

January 15, 2014

The Phoenix City Council convened in formal session on Wednesday, January 15, 2014, at 3:08 p.m. in the Council Chambers.

INVOCATION

The invocation was given by Minister Stephanie Sinclair, Faith Christian Center.

PLEDGE

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

ROLL CALL

Present: Council Members Sal DiCiccio, Kate Gallego, Michael Nowakowski, Laura Pastor, Daniel Valenzuela, Jim Waring, Thelda Williams, Vice Mayor Bill Gates, and Mayor Greg Stanton

Absent: None

Also Present: Acting City Manager Ed Zuercher, City Attorney Gary Verburg, City Clerk Cris Meyer, Deputy Finance Director Mary Vivion-Withrow, Deputy Street Transportation Director Jenny Grote, Acting Planning and Development Director Alan Stephenson, Management Assistant II Denise Archibald, and Police Detective Oscar Cortez

Mayor Stanton acknowledged former Councilman Claude Mattox was present.

MINUTES OF MEETINGS

The minutes of this meeting were submitted to Mr. DiCiccio for review.

Mr. Valenzuela found the minutes of the formal meeting of October 16, 2013, to be in order and **MOVED** their approval. This was **SECONDED** by Mrs. Williams. **MOTION CARRIED UNANIMOUSLY.**

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MOTION was made by Mr. DiCiccio, **SECONDED** by Mrs. Williams, that approval or correction of the October 30, 2013, formal minutes be continued to the January 29, 2014, formal meeting. **MOTION CARRIED UNANIMOUSLY.**

Mr. Gates found the minutes of the formal meeting of November 6, 2013, to be in order and **MOVED** their approval. This was **SECONDED** by Mrs. Williams. **MOTION CARRIED UNANIMOUSLY.**

Mr. Waring found the minutes of the formal meeting of November 20, 2013, to be in order and **MOVED** their approval. This was **SECONDED** by Mrs. Williams. **MOTION CARRIED UNANIMOUSLY.**

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

BOARDS AND COMMISSIONS

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to approve the following appointments/reappointments as submitted by Mayor Stanton (including appointments/reappointments continued from the December 18, 2013, formal meeting):

Assisted Housing Governing Board

- reappoint Amador Lopez, for a term to expire January 15, 2016

Audit Committee

- appoint Kate Baker, replacing William Bridgeman, for a term to expire July 1, 2016
- appoint Kate Gallego, serving as an appointed councilmember, replacing Councilman Michael Johnson, for a term to expire July 1, 2016
- appoint Ed Zuercher, serving in his role as Acting City Manager
- appoint Neal Young, serving in his role as Acting Chief Financial Officer
- reappoint Thelda Williams, for a term to expire June 30, 2016

Camelback East Village Planning Committee

- appoint Karen Beckvar, replacing David Kolbe, for a term to expire November 19, 2014

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Central City Village Planning Committee

- amend reappointment of Veronyka Lockhart, approved per the December 4, 2013, City Council Report, to reflect term expiration of November 19, 2014

Fire Safety Advisory Board

- appoint Michael Jorgensen, replacing Jessica Bushong, for a term to expire September 30, 2017
- appoint Troy Eiffert, replacing Steve Kohne, for a term to expire September 30, 2017

Industrial Development Authority Board

- amend appointment of Charlene Tarver, approved per the November 20, 2013, City Council Report, to reflect replacement of Mark Winkleman and term expiration of November 1, 2015
- appoint Barbara Ryan Thompson, replacing Andrei Cherny, for a term to expire November 1, 2017

Mayor's Commission on Disability Issues

- appoint Daniel Martinez, for a term to expire January 15, 2017

Military Veterans Commission

- appoint Doreen Hamilton, replacing Greg Perry, for a term to expire August 31, 2017
- appoint Scott McRoberts, replacing Dr. Robbi Venditti, for a term to expire August 31, 2014
- appoint Sean Price, replacing James Piper, for a term to expire August 31, 2017

Phoenix Aviation Advisory Board

- appoint Stephanie Cherny, replacing Vince Roig, for a term to expire December 15, 2016

Phoenix Employee Relations Board

- reappoint Joseph Earl Diggs, for a term to expire December 15, 2016
- reappoint Fernando Ortega, for a term to expire December 15, 2016

Phoenix Women's Commission

- appoint Lisa Martinez, for a term to expire June 30, 2016

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Sister Cities Commission

- appoint Eric Sloan, for a term to expire June 30, 2016, as recommended by Vice Mayor Gates

Workforce Connection Youth Initiatives Committee

- appoint Travis Hardin, representing the Business category, for a term to expire August 31, 2014

MOTION CARRIED UNANIMOUSLY.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to approve the following appointments/reappointments as submitted by Councilwoman Gallego and Vice Mayor Gates (including appointments/reappointments continued from the December 18, 2013, formal meeting):

Camelback East Village Planning Committee

- appoint Josephine Valenzuela, replacing David Nance, for a term to expire November 19, 2014, as recommended by Councilwoman Gallego

Central City Village Planning Committee

- reappoint Bob Graham, for a term to expire November 19, 2014, as recommended by Councilwoman Gallego
- reappoint John Glenn, for a term to expire November 19, 2015, as recommended by Councilwoman Gallego
- reappoint John Maurin, for a term to expire November 19, 2015, as recommended by Councilwoman Gallego

Deer Valley Village Planning Committee

- appoint Todd Lattin, for a term to expire November 19, 2015, as recommended by Vice Mayor Gates

Encanto Village Planning Committee

- reappoint Abraham James, for a term to expire November 19, 2014, as recommended by Councilwoman Gallego

Laveen Village Planning Committee

- appoint Tonya Glass, for a term to expire November 19, 2015, as recommended by Councilwoman Gallego

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North Mountain Village Planning Committee

- appoint Pamela Doan, for a term to expire November 19, 2015, as recommended by Vice Mayor Gates

Ms. Talonya Adams requested clarification on whether the boards and commissions pertained to this meeting or continuance from the December 18, 2013, formal meeting.

