Contract 130653, for educational supplies and consulting services to enhance procurement processes, for the Finance Department.
10,710.00	ad)	To PVP Communications, Inc. to exercise an option to extend Agreement P-09183-12/129352 awarded by RFA 11-001 through July 31, 2013, to supply radio communications equipment for police officers, for the Information Technology Services and Police Departments.
\$ 20,000.00	ae)	To Sheraton Phoenix Downtown, to provide venue services for the 2012 Senior Volunteer Recognition Event, to be held on December 6, 2012, for the Human Services Department. This event will recognize over 600 community volunteers, with all venue services costs paid for by private donations.
15,113.00	af)	To Space-Rite Industries to exercise an option to extend Agreement MW12-00060 awarded by RFQ 12-060 through December 31, 2013, to continue to supply safety reflective decals for fire helmets to identify personnel on the emergency scene, for the Fire Department.
50,000.00	ag)	To Spectrum Products USA, Inc. to exercise an option to extend Agreement P-08797-11/125057 awarded by RFA 09-020 through November 30, 2013, to continue to provide immobilizer head block systems for the Fire Department.
80,070.00	ah)	To the following vendors to exercise an option to extend Agreements P-09212-11/129817 and P 09213-11/129818, respectively, awarded by IFB 11-010, to continue to provide glass repair and replacement services and products, for Citywide departments: \$20,993.00 Action Commercial LLC, Tempe 59,077.00 True View Windows and Glass Block, Inc.
26,122.00	ai)	To the following vendors to exercise an option to extend Agreements MW10-0076A and MW10-0076C, respectively, awarded by RFQ 10-076, through November 30, 2013, to continue to provide arts, crafts, and specialty supplies for children's recreation programs, for the Parks and Recreation Department: \$17,736.00 S&S Worldwide, Colchester, CT 8,386.00 School Specialty, Greenville, WI
<hr/>		
\$ 1,099,818.63		

This item is recommended by Mr. Zuercher and the Finance Department.

**ITEM 24****DISTRICT 8****ORDINANCE S-39294 -  
AGREEMENT WITH INTERVISTAS  
CONSULTING, LLC FOR AIR CARGO PLANNING  
STUDY CONSULTING SERVICES**

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Request to authorize the City Manager, or his designee, to enter into an agreement with InterVISTAS Consulting, LLC (InterVISTAS) for air cargo planning study consulting services. Further request authorization for the City Controller to disburse the necessary funds in an amount not to exceed \$637,614.

-  
In May 2012, the Aviation Department issued a Request for Qualifications (RFQ) for air cargo planning study consulting services. Aviation received three submittals in response to this RFQ. An evaluation panel evaluated the submittals based on the published criteria: qualifications and experience of the project manager, proposed approach to the scope of work, and qualifications and experience of submitter and subcontractors. The panel unanimously recommended InterVISTAS.

Upon execution of the agreement, InterVISTAS will: 1) complete an inventory and market analysis of Phoenix area airports, 2) identify trends and future demand for air cargo services, 3) determine if Phoenix area airports have the facilities and infrastructure to support future air cargo services demand, and 4) assess the feasibility of additional air cargo development at Phoenix area airports.

The contract term will be for one year, with no renewal options.

**Financial Impact**

The total cost of these services will not exceed \$637,614. Funds are available in the Aviation Department's Capital Improvement Program budget from the Airport Improvement Funds and a Federal Aviation Administration grant. The grant received to assist in the funding of this project is \$307,500.

**Employment Impact**

The estimated number of jobs created or retained is eight.

This item is recommended by Mr. Zuercher and the Aviation Department.

**ITEM 25****DISTRICT 8****ORDINANCE S-39295 -  
MAINTENANCE AGREEMENT WITH ARINC,  
INCORPORATED**

---

Request to authorize the City Manager, or his designee, to enter into an agreement with ARINC, Incorporated (ARINC) for ongoing maintenance and

support of the Aviation Department's Passenger Information and Paging System (PIPS). Further request authorization for the City Controller to disburse the necessary funds.

The PIPS provides 40 million annual customers with visual and audio paging, emergency overhead announcements and multi-airline flight and baggage information throughout all three terminals at Phoenix Sky Harbor International Airport. ARINC designed, installed, and currently provides maintenance and operational support of the system. The current agreement will expire March 31, 2013, with no options to extend the term. The system has not reached the end of its life cycle and a new agreement is required in order to continue to operate and maintain this mission critical asset.

The PIPS is a proprietary system and ARINC is the only company that can provide maintenance and support.

-  
The term of the agreement will be April 1, 2013 through March 31, 2014, with four options to extend the term for one-year each, which options may be exercised at the sole discretion of the Aviation Director.

**Financial Impact**

The annual fees for these services will be in an amount not to exceed: \$1,496,538 in year one, \$1,541,434 in year two, \$1,587,677 in year three, \$1,635,307 in year four, and \$1,684,367 in year five. The total fees for this agreement, if all options are exercised, will not exceed \$7,945,323. Funds are available in the Aviation Department's Operating budget.

**Employment Impact**

The estimated number of jobs created or retained is 18.

This item is recommended by Mr. Zuercher and the Aviation Department.

**ITEM 26**

**CITYWIDE**

**ORDINANCE S-39296 -  
AMENDMENT 4 TO AGREEMENT 125681  
WITH R&R PARTNERS GOVERNMENT & PUBLIC  
AFFAIRS ARIZONA, LLC - STATE LEGISLATIVE  
REPRESENTATION**

---

Request to authorize the City Manager, or his designee, to enter into Amendment 4 to Agreement 125681 with R&R Partners Government & Public Affairs Arizona, LLC to provide state legislative representation and consulting services on water, wastewater, environmental issues, and other projects as assigned through the Office of Government Relations.

The term of the agreement will be for one year, January 1, 2013 through December 31, 2013, with no renewal option remaining. The initial term of the agreement was February 4, 2009 through December 31, 2009, with up to four, one-year options to renew.

The City engages professional contract lobbyists to assist Government Relations with implementing the State Legislative Agenda adopted by the Mayor and Council each year. The current agreement with R&R Partners Government & Public Affairs Arizona, LLC expires on December 31, 2012.

Financial Information

Compensation for R&R Partners Government & Public Affairs Arizona, LLC, including all expenses, will be \$100,000 (\$8,333.33 per month) and will be paid by the Water Services Department, the Office of Environmental Programs, and the Office of Government Relations. The cost share for this contract for Fiscal Year 2012-2013 is reflected in the table below.

<u>Department</u>	<u>Source of Funds</u>	<u>Amount</u>
Water Services	8410600000	\$24,000
	8410700000	\$16,000
Environmental Programs	4400000001	\$20,000
Government Relations	4300000000	\$40,000

Further request authorization for the City Controller to disburse the necessary funds in an amount not to exceed \$100,000.

Employment Impact

The estimated number of private sector jobs created or retained is approximately one.

This item is recommended by the Mr. Miller, Ms. Peters, the Office of Government Relations, Water Services Department, and Office of Environmental Programs.

**ITEM 27**

**CITYWIDE**

**ORDINANCE S-39297 -  
AGREEMENT WITH HACIENDA HEALTHCARE  
AND AN IGA WITH AHCCCS**

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Request to authorize the City Manager, or his designee, to execute an agreement (Partnership Agreement) with Hacienda HealthCare (Hacienda) to:

- Transfer to the Arizona Health Care Cost Containment System (AHCCCS) \$50,000 of City of Phoenix funds on behalf of Los Niños Hospital, a wholly-owned subsidiary of Hacienda HealthCare, a diversified health care organizational entity.
- Receive from Hacienda HealthCare a \$50,000 payment/donation as repayment for the City of Phoenix funds transferred to AHCCCS.

The purpose of this financial transaction is to allow Los Niños Hospital to receive the approximately \$141,000 this calendar year in Disproportionate Share Hospital (DSH) funding for which it is eligible to receive from the Centers for Medicare/Medicaid Services (CMS). House Bill 2116 was passed and signed by the Governor in April 2010 and provides for this type of public/private agreement.

DSH funds are a combination of federal and non-federal funds used to compensate hospitals for serving indigent patients. Local jurisdictions (Local Funding Sources) are allowed, by federal and state law, to make payments to AHCCCS to facilitate distribution of DSH Funds to Arizona's hospitals.

CMS will presume provider-related donations to be bona fide if the voluntary payments, including, but not limited to: gifts, contributions, presentations, or awards, made by or on behalf of individual health care providers to the State, County, or any other unit of local government do not exceed \$50,000 per year in the case of a donation from any health care organizational entity.

AHCCCS is requiring an Intergovernmental Agreement (IGA) be established between the Local Funding Source (City of Phoenix) and AHCCCS. This IGA must include a provision indicating the City of Phoenix will reimburse the Federal government (through AHCCCS) for the federal share of any payments made by AHCCCS which do not comply with federal requirements pertaining to provider-related donations. The agreement will include a provision indicating if the City of Phoenix is required to reimburse the federal government, Hacienda HealthCare will reimburse the City, within 30 days, in the same amount the City must reimburse the federal government.

The agreement will also include a provision indicating Hacienda HealthCare will voluntarily make a payment or donation to the City of Phoenix equal to the dollar amount the City of Phoenix provides to AHCCCS on behalf of Los Niños Hospital in order for the hospital to receive its DSH allocation in 2012.

The City Manager, or his designee, will not execute the Partnership Agreement or the IGA if AHCCCS does not agree Hacienda HealthCare's donation to the City of Phoenix is a bona fide donation under the federal provider-related donations regulations.

Authorization is also requested for the City Controller to accept and disburse all funds associated with the Partnership Agreement and IGA.

-  
Employment Impact

The grant award will retain one full-time employee.

This item is recommended by Mr. Cavazos and the City Manager's Office.