City Attorney Gary Verburg affirmed it was a combination of both meetings.

City Clerk Cris Meyer added the memo for appointments included items continued from the December 18, 2013, formal meeting.

Ms. Adams pointed out her name had been removed as a nominee to the Central City Village Planning Committee by Councilwoman Gallego.

Mayor Stanton explained there was a continuation from the last meeting. Ms. Gallego made certain recommendations and based on his understanding at this point Ms. Adams' name was not on the list.

Ms. Adams was a constituent of District 8 and currently served on the Board of Adjustment. She was appointed to the Central City Village Planning Committee after sitting through many of their meetings and also witnessed as Ms. Gallego previously had the honor of being appointed to this very committee. Former Councilman Johnson appointed her to the committee on December 18, 2013, where Ms. Adams learned of the continuance. She was reassured that she would remain on the list and even reached out to Ms. Gallego but never received a return call or email. However, she spoke with the District 8 Chief of Staff and was informed she would not be appointed because she was a member on the Board of Adjustment. Ms. Adams had since scheduled a meeting with Ms. Gallego to discuss her resignation from that Board in order to be appointed to the Central City Village Planning Committee.

Ms. Adams emphasized citizens possessed leadership skills, were well qualified, and compassionate. She expressed to have a volunteer citizen denied the right to serve by an individual who had been appointed to many various boards and commissions was offensive.

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Mayor Stanton had recommended Ms. Adams' appointment to the Board of Adjustment who had done an outstanding job with that as well as being a member on his Sustainability Committee. Mayor Stanton looked forward to her continuance of leadership opportunities within the City structure.

Mr. DiCiccio faced a similar situation with individuals serving on multiple committees when he was elected. The same circumstance happened to him when he frustrated people during the transition but it worked out well for everyone. He knew Ms. Adams was upset but this would allow change to occur and give other people the chance to volunteer who did not have that experience. For example, he appointed a high school youth member to a committee and those members questioned his selection. Mr. DiCiccio thought it was important to start training youth now to obtain different ideas and viewpoints otherwise the City would lose its ability to move forward. In the beginning it was controversial but afterward the committee members agreed it was a great move.

He appreciated the fact that Ms. Adams was on a lot of committees but sometimes there was a need for change in order to get new ideas and different perspectives. Mr. DiCiccio believed Ms. Gallego was doing a great job, noting a level of tension existed whenever someone took office from somebody that did a great job but things had a way of working out over time.

Ms. Adams appreciated his gratitude but stressed she was not a reappointment or on a lot of committees. Nonetheless, to be denied the opportunity to serve on a board was a disservice. She admitted Ms. Gallego was doing the best she could to serve the citizens of District 8 but did not think she was doing a great job.

Mayor Stanton hoped to talk Ms. Adams out of resigning from the Board of Adjustment.

Ms. Adams interjected people should not be forced to choose a committee.

MOTION CARRIED UNANIMOUSLY.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to reconsider the November 20, 2013, City Council Members Boards and Commissions nominations. **MOTION CARRIED UNANIMOUSLY.**

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MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to approve the following appointments as submitted by Councilmen Simplot and Waring, except the Pedestrian and Biking Ad Hoc Task Force appointment:

Encanto Village Planning Committee

- appoint Rebecca Winger, replacing Tom Morning, for a term to expire November 19, 2015, as recommended by Councilman Simplot

Paradise Valley Village Planning Committee

- appoint James Otis, replacing Jack Alspaugh, for a term to expire November 19, 2015, as recommended by Councilman Waring

MOTION CARRIED UNANIMOUSLY.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to approve the following appointment as submitted by Councilman Simplot:

Pedestrian and Biking Ad Hoc Task Force

- appoint Robert Dalager, as recommended by Councilman Simplot

MOTION CARRIED, noting Mayor Stanton cast the dissenting vote.

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

- Amador Lopez, Assisted Housing Governing Board;
- Karen Beckvar, Camelback East Village Planning Committee;
- Bob Graham and John Maurin, Central City Village Planning Committee;
- Abraham James, Encanto Village Planning Committee;
- Michael Jorgensen and Troy Eiffert, Fire Safety Advisory Board;
- Daniel Martinez, Mayor's Commission of Disability Issues;
- Doreen Hamilton, Military Veterans Commission;
- Stephanie Cherny, Phoenix Aviation Advisory Board;
- Lisa Martinez, Phoenix Women's Commission; and
- Travis Hardin, Workforce Connection Youth Initiatives Committee.

Everyone was invited to approach the dais so the Council could extend their appreciation.

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An affidavit was presented to the Council by the City Clerk stating that 24 hours prior to the Council meeting, copies of the titles of Ordinances G-5876 through G-5881, S-40493 through S-40526, and Resolutions 21190 through 21191 were available in the office of the City Clerk and therefore, the ordinances and resolutions could be read by title or agenda item only, pursuant to the 1969 Code as amended.

LIQUOR LICENSE APPLICATIONS

Vice Mayor Gates stated the following speaker comment cards were submitted in support, but did not wish to speak:

Ms. Gail Morgan – Metro North Block Watch, Item 1
Mr. Prakash Dhond, Item 8
Mr. Eben McKenzie, Item 10
Mr. Omar Velarde, Item 12
Mr. Luis Cervantes, Item 21

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Items 1 through 28 be recommended for approval, except Item 27. **MOTION CARRIED UNANIMOUSLY.**

<u>ITEM 1</u>	DISTRICT 1	LIQUOR LICENSE APPLICATION - METRO PLAZA HOTEL
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The Council heard request for a Series 11, Hotel/Motel-All Liquor on Premises, liquor license in an area zoned RSC SP. Arizona State Application 11077035.

Applicant: Paul Poer, Agent
Metro Plaza Hotel
10220 North Metro Parkway East

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 11 liquor license for a hotel. This location was previously licensed for liquor sales as Innplace and was currently operating with an interim permit.

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Public Opinion

No petitions or protests were received.

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: "35 years of experience in the hotel business, holder of multiple liquor licenses and a certified hotel administrator (CHA) by the American Hotel & Lodging Association."

Staff Recommendation

Staff recommended approval of this application.

ITEM 2

DISTRICT 2

**LIQUOR LICENSE
APPLICATION - FRY'S FOOD &
DRUG #54**

The Council heard request for Sampling Privileges for an existing Series 9, Off Sale-All Liquor, liquor license in an area zoned C-2. Arizona State Application 09070551S.

Applicant: Robert Nelson, Agent
Fry's Food & Drug #54
4842 East Bell Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for the addition of Sampling Privileges to an existing Series 9, Off Sale-All Liquor, liquor license for a grocery store. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

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Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I am the liquor license Agent for all Fry's Food Store in the State of Arizona, additionally I am the Retail Operations Manager for those same 119 Stores. Also, I have been a grocery store Manager and have been in the grocery industry for over 35 years. I am of good character and can be relied on to ensure our stores follow the law relating to the sale of alcoholic beverages."

Staff Recommendation

Staff recommended approval of this application.

ITEM 3

DISTRICT 2

**LIQUOR LICENSE
APPLICATION - FRY'S FOOD &
DRUG #67**

The Council heard request for Sampling Privileges for an existing Series 9, Off Sale-All Liquor, liquor license in an area zoned C-2. Arizona State Application 09073005S.

Applicant: Robert Nelson, Agent
Fry's Food & Drug #67
4815 East Carefree Highway, Building 1, Suite 100

The following information was submitted for Council consideration of this application:

Application Description

This request was for the addition of Sampling Privileges to an existing Series 9, Off Sale-All Liquor, liquor license for a grocery store. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

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Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I am the liquor license Agent for all Fry's Food Store in the State of Arizona, additionally I am the Retail Operations Manager for those same 119 Stores. Also, I have been a grocery store Manager and have been in the grocery industry for over 35 years. I am of good character and can be relied on to ensure our stores follow the law relating to the sale of alcoholic beverages."

Staff Recommendation

Staff recommended approval of this application.

ITEM 4

DISTRICT 2

**LIQUOR LICENSE
APPLICATION - FRY'S FOOD &
DRUG #120**

The Council heard request for Sampling Privileges for an existing Series 9, Off Sale-All Liquor, liquor license in an area zoned C-1. Arizona State Application 09070467S.

Applicant: Robert Nelson, Agent
Fry's Food & Drug #120
6321 East Greenway Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for the addition of Sampling Privileges to an existing Series 9, Off Sale-All Liquor, liquor license for a grocery store. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

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Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I am the liquor license Agent for all Fry's Food Store in the State of Arizona, additionally I am the Retail Operations Manager for those same 119 Stores. Also, I have been a grocery store Manager and have been in the grocery industry for over 35 years. I am of good character and can be relied on to ensure our stores follow the law relating to the sale of alcoholic beverages."

Staff Recommendation

Staff recommended approval of this application.

ITEM 5

DISTRICT 2

**LIQUOR LICENSE
APPLICATION - FRY'S
MARKETPLACE #474**

The Council heard request for Sampling Privileges for an existing Series 9, Off Sale-All Liquor, liquor license in an area zoned C-2 PCD. Arizona State Application 09070438S.

Applicant: Robert Nelson, Agent
Fry's Marketplace #474
29455 North Cave Creek Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for the addition of Sampling Privileges to an existing Series 9, Off Sale-All Liquor, liquor license for a grocery store. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

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Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I am the liquor license Agent for all Fry's Food Store in the State of Arizona, additionally I am the Retail Operations Manager for those same 119 Stores. Also, I have been a grocery store Manager and have been in the grocery industry for over 35 years. I am of good character and can be relied on to ensure our stores follow the law relating to the sale of alcoholic beverages."

Staff Recommendation

Staff recommended approval of this application.

ITEM 6

DISTRICT 2

**LIQUOR LICENSE
APPLICATION - FRY'S
MARKETPLACE #618**

The Council heard request for Sampling Privileges for an existing Series 9, Off Sale-All Liquor, liquor license in an area zoned C-2. Arizona State Application 09070398S.

Applicant: Robert Nelson, Agent
Fry's Marketplace #618
3246 East Bell Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for the addition of Sampling Privileges to an existing Series 9, Off Sale-All Liquor, liquor license for a grocery store. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

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Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I am the liquor license Agent for all Fry's Food Store in the State of Arizona, additionally I am the Retail Operations Manager for those same 119 Stores. Also, I have been a grocery store Manager and have been in the grocery industry for over 35 years. I am of good character and can be relied on to ensure our stores follow the law relating to the sale of alcoholic beverages."

Staff Recommendation

Staff recommended approval of this application.

ITEM 7

DISTRICT 3

**LIQUOR LICENSE
APPLICATION - FRY'S FOOD &
DRUG #121**

The Council heard request for Sampling Privileges for an existing Series 9, Off Sale-All Liquor, liquor license in an area zoned C-1. Arizona State Application 09070270S.

Applicant: Robert Nelson, Agent
Fry's Food & Drug #121
4025 East Thunderbird Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for the addition of Sampling Privileges to an existing Series 9, Off Sale-All Liquor, liquor license for a grocery store. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

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Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I am the liquor license Agent for all Fry's Food Store in the State of Arizona, additionally I am the Retail Operations Manager for those same 119 Stores. Also, I have been a grocery store Manager and have been in the grocery industry for over 35 years. I am of good character and can be relied on to ensure our stores follow the law relating to the sale of alcoholic beverages."

Staff Recommendation

Staff recommended approval of this application.

ITEM 8

DISTRICT 3

**LIQUOR LICENSE
APPLICATION - SALUTE
RISTAURANTE ITALIANO**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned PSC. Arizona State Application 12079717.