**ITEM 28**

**CITYWIDE**

**ORDINANCE S-39298 -  
SPECIAL ELECTION - MARCH 12, 2013 -  
REFERRING CHARTER AMENDMENTS TO  
QUALIFIED ELECTORS OF THE CITY OF  
PHOENIX RELATING TO THE CITY OF PHOENIX  
EMPLOYEES' RETIREMENT SYSTEM**

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Request to refer proposed amendments to Part I, Chapter XXIV, Article II, Sections 14.1, 17.3, 19.1, 19.7, 27.1(b), 28.1(b), 28.1(c), 34.1, and 34.2 of the Charter of the City of Phoenix; and adding new Sections 2.22, 2.23, 28.1(e), 34.3, 34.4, 34.5, 43.1, 43.2, 43.3, and 43.4 to this Article, all of which relate to the City of Phoenix Employees' Retirement System (COPERS), to the qualified electors of the city of Phoenix for their approval or rejection at the March 12, 2013 Special Election.

Following are the titles of the sections which are proposed to be amended:

Section 2. - Definitions.

Section 14. - Credited service.

Section 17. - Voluntary retirement.

Section 19. - Pension.

Section 27. - Employees' savings fund.

Section 28. - Pension accumulation fund.

Section 34. - Fiscal management.

Section 43. - Tax Qualified Governmental Pension Plan.

This item is recommended by Mr. Naimark and the City Manager's Office.

**ITEM 29**

**CITYWIDE**

**ORDINANCE S-39299 -  
CALLING A SPECIAL ELECTION TO BE HELD  
ON MARCH 12, 2013**

---

Request to call a Special Election in the city of Phoenix on March 12, 2013, for the purpose of submitting propositions relating to

the City of Phoenix Employees' Retirement System to the qualified electors of the city of Phoenix for their approval or rejection.

This item is recommended by Ms. Takata and the City Clerk Department.

**ITEM 30**

**DISTRICT 7**

**ORDINANCE S-39300 -  
PRE-ANNEXATION AGREEMENT WITH  
BROADWAY AND 35TH, LLC**

---

Request to authorize the City Manager, or his designee, to enter into a Pre Annexation Development Agreement with Broadway and 35th, LLC, referred to as "Broadway."

On August 29, 2012, the City Council initiated the annexation of an 11.95-acre site located at the northeast corner of 35th Avenue and Roeser Road. The site, located within a Maricopa County (County) island, is currently zoned for industrial development in the County, and the City equivalent is A-1 (light industrial) zoning. The applicant is proposing to develop the property for commercial use at a future date with permits obtained from the City of Phoenix. The development agreement will contain the following points:

- Operative Date of Agreement. Pursuant to Arizona Revised Statutes (A.R.S.) Section 9-500.05, the agreement shall not become effective with this property presently located outside the incorporated area of the city unless proceedings to annex the property into the city are completed within the period of time specified in the agreement or through a mutually-agreed extension of time.
- Refrain From Mining. Broadway and the City agree that if Broadway begins mining on the proposed annexation area, damages will occur to the City. Broadway and the City agree that a reasonable sum for such damages are \$1,000 per calendar day for every day after the day upon which mining activities recommence.
- Dedication of Land and Right-of-Way. Prior to the annexation going to ordinance, Broadway agrees to dedicate the following land:
  - Right-of-Way totaling 55 feet along with a 15-foot sidewalk and public utility easement along the west side of the parcel on 35th Avenue.
  - Roeser Road is located on the south side of the parcel. The right-of-way needed for Roeser Road is 30 feet plus a 10-foot sidewalk easement. The 30 feet consists of a 25-foot-wide strip of land and an additional 5 feet of right-of-way.
- Annexation timetable. Broadway has submitted a written request to the City to initiate the annexation process of the site, subject to compliance with the requirements of A.R.S. Section 9-471, *et seq.* The City and Broadway agree to use their respective best efforts to complete the annexation of the site as close as reasonably possible to the minimum time periods established by A.R.S. Section 9-471.

This item is recommended by Ms. Takata and the City Clerk Department.

**ITEM 31**

**CITYWIDE**

**ORDINANCE S-39301 -  
IFB 12-182A - REAR LOADING REFUSE TRUCKS  
- REQUIREMENTS CONTRACT**

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Request to authorize additional items and expenditures on Contract 133852 with Rush Truck Center of Arizona and Contract 133853 with Freightliner Sterling Western Star of Arizona for the CNG (Compressed Natural Gas) conversions and engine specification changes for the Public Works Department, on an as needed basis. This contract is a result of IFB 12-182 awarded by formal Council action on June 6, 2012. Further request authorization for the City Controller to disburse funds for the purpose of this ordinance.

**Financial Impact**

As a result of adding items to the rear loading refuse trucks contract, additional funds of \$110,000 annually are necessary. Actual usage may be higher depending on need and budgeted funds. The additional funds are available in the Public Works



Department's budget.

-  
Employment Impact

The estimated number of private sector jobs created or maintained by this contract is approximately one.

This request is made by the Deputy Finance Director and the Public Works Director.

This item is also recommended by Mr. Naimark.

**ITEM 32**                      **CITYWIDE**                      **ORDINANCE S-39302 -  
IFB 12-201 - DECONTAMINATION SERVICES -  
REQUIREMENTS CONTRACT**

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Report of five bids received by the Procurement Division on June 8, 2012, to provide decontamination services for the Police Department and the Human Resources Department Safety Section on an as-needed basis for a one-year period beginning on or about November 1, 2012 and ending on October 31, 2013. Authorization is also requested for the City Controller to disburse funds over the life of the contract.

Services for the Police Department include the decontamination of Police vehicles, drying rooms, holding cells, interview rooms, and crime scenes citywide. Services for the Human Resources Department include the response to reported bio-hazardous materials illegally dumped in the city of Phoenix such as human waste, syringes, bodily fluid contaminated materials, etc.

Contractors are required to respond by phone within thirty minutes of service request from the City and must appear on-site within one hour from the initial request.

Following is a tabulation of the responsive and responsible bids received:

<u>Bidder</u>	<u>Decontamination Services Per Hour</u>	<u>Disposal Fees Price per Pound</u>
Clean Scene AZ, LLC* Phoenix, Arizona	\$ 38.75	\$0.30
Emergency Restoration Experts* Chandler, Arizona	\$ 84.00	\$0.40
Biopro, LLC* Gilbert, Arizona	\$175.00	\$0.48

It is recommended by the Deputy Finance Director and the Chief of Police that the bids of Clean Scene AZ, LLC; Emergency Restoration Experts; and Biopro, LLC, as asterisked, be accepted as the lowest responsive and responsible bidders. One bid submittal was deemed non-responsive for an incomplete Bloodborne Pathogens Control Plan. One bid submittal was deemed non responsive for not submitting required bid documents as stated in the solicitation.

The City requires the services of three contractors to meet the volume and variety of needs outlined in the contract. City of Phoenix staff will use the most cost effective contract to meet its needs whenever possible.

Financial Impact

The estimated annual cost, including tax, is approximately \$170,000 based on historical usage and projected need. Actual usage of this contract may be higher or lower depending on need and budgeted funds. Funds are available in the Police and Human Resources Departments' budgets.

Employment Impact

It is estimated that this contract will create or maintain two private sector jobs.

Option to Extend

Provisions of the agreement include an option to extend the contract up to four additional years, in one-year increments, which will be exercised by staff if considered in the City's best interest to do so.

This item is also recommended by Mr. Zuercher.

**ITEM 33**

**CITYWIDE**

**ORDINANCE S-39303 -  
IFB 12-218 - FIELD EQUIPMENT REPAIR AND  
MAINTENANCE - REQUIREMENTS CONTRACT**

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Report of four bids received by the Procurement Division on June 29, 2012, to provide the Parks and Recreation Department with field equipment repair and maintenance services on an as needed basis for a two-year period beginning on or about November 1, 2012.

Following is a tabulation of the authorized vendors with the lowest bid on individual equipment brands:

<u>Bidder</u>	<u>Initial Costs</u>
Simpson Norton Goodyear, Arizona	\$310,550*
AZ Machinery Company Avondale, Arizona	\$279,604*
Golf Ventures West Tolleson, Arizona	\$175,974*
E-Z GO, a division of Textron Augusta, Georgia	\$113,872*

The City requires that the equipment in this contract be maintained and repaired by factory authorized facilities or dealerships. Meeting this need will require four vendors that are trained and authorized to perform maintenance on specific brand equipment.

It is recommended by the Deputy Finance Director and the Acting Parks and Recreation Director that Simpson Norton Corporation, AZ Machinery Company, Golf Ventures West, and E-Z GO, a division of Textron, as asterisked, be accepted as the lowest responsible bidders. Authorization is also requested for the City Controller to disburse funds over the life of the contracts.

Financial Impact

The estimated initial contract period costs are approximately \$800,000 based on historical trends. Actual usage of this contract may be higher or lower depending on need and budgeted funds. Funds are available in Parks and Recreation Department's budget.

Employment Impact

It is estimated that these initial two-year term contracts will create up to nine private sector jobs.

Option to Extend

Provisions of the agreement include an option to extend the contracts up to three additional years, in one year increments, which will be exercised by staff if considered in the City's best interest to do so.

This item is also recommended by Mr. Miller.

**ITEM 34**

**CITYWIDE**

**ORDINANCE S-39304 -  
IFB 13-010 - CUSTODIAL SERVICES - AVIATION  
OUTLYING FACILITIES - REQUIREMENTS  
CONTRACT**

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Report of 18 bids received by the Procurement Division on August 17, 2012, to provide the Aviation Department with custodial services for outlying facilities for a two-year period, beginning on or about December 1, 2012 and ending November 30, 2014.

Request to authorize the City Manager, or his designee, to accept Hurley Service Management, LLC, dba Upright Commercial Cleaning, Phoenix, Arizona, as asterisked, as the lowest responsive and responsible bidder. Authorization is also requested for the City Controller to disburse funds over the life of the contract.

This contract will provide custodial services for Terminal 3 Annex, Operations Center and Annex, Fire Station 19, Police Bureau (Executive), Facilities and Services Complex, South Air Cargo, Parking Office, CNRP/Train Building, Deer Valley Airport, and Goodyear Airport.