Applicant: Prakash Dhond, Agent
Salute Ristaurante Italiano
13216 North 7th Street, #B2

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and was currently operating with an interim permit. The operation plan filed with the application showed that the restaurant area seated 72 and the bar area seated 8.

Public Opinion

No petitions or protests were received.

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Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I have a degree in restaurant & hotel management, and experience in managing the restaurant & bar."

Staff Recommendation

Staff recommended approval of this application.

ITEM 9 **DISTRICT 4** **LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - PHOENIX ART
MUSEUM**

The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
4	Gary Egan Phoenix Art Museum 1625 North Central Avenue (Lunch/Silent Auction)	<u>Event Location:</u> 1625 North Central Avenue <u>Day/Date/Time:</u> Tuesday, January 28, 2014 10:30 a.m. to 2:30 p.m. <u>Total Expected Attendance:</u> 500

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 10 **DISTRICT 4** **LIQUOR LICENSE
APPLICATION - STILETTOS
CABARET & PATIO BAR**

The Council heard request for a Series 6, On Sale-All Liquor, liquor license in an area zoned C-3. Arizona State Application 06070689.

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Applicant: Eben McKenzie, Agent
Stiletto Cabaret & Patio Bar
3308 Grand Avenue

The following information was submitted for Council consideration of this application:

Application Description

This request was for an acquisition of control of a Series 6 liquor license for a topless bar. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

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. Past Liquor Licensing History: Applicants affiliates have a past history as a licensee in Arizona and out-of-state as provided local liquor authorities without any violations:
 - (i) Midnight Sun Enterprises, Inc., dba Spearmint Rhino Gentlemen's Club, located in the City of Torrance, CA; CA Liquor License No.: 407844. A copy of the licensing detail from the AI showing no disciplinary action is attached herewith.
 - (ii) Stiletto GC, LLC; dba Stiletto's Gentlemen's Club; Arizona, located in Yuma, AZ; AZ Dept. of Liquor Licenses and Control License No. 06140035. Note that this license has been recently changed to Inactive status in October 2013, in anticipation of remodeling of the venue.
 - II. Background/Criminal History: Applicant has no criminal history.
 - III. Business Acumen & Financial Resources: Applicant, through its affiliates, has a fully supported staff to satisfy the operational requirements based upon 20+ years of experience as an owner in this niche business environment to effectively manage this venue both at the local level and from corporate headquarters located in Southern California."

Staff Recommendation

Staff recommended approval of this application.

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ITEM 11

DISTRICT 4

**LIQUOR LICENSE
APPLICATION - TACOS
MEXICO & BAR**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079715.

Applicant: Francisca Gonzalez-Arvizu, Agent
Tacos Mexico & Bar
1602 East McDowell Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales as Hacienda Restaurant Mexican Food and was currently operating with an interim permit. The operation plan filed with the application showed that the restaurant area seated 30 and the bar area seated 30. This business would have outdoor dining and outdoor alcohol sales. This location required a Use Permit for outdoor alcohol sales.

Public Opinion

No petitions or protests were received.

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 feel that I am capable to do this work, I am a responsible person for what I do, and I always try to meet all the standars in accordance with the laws and requirements as rules put me in business, operated this business in the past with selling liquor and had good customer and I would like to get these same goals."

Staff Recommendation

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

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ITEM 12

DISTRICT 4

**LIQUOR LICENSE
APPLICATION - EL CHULLO
PERUVIAN RESTAURANT &
BAR**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079709.

Applicant: Esperanza Luzcando, Agent
El Chullo Peruvian Restaurant & Bar
2605 North 7th Street

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales as Cafe Labella until September 2007 and did not have an interim permit. The operation plan filed with the application showed that the restaurant area seated 30 and the bar area seated 5.

Public Opinion

No petitions or protests were received.

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: "We have the qualified personnel that has experience handling liquor, from bartending, behind the counter, hotel to restaurant services. We are citizens with no criminal backgrounds or have had any kind of encounter with the law. We support & enforce the City, State, & Federal laws."

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- 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 new restaurant with a new concept in the City of Phoenix. It’s our plan & desire to display Peru’s national spirit “Pisco”. We have the vision of creating a fun & welcoming atmosphere with the addition of great cultural interaction. We think it will be a great opportunity for the citizens of the City of Phoenix & ourselves to expand our horizons to experience something new.”

Staff Recommendation

Staff recommended approval of this application.

ITEM 13

DISTRICT 5

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - SS. SIMON & JUDE
ROMAN CATHOLIC
CATHEDRAL PHOENIX**

The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
5	Phillip Lester SS. Simon & Jude Roman Catholic Cathedral Phoenix 7236 East Buena Terra Way (Silent Auction and Dinner)	<u>Event Location:</u> 6351 North 27th Avenue <u>Day/Date/Time:</u> Saturday, February 22, 2014 5:00 p.m. to 10:00 p.m. <u>Total Expected Attendance:</u> 500

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

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ITEM 14 **DISTRICT 6** **LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ARIZONA BRIDGE TO
INDEPENDENT LIVING, INC.**

The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
6	Phil Pangrazio Arizona Bridge to Independent Living, Inc. 4233 East La Puente (Sporting Event)	<u>Event Location:</u> 5031 East Washington Street <u>Day/Date/Time:</u> Friday, January 24, 2014 7:00 p.m. to 10:00 p.m. <u>Total Expected Attendance:</u> 80

Staff Recommendation
Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 15 **DISTRICT 6** **LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ST. THOMAS THE
APOSTLE ROMAN CATHOLIC
PARISH PHOENIX**

The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

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<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
6	Mary Coffman St. Thomas The Apostle Roman Catholic Parish Phoenix 2312 East Campbell Avenue (Carnival)	<u>Event Location:</u> 2312 East Campbell Avenue <u>Day/Date/Time:</u> Saturday, February 22, 2014 10:00 a.m. to 2:30 p.m. <u>Total Expected Attendance:</u> 1,000

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 16

DISTRICT 6

**LIQUOR LICENSE
APPLICATION - FRY'S FOOD &
DRUG #27**

The Council heard request for Sampling Privileges for an existing Series 9, Off Sale-All Liquor, liquor license in an area zoned PSC PCD. Arizona State Application 09070074S.

Applicant: Robert Nelson, Agent
Fry's Food & Drug #27
3616 East Ray Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for the addition of Sampling Privileges to an existing Series 9, Off Sale-All Liquor, liquor license for a grocery store. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

January 15, 2014

Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I am the liquor license Agent for all Fry's Food Store in the State of Arizona, additionally I am the Retail Operations Manager for those same 119 Stores. Also, I have been a grocery store Manager and have been in the grocery industry for over 35 years. I am of good character and can be relied on to ensure our stores follow the law relating to the sale of alcoholic beverages."

Staff Recommendation

Staff recommended approval of this application.

ITEM 17

DISTRICT 6

**LIQUOR LICENSE
APPLICATION - FRY'S
MARKETPLACE #628**

The Council heard request for Sampling Privileges for an existing Series 9, Off Sale-All Liquor, liquor license in an area zoned PSC PCD. Arizona State Application 09070435S.

Applicant: Robert Nelson, Agent
Fry's Marketplace #628
3949 East Chandler Boulevard

The following information was submitted for Council consideration of this application:

Application Description

This request was for the addition of Sampling Privileges to an existing Series 9, Off Sale-All Liquor, liquor license for a grocery store. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

January 15, 2014

Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I am the liquor license Agent for all Fry's Food Store in the State of Arizona, additionally I am the Retail Operations Manager for those same 119 Stores. Also, I have been a grocery store Manager and have been in the grocery industry for over 35 years. I am of good character and can be relied on to ensure our stores follow the law relating to the sale of alcoholic beverages."

Staff Recommendation

Staff recommended approval of this application.

ITEM 18

DISTRICT 6

**LIQUOR LICENSE
APPLICATION - LINGER
LONGER LOUNGE**

The Council heard request for a Series 6, On Sale-All Liquor, liquor license in an area zoned C-1. Arizona State Application 06070625.

Applicant: Andrea Lewkowitz, Agent
Linger Longer Lounge
6522 North 16th Street, #6

The following information was submitted for Council consideration of this application:

Application Description

This request was for an ownership transfer of a Series 6 liquor license from New Oxbow Enterprises, Inc. to Linger Longer, LLC for a bar. This location was previously licensed for liquor sales as 16th Street Sports Bar and did not have an interim permit. This business was currently being remodeled with plans to open in February 2014.

Public Opinion

No petitions or protests were received.

January 15, 2014

Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "Applicant is committed to the responsible sale of alcoholic beverages under Arizona liquor laws. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper service to their guests."

Staff Recommendation

Staff recommended approval of this application.

ITEM 19

DISTRICT 6

**LIQUOR LICENSE
APPLICATION - OREGANO'S
PIZZA BISTRO**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12078476.

Applicant: Mark Russell, Agent
Oregano's Pizza Bistro
1008 East Camelback Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for an acquisition of control of a Series 12 liquor license for a restaurant. This location was currently licensed for liquor sales. The operation plan filed with the application showed that the restaurant area seated 124 and the bar area seated 30.

Public Opinion

No petitions or protests were received.

January 15, 2014

Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I have had liquor licenses in the state of Arizona for up to 13 restaurants for 20 years without incident. My company actively ensures all managers are trained + certified."

Staff Recommendation

Staff recommended approval of this application.

ITEM 20

DISTRICT 6

**LIQUOR LICENSE
APPLICATION - BABY KAY'S
CAJUN KITCHEN**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079714.

Applicant: Heidi Woodstead, Agent
Baby Kay's Cajun Kitchen
1582 East Bethany Home Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales as Richardson's until April 2010 and did not have an interim permit. The operation plan filed with the application showed that the restaurant area seated 90 and the bar area seated 15.

Public Opinion

No petitions or protests were received.

January 15, 2014

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: "We have held a liquor license for 8 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: "We are committed to the responsible sale of alcoholic beverages under the Arizona liquor laws. Managers and staff have been or will be trained in the techniques of alcohol sales and service to assure proper service to their guests."

Staff Recommendation

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

ITEM 21

DISTRICT 6

**LIQUOR LICENSE
APPLICATION - LOS
ARMANDO'S MEXICAN FOOD**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-1. Arizona State Application 12079723.

Applicant: Luis Cervantes, Agent
Los Armando's Mexican Food
4732 East Thomas Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was not previously licensed for liquor sales and did not have an interim permit. The operation plan filed with the application showed that the restaurant area seated 74 and the bar area seated 10.

Public Opinion

No petitions or protests were received.

January 15, 2014

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 operated my business successfully for over ten years. With the liquor license, I hope to expand my restaurant's Mexican food business to a new financial level."

- 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 will serve as a more entertainable food restaurant for the community. I will be one of very few Mexican food restaurants in my business area that offers beer or liquor."

Staff Recommendation

Staff recommended approval of this application.

ITEM 22

DISTRICT 7

**LIQUOR LICENSE
APPLICATION - PETER PIPER
PIZZA**

The Council heard request for a Series 7, On Sale-Beer and Wine, liquor license in an area zoned PSC. Arizona State Application 07070035.

Applicant: John Baxla, Agent
Peter Piper Pizza
6040 South Central Avenue

The following information was submitted for Council consideration of this application:

Application Description

This request was for an acquisition of control of a Series 7 liquor license for a restaurant. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

January 15, 2014

Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I am an owner of Southwest Pizza Inc dba Peter Piper Pizza for over 25 years. Southwest Pizza holds ten liquor licenses in Tucson and one in Phoenix with an excellent record."

Staff Recommendation

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

ITEM 23

DISTRICT 7

**LIQUOR LICENSE
APPLICATION -
THE PRESSROOM**

The Council heard request for a Series 6, On Sale-All Liquor, liquor license in an area zoned DTC-Warehouse. Arizona State Application 06070145.