Following is a tabulation of the lowest responsive and responsible bids received:

<u>Bidder</u>	<u>Total Monthly Price</u>
Hurley Service Management, LLC dba Upright Commercial Cleaning Phoenix, Arizona	\$25,175.00*
O.P.E.N. America, Inc. dba Openworks Phoenix, Arizona	\$25,666.00
HCS/Ashlar Service Group, LLC Phoenix, Arizona	\$26,817.92

Five bids were deemed non-responsive for not providing a letter from a bonding or insurance company stating that the bidder can qualify for and procure the performance surety required in the Invitation for Bid. Two bids were deemed non-responsive for submitting alternate terms.

Financial Impact

Based on the monthly bid price and estimated additional work needed, the estimated expenditures for the initial two-year contract will not exceed \$660,000. Funds are available in the Aviation Department's Operating budget.

Employment Impact

It is estimated that this contract will create or maintain seven private sector jobs.

Option to Extend

Provisions of the agreement include an option to extend the contract up to three additional years, in increments of up to one-year, which will be exercised by staff if considered in the City's best interest to do so.

This item is recommended by Mr. Zuercher, the Aviation Department, and the Deputy Finance Director.

**ITEM 35                      CITYWIDE                      ORDINANCE S-39305 -  
IFB 13-037 - REMOVE AND REPLACE STEEL  
OVERHEAD DOOR**

Report of four bids received by the Procurement Division on September 14, 2012, to remove and replace a steel overhead door at Phoenix City Hall for the Public Works Department. The new door will replace the original steel roll-up door located at Adams Street and 3rd Avenue that has reached its end of reliable service life. Following is a tabulation of the lowest bids received:

<u>Bidder</u>	<u>Total Bid Prices</u>
Miner Southwest, LLC Mesa, Arizona	\$51,653.00*
DH Pace Company, Inc. Tempe, Arizona	\$53,419.00
Vortex Industries, Inc. Phoenix, Arizona	\$76,435.12

It is recommended by the Deputy Finance Director that the bid of Miner Southwest, LLC, as asterisked, be accepted as the lowest responsible bidder. Authorization is also requested for the City Controller to disburse funds for this purchase.

Financial Impact

The estimated expenditures will be \$51,653 based on the actual purchase. Funds are available in Public Works Department's budget.

Employment Impact

It is estimated that this contract will create or maintain less than one private sector job.

This item is also recommended by Mr. Naimark.

**ITEM 36**

**CITYWIDE**

**ORDINANCE S-39306 -**

**IFB 13-042 - MOBILE VENTILATION UNIT**

Report of two bids received by the Procurement Division on September 21, 2012, to purchase a mobile ventilation unit for the Fire Department. Authorization is also requested for the City Controller to disburse funds for the project.

Following is a tabulation of the two responsive and responsible bids received:

<u>Bidder</u>	<u>Bid Price</u>
United Fire Equipment Tucson, Arizona	\$ 94,656*
L.N. Curtis & Sons Phoenix, Arizona	\$100,750

It is recommended by the Deputy Finance Director and the Fire Chief that United Fire Equipment, as asterisked, be accepted as the lowest responsive and responsible bidder.

Financial Impact

The total cost for the purchase, including tax, is \$104,122 based on the price submitted. Funds are available in the Fire Department's budget.

Employment Impact

It is estimated that this contract will create or maintain one private sector job.

This item is also recommended by Ms. Takata.

**ITEM 37**

**CITYWIDE**

**ORDINANCE S-39307 -**

**RFP 05-030F - CUSTODIAL SERVICES (RENTAL CAR CENTER, BUS MAINTENANCE FACILITY, SMALL OPERATOR PARCEL) - REQUIREMENTS CONTRACT**

Request to authorize the City Manager, or his designee, to extend the term of Contract 117387, as amended (contract). The contract was awarded to GCA Services Group, Inc., a Delaware corporation, by formal Council action on October 12, 2005, to provide custodial services at the Rental Car Center, Bus Maintenance Facility, and Small Operator Parcel for the Aviation Department. Authorization is also requested for the City Controller to disburse funds over the life of the contract.

The term of the contract shall be extended in one month increments, up to 12 additional months, from December 1, 2012 through November 30, 2013, to allow sufficient time for the new procurement process to be completed and during the transition period for the new contract to begin. If the procurement is concluded sooner, the month-to-month extension allows the City to transition to the successful proposer as soon as possible. The extension of the contract will ensure services are not interrupted. A previous Request for Proposal (RFP) was issued in June 2012, but was cancelled to more clearly define the specifications and evaluation criteria.

Financial Impact

Based on historical trends, the estimated cost for this 12-month extension will not exceed \$552,000. Funds are available in the Aviation Department's Operating budget.

Employment Impact

The estimated number of private sector jobs created or maintained by this contract is approximately six.

This item is recommended by Mr. Zuercher and the Aviation and Finance Departments.

**ITEM 38**

**CITYWIDE**

**ORDINANCE S-39308 -**

**RFP 07-011C - CUSTODIAL SERVICES**

**(AVIATION) - REQUIREMENTS CONTRACT**

Request to authorize the City Manager, or his designee, to extend the term of Contract 120949, as amended (contract). The contract was awarded to GCA Services Group, Inc., a Delaware corporation, by formal Council action on April 18, 2007, to provide custodial services at Phoenix Sky Harbor International Airport. Authorization is also requested for the City Controller to disburse funds over the life of the contract.

The term of the contract shall be extended in one-month increments, up to 12 additional months, from December 1, 2012 through November 30, 2013, to allow sufficient time for the new procurement process to be completed and during the transition period for the new contract to begin. If the procurement is concluded sooner, the month-to-month extension allows the City to transition to the successful proposer as soon as possible. The extension of the contract will ensure services are not interrupted and will provide custodial services for all Sky Harbor International Airport terminals, Deer Valley Airport, Goodyear Airport, the Parking Operations Office, Fire Station 19, Police Bureau, Terminal 3 Annex, Operations, South Cargo (Customs), and the Community Noise Reduction Program Office. A previous Request for Proposal (RFP) was issued in June 2012, but was cancelled to more clearly define the specifications and evaluation criteria.

Financial Impact

Based on historical trends, the estimated cost for this 12-month extension will not exceed \$8,400,000. Funds are available in the Aviation Department's Operating budget.

Employment Impact

The estimated number of private sector jobs created or maintained by this contract is approximately 93.

This item is recommended by Mr. Zuercher and the Aviation Department.

**ITEM 39**

**CITYWIDE**

**ORDINANCE S-39309 -  
NATIONAL INTERGOVERNMENTAL  
PURCHASING ALLIANCE 120471 - PANASONIC  
TOUGHBOOKS, TABLETS, ACCESSORIES, AND  
SERVICES - REQUIREMENTS CONTRACT**

Request to authorize the City Manager, or his designee, to purchase Panasonic Toughbooks(r), tablets, accessories, and services with PCS Mobile (the primary supplier) and Mobile Concepts Technology, LLC (the secondary supplier) using the contract established by the City of Tucson through a competitive solicitation process. The Panasonic Toughbooks<sup>(r)</sup>, tablets, and accessories are used in patrol cars and in fire apparatus and servicing of these devices will be needed on a periodic basis. The contract was awarded as a National Intergovernmental Purchasing Alliance (National IPA) contract (Contract 120471). As background, the National IPA was established through a collaborative effort of public agencies across the United States with the specific purpose of reducing procurement costs by leveraging group volume and membership. The City of Phoenix and the City of Tucson are National IPA members.

The contract period will begin on November 1, 2012 and end on July 31, 2013. Authorization is also requested for the City Controller to disburse funds over the life of the contract.

The estimated annual cost, including tax, is not to exceed \$841,900. Actual costs for equipment and services purchased under this contract may be higher or lower depending on need. Funds are available in the Fire Department and Police Department budgets. Should costs exceed the \$841,900 amount, further Council authority will be sought.

Employment Impact

The estimated number of private sector jobs created or maintained by this contract is approximately nine.

Option to Extend

Provisions of the agreement include an option to extend the contract up to four additional years, in one-year increments, which will be exercised by staff if considered in the City's best interest to do so.

This request is made by the Deputy Finance Director, the Fire Department Senior Engineer Technician, and the Police Department Information Technology Project Manager.

This item is also recommended by Mr. Zuercher and Ms. Takata.

**ITEM 40**

**CITYWIDE**

**ORDINANCE S-39310 -**

**STATE OF ARIZONA ADSP010-00000131 - (ESRI  
SOFTWARE AND SUPPORT)**

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Request to authorize the City Manager, or his designee, to purchase an enterprise license agreement for a three-year period from Environmental Systems Research Institute (ESRI) using the contract established by the State of Arizona (State Procurement Office Contract ADSP010-00000131). ESRI is a solution provider of mapping technology utilized by multiple departments throughout the City.

The contract period will begin on or about October 31, 2012 and ends October 30, 2015. Under the Intergovernmental Agreement with the State of Arizona, the City of Phoenix may use its agreements when it is beneficial for the City to do so. Authorization is also requested for the City Controller to disburse funds over the life of the contract.

Financial Impact

The estimated annual total cost is approximately \$352,000 and is payable on an annual basis, resulting in a three-year cost of \$1,056,000. Funds are available in the Information Technology Services Department's budget.

Employment Impact

The estimated number of private sector jobs created or maintained by this contract is approximately four.

This request is made by the Deputy Finance Director and the Acting Chief Information Officer.

This item is also recommended by Ms. Takata.

**ITEM 41**

**CITYWIDE**

**ORDINANCE S-39311 -  
STATE OF ARIZONA SOLICITATION ADSP012-  
00001779 - CONTRACTS FOR CABLING  
COMMUNICATION SYSTEMS**

---

Request to authorize the City Manager, or his designee, to purchase cabling communication systems equipment and services from Tel Tech Networks, Inc. and Corporate Technology Solutions using the contracts established by the State of Arizona (State Procurement Office) through a competitive bidding process.

The contract period will begin on November 1, 2012 and end October 9, 2013. Under the Intergovernmental Agreement with the State of Arizona, the City of Phoenix may use its agreements when it is beneficial for the City to do so. Authorization is also requested for the City Controller to disburse funds over the life of the contracts.

These contracts will offer City departments communication cabling elements and installed systems as needed to support telecommunications infrastructure on an ongoing basis.

Financial Impact

The estimated annual cost, including tax, is approximately \$3,300,000 based on historical trends. Actual usage of this contract may be higher or lower depending on need and budgeted funds. Funds are available in the various departments' budgets.