Applicant: Narender Raju, Agent
The Pressroom
441 West Madison Street

The following information was submitted for Council consideration of this application:

Application Description

This request was for an ownership and location transfer of a Series 6 liquor license from Glendale for an event venue. This location was not previously licensed for liquor sales and did not have an interim permit. This location was within 2,000 feet of a light rail station.

Public Opinion

No petitions or protests were received.

January 15, 2014

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 in the event industry for over 10 years dealing with public venues/vendors. I was also previously a bartender for 3 years and understand what it takes to properly manage a venue of this type. I have also completed the basic & management liquor courses."

- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "It allows the community and our patrons a legal way to enjoy liquor at our venue. We want to create a venue that allows us a safe, clean, and legal location for all that attend our location."

Staff Recommendation

Staff recommended approval of this application.

ITEM 24

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ACTORS THEATRE
OF PHOENIX**

The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
8	Erica Black Actors Theatre of Phoenix 5110 North 44th Street, L200 (Theatrical Performance)	<u>Event Location:</u> 1333 East Washington Street <u>Day/Date/Time:</u> Saturday, January 25, 2014 7:00 p.m. to 10:30 p.m. <u>Total Expected Attendance:</u> 200

January 15, 2014

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

<u>ITEM 25</u>	DISTRICT 8	LIQUOR LICENSE APPLICATION - SPECIAL EVENT - CHILDREN'S MUSEUM OF PHOENIX
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The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
8	Carl Jimenez Children's Museum of Phoenix 215 North 7th Street (Museum Exhibition)	<u>Event Location:</u> 215 North 7th Street <u>Day/Date/Time:</u> Friday, January 24, 2014 5:30 p.m. to 7:30 p.m. <u>Total Expected Attendance:</u> 250

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

<u>ITEM 26</u>	DISTRICT 8	LIQUOR LICENSE APPLICATION - SPECIAL EVENT - CHILDREN'S MUSEUM OF PHOENIX
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The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

January 15, 2014

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
8	Carl Jimenez Children's Museum of Phoenix 215 North 7th Street (Museum Exhibition/Dance)	<u>Event Location:</u> 215 North 7th Street <u>Day/Date/Time:</u> Friday, January 31, 2014 7:00 p.m. to 11:00 p.m. <u>Total Expected Attendance:</u> 550

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 28

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - DOWN SOUTH
RESTAURANT**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-3. Arizona State Application 12079713.

Applicant: Deanna Owens, Agent
Down South Restaurant
124 South 24th Street

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales as Durado's Rodehouse North until March 2005 and did not have an interim permit. The operation plan filed with the application showed that the restaurant area seated 205 and the bar area seated 45. This location was within 2,000 feet of a light rail station.

Public Opinion

No petitions or protests were received.

January 15, 2014

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 over 15 years of corporate management and business experience. In addition, I have obtained two bachelor of science degrees and a master of arts degree. I have also completed Title 4 Basic and Management Liquor Law training courses. My experience and education provide the necessary skills, abilities, and qualifications to adequately manage a business with 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: "A liquor license will allow customers the ability to conveniently purchase liquor as they eat their meal. In addition, it will be in the best interest of the community for Down South to service the daily dining, banquet, and business meeting needs of the community."

Staff Recommendation

Staff recommended approval of this application.

ITEM 27

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - DOLLAR
GENERAL STORE #13511**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned C-1. Arizona State Application 10076456.

Applicant: Clare Abel, Agent
Dollar General Store #13511
8550 South Central Avenue

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 10 liquor license for a convenience store that did not sell gas. This location was not previously licensed for liquor sales and did not have an interim permit.

Public Opinion

No petitions or protests were received.

January 15, 2014

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: The applicant submitted an extensive statement. A copy is available upon request to the City Clerk's Office at 200 West Washington Street, 1st Floor, Phoenix, AZ 85003.
- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: The applicant submitted an extensive statement. A copy is available upon request to the City Clerk's Office at 200 West Washington Street, 1st Floor, Phoenix, AZ 85003.

Staff Recommendation

Staff recommended approval of this application.

If denied, the applicant would continue operations without a liquor license.

MOTION was made by Mr. Gates, **SECONDED** by Ms. Gallego, that Item 27 be continued to the January 29, 2014, formal meeting.

Mayor Stanton confirmed the required waiver was on file.

MOTION CARRIED UNANIMOUSLY.

<u>ITEM 29</u>	DISTRICT 1	LIQUOR LICENSE APPLICATION - MIDNIGHT CAFE AND BAR
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The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned RSC. Arizona State Application 12079716.

Applicant: Lawrence Elliget, Agent
Midnight Cafe and Bar
10215 North 28th Drive, #A

January 15, 2014

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was not previously licensed for liquor sales and did not have an interim permit. The operation plan filed with the application showed that the restaurant area seated 54 and the bar area seated 8.

Public Opinion

Three letters protesting the issuance of this license were received and on file in the Office of the City Clerk.

The letters were from the Metro Neighborhood Block Watch Association and local residents. They felt that there were sufficient liquor licenses in the area and that adding this liquor license would have a negative impact on the surrounding neighborhood. They were concerned that the applicant did not apply for the liquor license under the same name the business had been operating under for several months, Midnight Hookah Lounge. Additionally, they were concerned about the applicant's failure to reach out to the neighbors and community organizations.

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: "Currently owner has owned & operated numerous businesses – retail/had liquor license in City of Phoenix in 2000"

- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "Location will provide food service for local middle-eastern food seekers. All bar personel have been trained in Title 4 liquor laws, adequate security & supervision will be present"

January 15, 2014

Staff Recommendation

Staff recommended disapproval of this application based on a Police Department recommendation for disapproval and neighborhood protests.