<u>Contractor</u>	<u>State of Arizona Contract Number</u>	<u>Estimated Annual Expenditures</u>
Tel Tech Networks, Inc.	To be announced	\$1,800,000
Corporate Technology Solutions	To be announced	\$1,200,000
Tax		\$ 300,000
Total		<u>\$3,300,000</u>

Employment Impact

The estimated number of private sector jobs created or maintained by this contract is approximately 37.

Option To Extend

Provisions of the agreement include an option to extend the contract up to four additional years, in one-year increments, which will be exercised by staff if considered in the City's best interest to do so.

This request is made by the Deputy Finance Director and the Acting Chief Information Officer.

This item is also recommended by Ms. Takata.

**ITEM 42****CITYWIDE****ORDINANCE S-39312 -  
ARIZONA STATE ADSP012-028150 - VEHICLE  
LIFTS AND SHOP EQUIPMENT -  
REQUIREMENTS CONTRACT**

---

Request authorization to purchase, maintain, and repair vehicle lifts utilizing Mohawk Resources, Ltd. under the contract established by the State of Arizona through a competitive bidding process. This contract period ends approximately July 16, 2013. Under the Intergovernmental Agreement with the State of Arizona, the City of Phoenix may use its agreements when it is beneficial for the City to do so. Authorization is also requested for the City Controller to disburse funds over the life of the contract.

Financial Impact

The estimated annual cost, excluding tax, is approximately \$120,000 based on historical trends. Actual usage of this contract may be higher or lower depending on need and budgeted funds. Funds are available in the Public Works Department's budget.

Provisions of the State of Arizona agreements include an option to extend this contract until July 19, 2017, which will be exercised by staff if considered in the City's best interest to do so.

Employment Impact

The estimated number of private sector jobs created or maintained by this contract is approximately one.

This request is made by the Deputy Finance Director and the Acting Public Works Director.

This item is also recommended by Mr. Naimark.

**ITEM 43****CITYWIDE****ORDINANCE S-39313 -  
STATE OF ARIZONA/WSCA ADOT11-000441,  
ADOT10-000438, ADOT10-00000086, AND  
ADSP012-021289 - TIRES, TUBES, AND  
SERVICES**

---

Request to authorize the City Manager, or his designee, to purchase tires, tubes, and services through authorized tire dealers using manufacturers' pricing agreements/discounts from ADOT11-000441 with Goodyear Tire & Rubber Co; ADOT10-000438/ADOT10-00000086 with Michelin North America, Inc.; and ADSP012-021289 with Division of Bridgestone Firestone North America, using the contract established by the State of Arizona and Western States Contracting Alliance (WSCA) through a competitive bidding process.

The contract period begins on or about September 8, 2011 and ends September 30, 2013. Under the Intergovernmental Agreement with the State of Arizona, the City of Phoenix may use its agreement when it is beneficial for the City to do so. Authorization is also requested for the City Controller to disburse funds over the life of the contracts.

The departments will follow the Small Business Enterprises or Local Small Business Enterprises business guidelines in accordance with the City's Interim Policy on Local Small Business Set-Aside Program.

Financial Impact

The estimated annual cost, excluding tax, is approximately \$2,000,000 based on historical trends. Actual usage of this contract may be higher or lower depending on need and budgeted funds. Funds are available in the various departments' budgets.

Employment Impact

The estimated number of private sector jobs created or maintained by this contract is approximately 22.

Provisions of the State of Arizona agreements include options to extend these contracts to May 30, 2017, which will be exercised by staff if considered in the City's best interest to do so.

This request is made by the Deputy Finance Director and the Acting Public Works Director.

This item is also recommended by Mr. Naimark.

**ITEM 44****CITYWIDE****ORDINANCE S-39314 -**



**STATE OF ARIZONA CONTRACT EPS070112C -  
FURNITURE (PRODUCTS AND SERVICE) -  
REQUIREMENTS CONTRACT**

---

Request to provide the City Manager, or his designee, to request an extension of an existing State cooperative contract, EPS 070112, which was previously approved by City Council action on December 12, 2007. The extension is requested for an additional four-month period through February 28, 2013, while the State proceeds with a new procurement. Contract EPS070112 was established under the State of Arizona's cooperative contract with Arizona Furnishings; Corporate Interiors System; Dave Scott & Associates; EJ Office Furniture, Inc.; Facilitec; Goodmans; Target Commercial Interiors, Inc.; Sitmatic/USA; and @ the Office, for furniture, design, and installation services. In accordance with the Intergovernmental Agreement with the State of Arizona, the City may use State contracts when it is beneficial to do so.

This extension is needed to allow the State additional time to complete the procurement and evaluation process for award of a new contract. If the procurement is concluded sooner, the month-to-month extension allows the City to transition to the successful proposer as soon as possible.

Authorization is also requested for the City Controller to disburse funds over the life of the contracts.

**Financial Impact**

Any furniture purchased under this would be reviewed by the City Manager's Office for appropriateness and fiscal responsibility. All other options for reusing existing furniture must be feasibly exhausted. Funds are available in the various departments' budgets.

This request is made by the Deputy Finance Director.

This item is also recommended by Mr. Zuercher and the Finance Department.

**ITEM 45                      DISTRICTS 4 AND 7                      ORDINANCE S-39315 -  
ACCEPTANCE AND DEDICATION OF A DEED  
AND AN EASEMENT FOR PUBLIC USE**

---

Request to authorize accepting a deed and an easement for roadway and drainage purposes; ordering the ordinance recorded; and dedicating to public use the properties described therein.

			<u>District</u>
Deed	(a)	DONOR NETWORK OF ARIZONA, INC. Deed is for roadway purposes for property located at 201 West Coolidge Street. FN 120030	4
Easement	(b)	GOODRICH CORPORATION Easement is for drainage purposes for property located at 501 East Elwood Street. FN 120024	7

This bears the recommendation of the Finance Director.

This item is also recommended by Mr. Zuercher.

**ITEM 46                      DISTRICT 5                      ORDINANCE S-39316 -  
AMEND LEASE 127914 WITH HART FARMS**

---

Request to authorize the City Manager, or his designee, to amend Lease 127914 involving approximately 12 acres of City-owned land leased for farming purposes to Eldon R. Hart doing business as Hart Farms. The property is located west of 79th Avenue and south of Virginia Avenue. Further request authorization for the City Controller to accept and disburse funds in accordance with the lease terms.

The amended lease will provide two additional two-year extension options beginning January 1, 2013.

All other terms and conditions of Lease 127914, authorized by Ordinance S 36765 on December 16, 2009, will remain the same. This includes the \$125 per acre fee and applicable taxes which are paid semi-annually. The City Council approved this lease originally on December 16, 2009, for one year with two, one-year options to renew.

This bears the recommendation of the Acting Parks and Recreation Director and the Deputy Finance Director.

This item is also recommended by Mr. Miller.

**ITEM 47**

**DISTRICT 5**

**ORDINANCE S-39317 -  
AH30200004 - SANTA FE SPRINGS  
APARTMENTS NSP FUNDING REQUEST AND  
REHABILITATION, DESIGN-BID-BUILD  
CONTRACT AWARD**

---

Request to authorize the City Manager, or his designee to loan up to \$2,705,525 in additional federal U.S. Department of Housing and Urban Development Neighborhood Stabilization Program (NSP) funds to Phoenix Residential Investment Development Effort (PRIDE) on terms and conditions consistent with the City's NSP and Affordable Housing Loan Program and Underwriting Guidelines and to take all necessary actions and execute all necessary documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds.

Additional funds are needed for costs associated with the rehabilitation of the 310 unit Santa Fe Springs Apartments affordable housing community located at 1717-1725 West Glendale Avenue in District 5. The loan will be used in combination with previously approved HOME Investment Partnership and NSP funding in the amount of \$8,950,000 to rehabilitate the Santa Fe Springs Apartments.

Authorization is also requested to utilize the NSP and HOME Investment partnership funds to enter into a contract for \$4,242,270 with Caliente Construction, Inc., the low bidder for the rehabilitation project. Three bids were received by the Street Transportation Department on September 18, 2012, on behalf of PRIDE, the Owner of Santa Fe Springs Apartments, to provide construction services in support of the Santa Fe Springs rehabilitation project.

Bids including all alternates ranged from a low of \$4,424,270 to a high of \$5,149,005. Listed below are the Engineer's estimate and the three bids:

	<u>Total (Base Bid + Alternates)</u>
Engineer's Estimate	\$5,393,753
Caliente Construction	\$4,424,270*
Low Mountain Construction	\$4,763,685
LOR Construction	\$5,149,005

Recommendation

The Housing Department recommends loaning PRIDE additional NSP funds of up to \$2,705,525 in funds, and on behalf of PRIDE, recommends award of the base bid and alternates 1 through 7 to the lowest responsible bidder, Caliente Construction, Inc., as asterisked, in the amount of \$4,424,270.

Financial Impact

The Santa Fe Springs rehabilitation project is funded from federal HOME Investment Partnerships Program and Neighborhood Stabilization Program funds. There is no impact to the City's General Fund.

Previous City Council Action

City Council previously approved Ordinances S-36065, S-36979, and S-38258. Authority granted in these ordinances includes providing loans to PRIDE for the acquisition and rehabilitation of the Santa Fe Springs Apartments, an affordable multifamily rental housing project serving primarily low and moderate-income families.

Employment Impact

The estimated number of jobs to be created or retained is 49.

The Street Transportation Director concurs with the recommendation to select the lowest responsible bidder.

This item is also recommended by Mr. Miller and the Housing Department.

**ITEM 48**

**CITYWIDE**

**ORDINANCE S-39318 -  
CONTRACT FOR VOLUNTARY BENEFIT**

## SERVICES FOR CITY OF PHOENIX EMPLOYEES

Request to authorize the City Manager, or his designee, to enter into a contract with Humana for voluntary benefit services for City of Phoenix benefit-eligible employees. Authorization is also requested for the City Controller to disburse funds as necessary.

The City issued a Request for Proposals (RFP) on June 29, 2012, seeking proposals from qualified firms to provide fully-insured voluntary benefit plan designs to complement the existing comprehensive employee benefit programs. The voluntary benefits supplement medical plan offerings with Critical Illness, Cancer, and Accident/Hospitalization policies. Six firms submitted responses: AFLAC, Colonial, FBMC/All State, Humana, Marsh, and Met Life.

Evaluations of the six proposals were conducted by a committee composed of staff from the Human Resources Department and a public safety member from the Health Care Task Force. The committee chose Humana as the selected proposer for the following reasons:

- Ability to provide full scope of services as outlined in the proposal document.
- Ability to provide comprehensive suite of voluntary benefits as outlined in the scope of work.
- Ability to offer guaranteed issue for plans with guaranteed renewals.
- Price. Humana offered lower premiums compared to the level of benefit provided.

The appeal process for the vendor award ended on September 21, 2012. No appeals were filed on this process.

The proposed contract term is for three years effective January 1, 2013, with two, one-year extensions to be exercised at the City's discretion.

### Financial Impact

There is no financial impact to City funds. Funds for the voluntary supplemental benefits are paid for by employees enrolling in the program through the annual open enrollment process.

This item is recommended by Mr. Cavazos and the Human Resources Department.

### **ITEM 49**

### **CITYWIDE**

### **ORDINANCE S-39319 - ACCEPT FISCAL YEAR 2012 INTERNET CRIMES AGAINST CHILDREN TASK FORCE CONTINUATION PROGRAM GRANT FUNDS**

Request to authorize the City Manager, or his designee, to enter into a Cooperative Agreement between the Phoenix Police Department (PPD) and the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP) to accept grant funds in an amount not to exceed \$350,122. This Cooperative Agreement is to accept a grant award for the Fiscal Year 2012 Internet Crimes Against Children (ICAC) Task Force Continuation Program. Authorization is also requested for the City Controller to receive and disburse funds. The funding period is retroactive to July 1, 2012, through June 30, 2013.

Since 2000, the PPD has received grant funds for the ICAC Task Force Continuation Program. This current agreement will continue to support the PPD's investigative and administrative capacity in the Arizona ICAC Task Force for the purpose of combating the problem of internet crimes against children. Funding provides for grant-approved personnel costs including: salary, standby pay, overtime, and related fringe benefits for one police sergeant who acts as the statewide ICAC Task Force commander, as well as standby pay, overtime, and related fringe benefits for five detectives who investigate ICAC-related cases.

In addition, funds are used to conduct ICAC-related program activities and to provide community education. Funding also pays the services for cell phones, air cards, internet, and hosting fees to maintain two ICAC websites, as well as equipment, software, training, and travel funds for task force members.

Furthermore, a portion of the OJJDP funding is passed through as competitive sub-awards to affiliate agencies to acquire ICAC-related training and equipment in an effort to build investigative capacity throughout the state.

Grant award paperwork states the grant period start date is July 1, 2012; however, PPD did not receive the current grant award documents from OJJDP until September 28, 2012.

No matching funds are required; cost to the City is in-kind resources only.

The Public Safety, Veterans, Transparency, and Ethics Subcommittee approved the Phoenix Police Department to apply for these funds on March 27, 2012, and the City Council approved it on April 24, 2012.

This item is also recommended by Mr. Zuercher and the Police Department.

**ITEM 50**

**CITYWIDE**

**ORDINANCE S-39320 -  
ACCEPT FUNDS FROM THE ORGANIZED CRIME  
DRUG ENFORCEMENT TASK FORCES**

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Request to authorize the City Manager, or his designee, to enter into Intergovernmental Agreements between the Phoenix Police Department (PPD) and the Organized Crime Drug Enforcement Task Forces (OCDETF), sponsored by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), retroactive to October 1, 2012, in an amount not to exceed \$25,000 for this current investigation. Staff also requests authorization to accept any additional OCDETF funds, should they become available during the funding period, in an amount not to exceed \$300,000. Authorization is further requested for the City Controller to receive and disburse funds. The funding period is from October 1, 2012 through September 30, 2013.

PPD has continually been involved in these multi-jurisdictional task forces in an effort to enhance and further facilitate long term sustainable drug enforcement investigations. The multi-jurisdictional drug enforcement investigators conduct complex narcotics distribution enterprise investigations in the Phoenix area and throughout the state.

Ongoing efforts aim to identify and dismantle Mexican and Colombian drug cartel organizations, with direct ties to individuals in Phoenix, who facilitate the flow of drugs into the area. This has a local benefit in that it disrupts street-level drug traffickers. The impact cannot be under-estimated, especially in a major metropolitan area such as Phoenix.

Since the investigations are seldom restricted to locations solely within Phoenix city limits, investigations involve multi-national organizations and various federal law enforcement agencies (FBI, DEA, ATF, etc.). These co-investigative agencies provide additional support relative to their particular area of expertise and level of jurisdiction.

Through these Intergovernmental Agreements, OCDETF will reimburse overtime costs (excluding fringe benefits) and operational expenses associated with particular approved investigations. Funding from this current agreement will be used to pay overtime costs and operational expenses associated with the ongoing Operation Push the Pawn investigation, coordinated by PPD's Drug Enforcement Bureau.

Retroactive approval is necessary because PPD did not receive this agreement from OCDETF until October 1, 2012.

No matching funds are required; cost to the City is in-kind resources only.

This item was scheduled for the October 23, 2012, Public Safety, Veterans, Transparency, and Ethics Subcommittee meeting.

This item is recommended by Mr. Zuercher and the Police Department.

**ITEM 51**

**CITYWIDE**

**ORDINANCE S-39321 -  
INTERGOVERNMENTAL AGREEMENT WITH  
MARICOPA COUNTY FOR THE HIDTA METH LAB  
TASK FORCE**

---

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) between the Phoenix Police Department (PPD) and the Maricopa County Sheriff's Office (MCSO) to accept funds for police services in an amount not to exceed \$100,000. Authorization is also requested for the City Controller to receive and disburse funds. The funding period is retroactive to September 1, 2012 through December 31, 2013.

For several years the PPD has been an active partner with MCSO and currently has officers assigned to the Maricopa County High Intensity Drug Trafficking Area (HIDTA) Methamphetamine (Meth) Lab Task Force. This IGA continues to support the PPD in providing both assigned officers and ad hoc officers to the MCSO HIDTA Meth Lab Task Force to assist with investigations of criminal organizations that operate drug labs and/or distribute narcotics within Arizona.

In return, the MCSO will reimburse the PPD a maximum of \$75,000 in overtime costs incurred as a result of Task Force related

investigations. In addition, the MCSO will reimburse the PPD for aircraft fuel costs in the event that the PPD's Air Support Unit is used to assist in HIDTA investigations. In order to further HIDTA objectives, the MCSO will also provide one leased vehicle and office space for HIDTA Task Force personnel, which includes utilities, telephone service, travel, and training.

The PPD has worked with the MCSO under similar agreements for the past several years. Retroactive approval to September 1, 2012, is necessary because the PPD did not receive the current IGA from MCSO until September 28, 2012.

No matching funds are required; cost to the City is in-kind resources only.

This item was scheduled for the October 23, 2012, Public Safety, Veterans, Transparency, and Ethics Subcommittee meeting.

This item is recommended by Mr. Zuercher and the Police Department.

**ITEM 52**

**CITYWIDE**

**ORDINANCE S-39322 -  
NEIGHBORHOOD BLOCK WATCH OVERSIGHT  
COMMITTEE RECOMMENDATIONS TO FUND  
2012 GRANT APPEALS**

---

Request to authorize the Neighborhood Block Watch Grant Program (NBWGP) Oversight Committee's October 4, 2012, recommendation to fund two additional 2012 grant appeals. In addition, request authorization for the City Manager, or his designee, to enter into contracts between the City of Phoenix and the recommended Neighborhood Block Watch groups. Authorization is also requested for the City Controller to disburse funds in the amount of \$12,610.

On May 30, 2012, City Council approved the NBWGP Oversight Committee's recommendations to fund 185 Neighborhood Block Watch grant applications of the 211 received. In some cases, applicants were denied partial or full funding due to NBWGP Oversight Committee line item vetoes, capped items, or requests for prohibited items.

After a six-week appeal process, 19 appeals were received from grant applicants who were denied full or partial funding. Appeals were heard by the Oversight Committee during their meetings on August 2 and September 6, 2012. One group withdrew their appeal prior to it being heard by the Oversight Committee. In total, 18 appeals were heard; 13 were approved, three were denied, and two were tabled until the meeting on October 4, 2012.

On September 25, 2012, the Public Safety, Veterans, Transparency, and Ethics Subcommittee approved the recommendations of the NBWGP Oversight Committee to fund 13 grants and deny three appeals. On October 23, 2012, the Public Safety, Veterans, Transparency, and Ethics Subcommittee approved the NBWGP Oversight Committee's October 4, 2012, recommendation to fund the remaining two Block Watch grant appeals listed below, in the amount of \$12,610.

- Pointe South Mountain Residential Association (PSMRA with Vision). Entire grant was denied funding.
  - Appeal was for the original \$10,000 requested to provide additional/ advanced Phoenix Neighborhood Patrol (PNP) training to existing and new members, as well as Homeowners Association (HOA) community members; deter crime with Light Up the Pointe Plan; installation of personal access gates in several small open access points; increase active membership from 15 to 20; Welcome Packet for new members of HOA coordinated with the PNP group; and increase PNP patrolling hours to over 2,500 in 2012.
  - October 4, 2012, after further input from the grantee, the NBWGP Oversight Committee recommended funding the entire grant for \$10,000.
- Encanto West Neighborhood Association -1.
  - Appeal: funding for dusk-to-dawn lighting was denied; appeal request is for \$2,610.
  - Recommendation from the meeting on October 4, 2012: fund entire amount for dusk-to-dawn lighting for \$2,610.

Funds are available in the reserve balance of the Proposition 301 Fund account to fund the appeals.

This item is recommended by Mr. Zuercher and the Police Department.