The Police Department recommendation was based on concerns with the applicant's capability, qualifications, and reliability. The applicant had a history of criminal arrests and City Code violations. In recent past, Police had documented several unpermitted dance events involving teens at the location. Additionally, on the application the applicant indicated that there would not be any patron dancing, however during inspection, a newly installed DJ booth was discovered at the location by Police.

In addition, the neighborhood opposition indicated that the applicant had not shown that the public convenience required and the best interest of the community would be substantially served by the issuance of the license.

Staff also noted that the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Management Assistant II Denise Archibald stated this was a request for a new Series 12 liquor license for a restaurant, noting consideration could be given to the applicant's personal qualifications and location. She added three letters protesting the issuance of this license were received and on file in the Office of the City Clerk. Staff recommended disapproval of this application based on a Police Department recommendation for disapproval and neighborhood protests.

Police Detective Oscar Cortez said the Police Department's recommendation for disapproval was based on several reasons. To begin with, the applicant's past record of criminal offenses included conspiracy to distribute and possession of marijuana, unlawful sales of images and recording devices, and disorderly conduct. Secondly, there were recent City Code violations documented on police reports as a result of investigations for illegal teen dance hall operations at the current location. He cited the violations comprised of the building occupancy exceeding 49, noting investigators observed over 100 people. Additionally, the applicant failed to keep all open flames 10 feet from the building and LPG tanks over 2.5 gallons out of the building.

January 15, 2014

Detective Cortez conveyed another reason was the hookah lounge, which was owned and operated by the applicant, was the location of several unpermitted dance hall events. These events drew attendance and also advocated sexual conduct because teens were able to read the posters. He showed the Council one such poster which was taken down at an event, noting other evidence was documented on field interrogation reports. Moreover, other things had taken place including back-to-school events where teen dance halls were operating illegally.

On December 5, 2013, he met with the owner and went through the facility. At that time, Detective Cortez noticed there were couches and chairs placed in such a fashion they could easily move off to the sides in order to make the building a dance hall. He stressed that confirmed illegal operations had occurred, plus the fact that the owner admitted to having dances at the location. He asked how liquor would be separated from the youth that frequented areas of the establishment and the applicant responded security would be stationed at an upstairs riser which was not adequate. Also, police officers were not going to be on the premises but security would be at the gate. He was informed drinking was only being permitted upstairs which posed a challenge for the Police Department because adults and liquor would be on site.

Detective Cortez spoke with some neighborhood members and they shared the same concerns about the liquor license locations operated by the applicant, plus the applicant's irresponsibility due to recent events. He emphasized the applicant failed to demonstrate his capability, qualifications, and reliability to hold a liquor license, especially at a location where youth would be present, based upon previous incidents and documented reports, crimes that had occurred, and numerous liquor violations involving youth. Therefore, the Phoenix Police Department Cactus Park Precinct recommended disapproval of the issuance of a liquor license for this location.

Ms. Gail Morgan, a neighborhood representative from the Metro Neighborhood Block Watch, wished to echo the testimony provided by Detective Cortez. Their community had a problem with this establishment because no outreach was done with anyone in the neighborhood since the time it opened. She expressed the ownership had not proven to be responsible in keeping up the premises as trash was constantly around that area. In addition, an establishment just west of this business knew underage drinking occurred behind the building on Friday and Saturday nights. For these reasons, she asked that Council recommend disapproval.

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Mr. Lawrence Elliget spoke in support. As agent for the owner of this particular business he was unaware of the underage dancing. He had looked at the protest letters which claimed there were too many liquor licenses in the area. Upon further investigation on his part he found only two within a half mile, noting there was much heavier saturation in other parts of Phoenix. He could not argue the criminal background of the applicant but all of it happened approximately ten years ago. There was nothing recent except misdemeanors that involved a dance hall situation and things of that nature.

Mr. Elliget announced the restaurant was completely separate from the hookah lounge and could only be accessed from a stairway on the outside as approved by the City. Liquor would be contained in the restaurant because the inside stairway of the establishment would be for service staff only that brought food from the downstairs kitchen to the second floor. He stressed there was no access for people in the lounge to go upstairs. He had inspected the premises himself and indicated all of the City's inspections were done, noting the applicant had complied with everything required of him. Also, he had trained the staff and owners, and added there would be adequate security available to keep people from going upstairs.

Mrs. Williams was very concerned about this license because a lot of time and effort was focused in this area. Likewise, a lot of teens went to the movie theaters and library as well as other activities in the vicinity. Additionally, there were 20 liquor licenses within one mile and 15 within a half mile of this location. She could not support this application based on the fact that the applicant had been involved with unhealthy teenage activities in the past.

MOTION was made by Mrs. Williams, **SECONDED** by Mr. Gates, that Item 29 be recommended for disapproval based on the Police Department's recommendation for disapproval, neighborhood protests, and the applicant's criminal history and lack of experience.

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

MOTION CARRIED.

January 15, 2014

Mayor Stanton stated the Council’s recommendation for disapproval set in motion a hearing at the state for this license and requested staff provide Mr. Elliget information on that process.

PETITIONS, COMMUNICATIONS, AND PUBLIC HEARINGS

ITEM 30

DISTRICTS 3 AND 8

MODIFICATION OF STIPULATION REQUEST FOR RATIFICATION OF PLANNING HEARING OFFICER ACTION

The Council heard request to approve Planning Hearing Officer’s recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Wednesday, December 18, 2013.

DISTRICT 3
26TH STREET AND
NORTHERN AVENUE
APPLICANT: WESPAC
CONSTRUCTION, INC. –
JOHN LARGAY
OWNER: 26TH STREET &
NORTHERN, LLC
REPRESENTATIVE:
GARRETT NYBO

- A. Application: Z-123-97-3
- Existing Zoning: R-O
- Acreage: Northwest corner of 26th Street and Northern Avenue
- Location: 2.807
- Proposal:
 - 1) Modification of Stipulation 2 regarding substantial conformance to the site plan elevations dated September 23, 1997, and June 1, 1997.
 - 2) Modification of Stipulation 10 regarding maximum number of covered parking spaces on site.
 - 3) Technical corrections to Stipulations 3, 4, 5, 6, and 11.