**ITEM 53**

**CITYWIDE**

**ORDINANCE S-39323 -  
SCHOOL RESOURCE OFFICER  
INTERGOVERNMENTAL AGREEMENTS FOR  
2012-2013**

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Request to authorize the City Manager, or his designee, to enter into separate Intergovernmental Agreements with 15 area school districts for the 2012-2013 school year in support of the School Resource Officer (SRO) Program. Authorization is also requested for the City Controller to disburse funds pursuant to the agreements.

The primary role of the SRO is to be a visible sign of authority on campuses to investigate child abuse/neglect crimes, investigate crimes in and around school campuses, instruct Law Related Education (LRE), and enforce truancy laws. As integral members of the school community, SROs participate in Community Based Policing programs designed to mentor youth while forging effective relationships based upon trust. SROs participate in many other programs that help youth such as coaching youth sports at assigned schools or participating in mentoring programs such as Wake-Up and Junior Achievement, to name a few.

During the 2011-2012 school year, SROs handled 6,961 calls for service; completed 968 Department Reports (DRs); investigated 160 crimes against children; effected 396 arrests, investigated 48 weapon offenses, 42 gang incidents, and 401 truancy violations. The presence of the SROs on these funded sites enabled patrol officers to remain in service. In addition, SROs instructed 8,460 hours of Law Related Education.

The SRO Program presently consists of 59 officers and 4 sergeants serving 15 school districts. Funding for SROs is provided through partnerships with the Arizona Department of Education (ADE) and individual school districts. Through this partnership, grant funds or district funds pay 75 percent of the SRO's salary while the remaining 25 percent is paid by the City resulting in approximately \$4.8 million in cost savings to the City.

Under these contracts, the Police Department will assign SROs to the following school districts with schools in Phoenix:

Alhambra	Phoenix Union High
Cartwright	Scottsdale Unified
Cave Creek	Tempe Union High
Creighton	Tolleson Union High
Isaac	Union Elementary
Osborn	Washington Elementary
Paradise Valley Unified	Wilson Elementary
Phoenix Elementary	

The Public Safety, Veterans, Transparency, and Ethics Subcommittee approved this item at its meeting on September 25, 2012.

This item is also recommended by Mr. Zuercher and the Police Department.

**ITEM 54**

**DISTRICT 1**

**ORDINANCE S-39324 -  
AV31000078 FAA - DEER VALLEY NORTH  
RUNWAY PAVEMENT REHABILITATION  
CONSTRUCTION ADMINISTRATION AND  
INSPECTION SERVICES**

---

Request to authorize the City Manager, or his designee, to enter into an agreement with Armstrong Consultants, Inc., Gilbert, Arizona, to provide construction administration and inspection services for the North Runway Pavement Rehabilitation project located at Deer Valley Airport. Authorization is also requested for the City Controller to disburse funds for the purpose of this agreement in an amount not to exceed \$25,000.

This project will include pavement milling and resurfacing of the north runway and associated taxiway connectors and shoulders, drainage improvements, runway lighting and signage adjustments, and pavement striping and layout. The Engineer's services will include, but are not limited to: technical assistance, document reviews, weekly inspection reports, and preparation of reports.

Armstrong Consultants, Inc. was selected through a qualifications-based selection process in accordance with Title 34 of the Arizona Revised Statutes.

Financial Impact

The Engineer's fee shall not exceed \$25,000, including all subconsultants and reimbursable costs. Staff anticipates

reimbursement from the Federal Aviation Administration Airport Improvement Program Grant. Funds are available in the Aviation Department's Capital Improvement Program budget.

Employment Impact

The estimated number of jobs to be created or retained is one.

Small Business Outreach

This procurement required proposers to engage in small business outreach efforts. The City has determined the availability of Disadvantaged Business Enterprises to be 4.52 percent of the relevant market of potential subconsultants.

Previous City Council Action

The City Council approved Contract 133628 for the amount of \$70,000 on June 6, 2012, to provide the design services.

This Council award is subject to execution of the agreement by all of the parties.

This item is recommended by Mr. Zuercher and the Aviation and Street Transportation Departments.

**ITEM 55                      DISTRICT 1                      ORDINANCE S-39325 -  
WS85050043 -  
RESERVOIR 3D-ES1 ROOF REHABILITATION,  
DESIGN-BID-BUILD WITH CURRIER  
CONSTRUCTION, INC.**

Report of six bids received in compliance with Arizona Revised Statutes, Title 34, by the Street Transportation Department on September 18, 2012, to provide construction services in support of the Water Services Department Reservoir 3D-ES1 Roof Rehabilitation project, located on 47th Avenue north of the Loop 101. The top five bids were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and general contractor responsiveness in meeting the project's Small Business Enterprise (SBE) goal. All five bids were found responsive.

Request to authorize the City Manager, or his designee, to enter into an agreement with Currier Construction, Inc. for construction services, which include: roof replacement, interior liner replacement, and miscellaneous site improvements for reservoir 3D-ES1. Further request authorization for the City Controller to disburse funds for the purpose of this ordinance.

Bids ranged from a low of \$1,449,250 to a high of \$2,020,496.12. The Engineer's estimate, the second low bidder, and lowest responsible bidder are listed below:

	<u>Total</u>	<u>SBE/DBE Goal</u>
Engineer's Estimate	\$1,633,250	4.00%
Currier Construction, Inc.	\$1,449,250*	4.32%
MGC Contractors, Inc.	\$1,555,532	17.89%

Recommendation

The Street Transportation Department recommends award of the base bid to the lowest responsible bidder Currier Construction, Inc., Phoenix, Arizona, as asterisked, in the amount of \$1,449,250.

Employment Impact

The estimated number of jobs to be created or retained is 16.

Financial Impact

Funding is available in the Water Services Department's Capital Improvement Program budget as follows:

<u>Project</u>	<u>Funding</u>	<u>Total</u>
WS85050043	2008 Civic Improvement Corporation Bonds - Fund 1421	\$1,449,250

Previous City Council Action

Design Contract 122718 was approved by Council on December 5, 2007.

Citizen Notification



Public notification will be provided by the contractor during construction.

This Council award is subject to execution of the agreement by all of the parties.

The Water Services Department concurs with this request.

This item is also recommended by Mr. Miller and the Street Transportation Department.

**ITEM 56**

**CITYWIDE**

**ORDINANCE S-39326 -  
AMEND ORDINANCE S-38884 GRANTING  
TELECOMMUNICATIONS SERVICES LICENSE  
TO MCI COMMUNICATIONS SERVICES**

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Request authorization to amend Ordinance S-38884, adopted on May 30, 2012, to authorize the City Manager, or his designee, to execute the license within 180 days of the effective date of the original authorizing ordinance.

On May 30, 2012, a telecommunications services license was authorized to be issued to MCI Communications Services, Inc. The ordinance provided that the license would be void and of no force and effect if not signed by the licensee within 60 days of the effective date of the ordinance. The license agreement and deposit account agreement were not executed within that time frame and MCI Communications Services, Inc., and City staff seek an extension of the authorization of the license.

Employment Impact

This action does not directly create or retain any jobs.

Financial Impact

This action has no direct financial impact.

Previous Council Action

City Council approved Ordinance S-38884 on May 30, 2012, that originally authorized execution of the license.

This item is recommended by Mr. Naimark and the Street Transportation Department.

**ITEM 57**

**CITYWIDE**

**ORDINANCE S-39327 -  
AMEND ORDINANCE S-38933 GRANTING  
TELECOMMUNICATIONS SERVICES LICENSE  
TO MCIMETRO ACCESS**

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Request authorization to amend Ordinance S-38933, adopted on June 6, 2012, to authorize the City Manager, or his designee, to execute the license within 180 days of the effective date of the original authorizing ordinance.

On June 6, 2012, a telecommunications services license was authorized to be issued to MCImetro Access Transmission Services, LLC. The ordinance provided that the license would be void, and of no force and effect, if not signed by the licensee within 60 days of the effective date of the ordinance. The license agreement and deposit account agreement were not executed within that time frame, and MCImetro Access Transmission Services, LLC and City staff seek an extension of the authorization of the license.

Employment Impact

This action does not directly create or retain any jobs.

Financial Impact

This action has no direct financial impact.

Previous Council Action

City Council approved Ordinance S-38933 on June 6, 2012, that originally authorized execution of the license.

This item is recommended by Mr. Naimark and the Street Transportation Department.

**ITEM 58**

**CITYWIDE**

**ORDINANCE S-39328 -  
EXTEND AND AMEND THE MAINTENANCE AND  
SUPPORT AGREEMENT WITH DEIGHTON**

ASSOCIATES LIMITED

Request to authorize the City Manager, or his delegate, to execute Amendment 3 to Agreement 127411 with Deighton Associates Limited, and to authorize the City Controller to disburse funds for the payment of services performed on this Amendment. This contract will provide the Street Transportation Department with software upgrades, technical support services, and preventive maintenance for the Pavement Management System (PMS). The PMS currently manages approximately 4,900 miles of city paved streets for maintenance.

A contract was originally executed with Deighton Associates Limited on December 7, 2009, with a not-to-exceed amount of \$23,520 in the first year. On December 8, 2010, Council approved Amendment 1, which added \$28,380 to the contract to increase the not-to-exceed amount to \$51,900 and extended the maintenance for a second year. On November 30, 2011, Council approved Amendment 2, which added \$28,950 to the contract to increase the not-to-exceed amount to \$80,850 and extended the maintenance for a third year. This amendment is to extend the coverage for a fourth and final year of service and will increase the not-to-exceed amount by \$29,294 to a total of \$110,144.

- Employment Impact

It is estimated that approval of this amendment will create or retain .3 jobs.

- Financial Impact

Funds are available in the Street Transportation Department's Operating budget.

<u>Cost Center</u>	<u>Fund Source</u>	<u>Amount</u>
6300004200	Operating - General Funds - 0001	\$29,294

This item is recommended by Mr. Naimark and the Street Transportation Department.

**ITEM 59**

**CITYWIDE**

**ORDINANCE S-39329 -  
PROCESS CONTROL PROGRAMMING SUPPORT  
CALENDAR YEARS 2011/2012/2013 - CONTRACT  
AMENDMENT 1 WITH EIC ENGINEERING, INC.**

Request to authorize the City Manager, or his designee, to execute Amendment 1 to Contract 130619 with EIC Engineering, Inc., Scottsdale,

Arizona, to provide professional services to the Water Services Department required for the programming of process control systems; and further authorize the City Controller to disburse the funds for the purposes of this ordinance.

EIC Engineering, Inc. supplements Water Services staff to support and optimize computerized process control systems that are necessary to efficiently operate the City's water and wastewater treatment plants, and water distribution and wastewater collection systems. Process control systems allow for the operation of water and wastewater facilities with minimal staff and optimal electricity and chemical usage, while ensuring regulatory standards are met.

This contract was approved by City Council on March 16, 2011, for a one-year period with two, one-year options to renew. This amendment will exercise the first of the two, one-year options, and will extend the contract to December 31, 2013. It will also increase the contract amount by \$50,500 to a total of \$200,500.

The Consultant was chosen for this project using a qualifications-based selection process as authorized by Title 34 of the Arizona Revised Statutes. Based on the selection process, this firm was determined to be the most qualified to provide the required services for this project.

Employment Impact

The estimated number of jobs created or retained is less than one.

Financial Impact

Approval of this amendment will increase the maximum fees payable to the Consultant by \$50,500 to a total of \$200,500, including all subconsultant and allowable costs. Funds for this project are available from the Water Services Department's Operating budget as follows:

Sub-Regional Operating Group Revenue and Operations & Maintenance (0020)	\$35,500
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Water Maintenance and Operations (0052)

\$15,000

This Council award is subject to execution of the agreement by all of the parties.

The Water Services Department concurs with this request.

This item is also recommended by Mr. Miller and the Street Transportation Department.

**ITEM 60**

**CITYWIDE**

**ORDINANCE S-39330 -  
4108JOC110 - STR FRACTURED AGGREGATE  
SURFACE TREATMENT (FAST) AND SCRUB  
SEALING JOB ORDER CONTRACT AWARD**

---

Request to authorize the City Manager, or his designee, to enter into an agreement with International Surfacing Systems, Inc., Chandler, Arizona, to provide fractured aggregate surface treatment (FAST) and scrub sealing Job Order Contracting (JOC) services and to execute contract options as necessary. Additionally, authorization is requested for the City Controller to disburse funds for the purposes of this ordinance.

The JOC contract will be utilized on an as-needed basis for a 36-month period and a total initial contract amount of \$6,000,000 with an option to renew based on the contractor's satisfactory performance, the City's need for additional services, and funding availability. The contract will have the option to renew for an additional 24-month term, or the balance of the maximum contract amount of \$10,000,000, including all JOC amendments. Authorization is requested to execute job order/project agreements performed under these JOC's for up to \$1,920,000 each in construction costs and in no event will any job order exceed this limit unless approved by the City Council to specifically change expenditure limits.

The JOC contracts have limits that herein establish contracting capacity, rather than encumbrance of funds. The encumbrances of funds against these JOC contracts occur as contract services are identified and negotiated for a specific project/job order.

The contractors were chosen for this project using a qualifications-based selection process as authorized by Title 34 of the Arizona Revised Statutes and managed by the City Engineer.

Additionally, request to authorize the City Manager to take all action as may be necessary or appropriate and to execute all utilities-related 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. This authorization excludes any transaction involving an interest in real property.

**Employment Impact**

The estimated number of jobs created or retained over the initial 36-month term is up to 67, if the contract capacities are fully utilized.

**Financial Impact**

Funds are available in the Street Transportation Department's Capital Improvement Program budget using Capital Construction funds.

**Citizen Notification**

The public will be notified on each project/job order if notification is required.

This Council award is subject to execution of the agreement by all of the parties.

This item is recommended by Mr. Naimark and the Street Transportation Department.

**ITEM 61**

**OUT OF CITY**

**ORDINANCE S-39331 -  
PW16810007 - STUDY AND DESIGN  
AGREEMENT WITH ARIZONA PUBLIC SERVICE  
FOR RELOCATION OF POWER LINES**

---

Request to authorize the City Manager, or his designee, to enter into a study and design agreement with Arizona Public Service. The purpose of this agreement is to relocate power lines for Project PW16810007: SR 85 Landfill; and further authorize City Controller to disburse funds with this ordinance.

Employment Impact

The estimated number of jobs to be created or retained is less than one.

Finance Impact

Funding for this agreement in the amount of \$20,000 is available through the Public Works Department.

Citizen Notification

No citizen notification is required.

This item is recommended by Mr. Naimark and the Street Transportation Department.

**ITEM 62**

**DISTRICT 8**

**ORDINANCE S-39332 -  
AGREEMENT WITH FRESH REVENUES, INC.  
FOR CALL CENTER CUSTOMER SERVICE  
SUPERVISOR TRAINING**

---

Request to authorize the City Manager, or his designee, to enter into a professional services contract with Fresh Revenues, Inc. for call center customer service supervisor training. Authorization is also requested for the City Controller to disburse funds for the purposes of this ordinance.

An Efficiency Study completed by Black & Veatch in February 2012, identified a need for supervisory development and training to assist with leadership development in the Water Services Department Customer Services Division. The training recommendations focus specifically on improving call center efficiencies. Fresh Revenues, Inc. will provide training to supervisors on managing job performance, time management, creating accountability for results, developing coaching skills, team building, and mentoring employees to identify and address staff skill gaps.

The Water Services Department used an existing Qualified Vendors List issued by the Community and Economic Development Department. Twelve firms were asked to provide information on their experience providing supervisory development and training related to customer service and/or call centers. A committee comprised of Water Services Department representatives reviewed the responses. Firms were evaluated against scope of work and qualifications criteria specific to the contract needs. Based on an evaluation of each firm, the committee concluded that Fresh Revenues was the best qualified firm to provide the required services.

This contract is critical to completion of process improvement tasks identified in the Black & Veatch Study. It will improve effectiveness of Customer Services Division supervisors and enhance service to customers. The department is proposing to outsource this task, as this expertise, which is specific to call centers and customer service, does not exist in the City.

The agreement will commence on the date of execution by all of the parties and continue through December 2013. If there is a mutual consent between the parties, the agreement can be extended once for a period of one year, if considered in the City's best interest to do so.

Financial Impact

Funding in the amount of \$76,000 is allocated from the Water Services Department's Operating budget, Fund Center 8421101010, Commitment Item 510440 for this purpose.

This item is recommended by Mr. Miller and the Water Services Department.

**ITEM 63**

**CITYWIDE**

**ORDINANCE S-39333 -  
AMEND AGREEMENT 129850 WITH RESOURCE  
H20 FOR WATER CONSERVATION AND  
RETROFIT PROGRAM**

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Request to authorize the City Manager, or his designee, to enter into an amendment to Contract 129850 with Resource H20 for the Plumbing Device Retrofit Program to extend the agreement term through and until October 31, 2013. Additionally, the Water Services Department requests authorization for the City Controller to disburse the necessary funds.

In 1994, plumbing code changes effected by the National Energy Policy Act triggered significant advancements in plumbing fixture and appliance water use efficiency, most notably toilets. Homes built prior to 1994 were not equipped with these devices. A recent Water Services study of housing units in Phoenix has shown higher water usage in homes built before 1994 within the city; largely due to this reason. New highly efficient toilets, showerheads, and faucets have been shown to greatly reduce water use for the average household.

Water Services has provided a Plumbing Device Retrofit Program to low-income homeowners in pre-1994 homes for 10 years, assisting more than 3,000 customers in reducing water usage. This program assists low-income customers who cannot afford newer fixtures and devices and who may be financially burdened by water bills.

The original two-year contract for this program was approved by City Council on October 6, 2010, for an amount of \$150,000. This is the first of three amendments allowed under this contract.

Financial Impact

The amount of this agreement will increase funding by \$75,000 for a total amount of \$225,000. Funding is available in the Fiscal Year 2012-13 in the Water Services Department's Operating budget.

Employment Impact

These funds are estimated to create or retain up to one full-time equivalent job.

The Transportation and Infrastructure Subcommittee recommended approval of this item on October 9, 2012.

This item is also recommended by Mr. Miller and the Water Services Department.

**ITEM 64**

**DISTRICT 8**

**ORDINANCE S-39334 -  
AGREEMENT WITH ARIZONA STATE  
UNIVERSITY - WATER, ENVIRONMENTAL AND  
TECHNOLOGY CENTER**

---

Request to authorize the City Manager, or his designee, to enter into an agreement with the Arizona State University Water, Environmental, and Technology Center (Center) for annual research for watershed monitoring including turbidity, taste, and odor, etc. Further request authorization for the City Controller to disburse funds for the purposes of this ordinance.

The Center focuses research on water quality and emerging contaminants. The research aims at developing technologies to detect, understand, mitigate, and/or control emerging contaminants in the environment as well as other traditional contaminants that can adversely impact water quality, such as organics that can lead to taste and odor issues. The Center research activities involve faculty, undergraduate, and graduate students as well as industrial and municipal representatives to ensure that the research is transferable to address issues in today's operational settings.

The City has been a participant of the Center since 2001. As a participant, the City has the opportunity to evaluate research proposals, participate in a yearly workshop to review research progress, and vote on research direction for the Center. The area of most significance for the City is water quality studies being conducted on the watershed due to previous wildfires in these areas. Workshops are held to discuss these watershed impacts which allows for timely integration of research results within the City's operations. In addition, the Center conducts valuable research on disinfection by-product (DBP) formation and control which helps the City operate the Granular Activated Carbon (GAC) filters efficiently and effectively. Without the benefit of the combined resources of the Center, the City would need to spend more money to conduct the same research on its own.

Financial Impact

Funding for the research is available for the Water Services Department's Operating budget. The research cost for Fiscal Year 2012-2013 is \$60,000.

This item is recommended by Mr. Miller and the Water Services Department.

**ITEM 65**

**CITYWIDE**

**RESOLUTION 21084 -  
ISSUANCE OF ONE OR MORE SERIES OF UP TO  
\$13,500,000 OF THE INDUSTRIAL  
DEVELOPMENT AUTHORITY OF THE CITY OF  
PHOENIX, ARIZONA TAX-EXEMPT AND/OR**

**TAXABLE EDUCATION FACILITY REVENUE  
BONDS (GREAT HEARTS ACADEMIES -  
GLENDALE PROJECT), SERIES 2012**

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Request by Great Hearts Academies (the "Borrower"), to grant approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Arizona (the "Phoenix IDA") has previously resolved to issue up to \$13,500,000 of Education Facility Revenue Bonds (the "Revenue Bonds") to: a) finance the acquisition, construction, improvement, and equipping of a new campus; and b) pay certain costs related to the issuance of the Revenue Bonds.

The Borrower is an Arizona non-profit 501(c)(3) corporation operated exclusively for educational purposes under Arizona law. Glendale Preparatory Academy ("Glendale Prep") is one of the Borrower's schools. It has been in operation since 2008 and now serves over 265 students in grades 6 - 12. Glendale Prep currently leases facilities located at 7151 West Beardsley Road in Glendale, Arizona (southeast corner of 73rd Avenue and West Beardsley Road). Due to strong demand, the Borrower plans to build a new campus that will house the current Glendale Prep grades and will also include Archway Classical Academy - Glendale ("Archway Glendale"), which will serve grades K - 5. The Project, which consists of a new K - 12 school campus, to house both Glendale Prep and Archway Glendale, is situated on approximately eight acres at the southwest corner of 83rd Avenue and Pinnacle Peak Road in Peoria, Arizona, and includes an approximately 73,000-square-foot, one-story building housing among other facilities, classrooms, a gymnasium, a multipurpose room, a library, and administrative offices.

It is not uncommon for IDAs around the state to issue bonds in cities and counties other than their own, especially when the Borrower requests the services of a particular IDA, as is the case here. The Phoenix IDA issued bonds for the Borrower on another school project in January 2012, thus there is transactional history between the parties, and procedural and cost efficiencies are gained given the Phoenix IDA's experience with the Borrower.

The City of Phoenix benefits from fees that are collected at closing, and through ongoing assessment fees collected for the life of the bonds. These fees are used to invest in programs and initiatives that benefit city of Phoenix residents. Such investments include small business loan and collateral support programs aimed at retaining and creating jobs, community-based non-profit organization financial support, and a single-family mortgage origination program.

On October 11, 2012, the Phoenix IDA adopted a resolution authorizing the issuance of the Revenue Bonds.

The Revenue Bonds will not involve the credit or financial backing of the City of Phoenix. The City of Phoenix will not incur any costs as a result of the project.

-  
This item is recommended by Mr. Zuercher and the Finance Department.

**ITEM 66**

**DISTRICT 2**

**RESOLUTION 21085 -  
ABANDONMENT OF RIGHT OF WAY - V-  
110032A**

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Request to abandon the right-of-way described below as the area is being replatted.

On February 15, 2012, the Abandonment Hearing Officer considered the application of D.R. Horton, Inc. to abandon all the public easements recorded per plat "Enclave at Lone Mountain", Maricopa County Recorder (MCR) 953-44, except the 55-foot right-of-way, 10-foot sidewalk easement, 1-foot vehicular non access easement, and the scenic corridor adjacent to Cave Creek Road; and all the public easements in Tract A of the recorded plat "Lone Mountain Landing", MCR 593-49, except the 10-foot drainage and 10-foot sidewalk easements, and 1-foot vehicular non-access easement adjacent to Lone Mountain Road and west of the 33-foot 48th Street right-of-way; and the 33-foot 48th Street right-of-way adjacent to the parcel identified as Assessor's Parcel Number 211-35-021A.

The Hearing Officer recommended approval of the adoption of the abandonment, subject to stipulations which have been satisfied.

Final Plat 120036 under the name of "Enclave at Lone Mountain" is to be recorded concurrently with this resolution.

The resolution of abandonment and the subdivision plat 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. Recording in this manner will satisfy the stipulation to record concurrently.

A fee was also collected as part of this abandonment in the amount of \$1,760.10.

Following established review procedures, no objections to the Hearing Officer's recommendation have been received from Council or other parties.

This item is recommended by Mr. Naimark and the Planning and Development Department.

**ITEM 67**

**DISTRICT 2**

**RESOLUTION 21086 -  
ABANDONMENT OF RIGHT OF WAY - V-  
120029A**

---

Request to abandon the right-of-way described below as it is no longer needed.

On September 5, 2012, the Abandonment Hearing Officer considered the application of the City of Phoenix Public Works Department to abandon the Central Avenue right-of-way north of Union Hills Drive to the dead-end between the parcels addressed 20 West Union Hills Drive (Assessor's Parcel Number 209-12-011F) and 202 East Union Hills Drive (Assessor's Parcel Number 209-12-004).

The Hearing Officer recommended approval of the adoption of the abandonment, subject to stipulations which have been satisfied.

A fee that provides consideration back to the City of Phoenix for public property returned to a private owner does not apply to City projects since the land is being converted from one public purpose to another.

Following established review procedures, no objections to the Hearing Officer's recommendation have been received from City Council or other parties.

This item is recommended by Mr. Naimark and the Planning and Development Department.

**ITEM 68**

**DISTRICT 4**

**RESOLUTION 21087 -  
ABANDONMENT OF EASEMENT - V-120037A**

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Request to abandon the easement described below as it is no longer needed.

On August 27, 2012, Mr. Bruce Hart of Vedura Residential Operating, LLC requested the abandonment of the 5-foot by 135-foot water easement, per Maricopa County Recorder Docket 15, Page 585, on the parcel addressed as 27 West Highland Avenue, Assessor's Parcel Number 155-29-041.

Pursuant to Phoenix City Code Article 5, Section 31-64(e), the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls; by the elimination of third party general liability claims against the City, maintenance expenses, and undesirable traffic patterns; and by replatting of the area with new/alternate roadways and new development, as sufficient and appropriate consideration in this matter.

This application does not have the Abandonment Hearing Officer recommendation, as the formal application procedure does not apply. (REF: City Code Section 31-68)

This item is recommended by Mr. Naimark and the Planning and Development Department.

**ITEM 69**

**DISTRICT 8**

**RESOLUTION 21088 -  
ABANDONMENT OF EASEMENT - V-120038A**

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Request to abandon the easement described below as it is no longer needed.

On August 28, 2012, Michael Wechsler, on behalf of EdKey, Inc., requested the abandonment of the sewer easement retained per Resolution 12365 on the parcel addressed as 1648 South 16th Street, Assessor's Parcel Number 115 39 151.

Pursuant to Phoenix City Code Article 5, Section 31-64(e), the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls; by the elimination of third party general liability claims against the City, maintenance expenses, and undesirable traffic patterns; and by replatting of the area with new/alternate roadways and new development, as

sufficient and appropriate consideration in this matter.

This application does not have the Abandonment Hearing Officer recommendation, as the formal application procedure does not apply. (REF: City Code Section 31-68)

This item is recommended by Mr. Naimark and the Planning and Development Department.



**NEW BUSINESS**

**ITEM 70**

**DISTRICT 1**

**REJECTION OF BIDS - AV41000067 -  
GOODYEAR AIRPORT TAXIWAY ALPHA  
LIGHTING AND SIGNAGE MODIFICATIONS -  
DESIGN-BID-BUILD**

Request to authorize the Street Transportation Department to reject all bids received on August 14, 2012, for the construction of the Goodyear Airport (GYR) Taxiway Alpha Lighting and Signage Modifications project (AV41000067). Further request authorization to re-bid the project at a future date.

The Street Transportation Department held a public bid opening on August 14, 2012. Five bids were received in compliance with Arizona Revised Statutes, Title 34. All five bids were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and general contractor responsiveness in meeting the project's small business and Disadvantaged Business Enterprise outreach requirements. Four of the five bids were found non-responsive because the bidders failed to submit the required outreach documentation. The four bidders received letters of non-responsiveness from the City.

After consideration of issues raised by the Aviation Department and the Equal Opportunity Department, the City Engineer and the Aviation Department believe that it is in the City's best interest to reject all bids, to make specific changes to the procurement documents, and to re-bid the project.

**Previous Council Action**

There was City Council action on May 30, 2012, for the approval of Design Contract 133562.

This item is recommended by Mr. Zuercher, Mr. Naimark, and the Aviation and Street Transportation Departments.

**ITEM 71**

**DISTRICT 2**

**FINAL PLAT - ENCLAVE AT LONE MOUNTAIN -  
120036**

The following final plat has been reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code of the City of Phoenix, and was approved on September 19, 2012.

Plat 120036  
Project 06-246  
Name of Plat: Enclave At Lone Mountain  
An 18-Lot Residential Plat  
Generally located at 48th Street and Lone Mountain Road

Owner(s): D.R. Horton  
Engineer(s): Helix Engineering, LLC

It is recommended 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 V-110032A.

This item is recommended by Mr. Naimark and the Planning and Development Department.

**ITEM 72**

**DISTRICT 3**

**FINAL PLAT - 13023 N. CAVE CREEK ROAD -  
120051**

The following final plat has been reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code of the City of Phoenix, and was approved on October 17, 2012.

Plat 120051  
Project 12-2124  
Name of Plat: 13023 N. Cave Creek Road  
A One-Lot Commercial Plat  
Generally located at 13023 North Cave Creek Road

Owner(s): Beck Holdings, LLC  
Engineer(s): Superior Surveying Services, Inc.

It is recommended 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 item is recommended by Mr. Naimark and the Planning and Development Department.

**ITEM 73**

**DISTRICT 7**

**FINAL PLAT - STEPPING STONE PLACE II -  
120057**

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The following final plat has been reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code of the City of Phoenix, and was approved on October 10, 2012.

Plat 120057  
Project 11-3977  
Name of Plat: Stepping Stone Place II  
A Two-Lot Commercial Plat  
Generally located at 1311 North 14th Street, Phoenix, Arizona

Owner(s): Indian Rehabilitation, Inc. and Stepping Stone Place, LP  
Engineer(s): Metro/Land Consultants, LLC

It is recommended 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 item is recommended by Mr. Naimark and the Planning and Development Department.

**REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS**

Upon request, the City Clerk Department will make this publication available through appropriate auxiliary aids or services to accommodate an individual with a disability by calling the Council Support Section, 602-256-3186; faxing a request to 602-495-5847; or calling TTY number 602-534-2737.