January 15, 2014

The Planning Hearing Officer recommended approval.

The Paradise Valley Village Planning Committee did not review this request.

Stipulations

1. That the property be conditionally zoned upon development of a residential office project within 36 months from the date of final City Council approval of the change of zone.
2. That development shall be in substantial conformance to the site plan elevations dated ~~September 23, 1997~~ SEPTEMBER 16, 2013, and June 1, 1997, respectively.
3. That the wash be preserved in as natural a state as possible, as approved by the PLANNING AND Development ~~Services~~ Department.
4. That the natural vegetation in or adjacent to the wash be identified and conserved to the extent feasible, as approved by the PLANNING AND Development ~~Services~~ Department.
5. That the project buffer neighborhood to the west from parking with enhanced landscaping, as approved by the PLANNING AND Development ~~Services~~ Department.
6. That a visibility triangle be provided at the corner of 26th Street and 26th Street, extended, as approved by the PLANNING AND Development ~~Services~~ Department.
7. That lights on the building and in the parking lot shall be shielded and shall comply with the City of Phoenix Dark Sky Ordinance.
8. That the applicant shall provide a gate (or other similar security measures) at the entrance to the property on 26th Street.
9. That the City mail written notice to the Dreamy Draw Estates Homeowner's Association (2510 East Carol Avenue, Phoenix AZ 85028) and Phoenix Hillside Estates Property Owners Association (9247 North 24th Way, Phoenix AZ 85028) of any request to modify the above-referenced stipulations.
10. That a maximum of ~~20~~ 44 covered parking spaces shall be located in the center aisles AND THE PERIMETER of the site.

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- 11. That a screen wall be placed along the west side of the parking lot together with mature landscaping, as approved by the PLANNING AND Development Services Department.
- 12. The developer agrees to contribute \$5,000 toward traffic mitigation measures and to work with the Street Transportation Department's Traffic Mitigation Team.

DISTRICT 8
 35TH AVENUE AND DOBBINS
 ROAD
 APPLICANT: MANDALAY
 COMMUNITIES
 OWNER: CAVE CREEK
 42000, LLC
 REPRESENTATIVE: WITHEY
 MORRIS

- B. Application: Z-137-06-7(8)
- Existing Zoning: R-3, R-4A, R1-10
- Acreage: Approximately 1,600 feet west of the southwest corner of 35th Avenue and Dobbins Road
- Location: 7.18
- Proposal: Modification of Stipulation 1 regarding density of dwelling units per acre.

The Planning Hearing Officer recommended denial as filed and approval of the deletion of Stipulation 1.

The Laveen Village Planning Committee reviewed this request on December 9, 2013, and the motion to recommend approval with modification failed by a 4-5 vote.

Stipulations

- ~~1. That development shall not exceed a density of 3.5 4.5 dwelling units per acre, as approved by the Development Services Department.~~
- 2. 1. That prior to site plan approval that both applicant and landowner execute a waiver of claims under Proposition 207 in a form approved by the City Attorney's Office. Said waiver shall be recorded by the City and placed in the application file for record.

January 15, 2014

Noting there was no one present wishing to speak, **MOTION** was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 30 be granted.

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

MOTION CARRIED.

OLD BUSINESS

ITEM 31

DISTRICT 2

**LIQUOR LICENSE
APPLICATION - MCFADDEN'S
RESTAURANT & SALOON**

Continued from December 4, 2013 – The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079678.

Applicant: Randy Nations, Agent
McFadden's Restaurant & Saloon
21001 North Tatum Boulevard, #6

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales as TGI Friday's #1144 until March 2013 and was currently operating with an interim permit. The operation plan filed with the application showed that the restaurant area seated 364 and the bar area seated 66.

Public Opinion

No petitions or protests were received.

January 15, 2014

Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "We train all of our employees in responsible liquor service and they go through regular audits to ensure they comply."

Staff Recommendation

Staff recommended disapproval of this application based on a Police Department recommendation for disapproval.

The Police Department disapproval was based on concerns with the applicant's capability, reliability, and qualifications to hold and control a liquor license. The applicant owned two other liquor licensed locations in Arizona, both of which had an extensive history of liquor license violations. Additionally, the Police Department felt that this location was being operated as a bar and, therefore, did not meet the criteria for the issuance of a Series 12 (Restaurant) license.

MOTION was made by Mr. Waring, **SECONDED** by Mrs. Williams, that Item 31 be continued to the February 19, 2014, formal meeting.

Mayor Stanton thanked Detective Daniel Smith for coming to this meeting and confirmed his availability to attend the abovementioned meeting.

MOTION CARRIED UNANIMOUSLY.

ORDINANCES AND RESOLUTIONS

Vice Mayor Gates stated Mr. Benjamin Mullings submitted a speaker comment card in favor of Item 33, but did not wish to speak.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Items 32 through 70 be adopted, except Items 36, 48-49, 52, 54-55, 58-60, 62-63, 65, and 68-69; and noting Item 35 was adopted as corrected; Items 38 and 39 were continued to the January 29, 2014, formal meeting; and Item 64 was withdrawn.

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

MOTION CARRIED.

<u>ITEM 32</u>	DISTRICT 2	ORDINANCE G-5876 - AMEND CITY CODE - REZONING <u>APPLICATION Z-SP-11-13-2</u>
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The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-11-13-2 for the C-2 SP (Intermediate Commercial Special Permit) zoning district located approximately 450 feet east of the northeast corner of Allied Way and Chauncey Lane to allow automobile retail sales and all underlying C-2 uses.

<u>ITEM 33</u>	DISTRICT 4	ORDINANCE G-5877 - AMEND CITY CODE - REZONING <u>APPLICATION Z-52-13-4</u>
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The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-52-13-4 for the R-5 TOD-1 (Multiple Family Residence, Interim Transit-Oriented Zoning Overlay District One) zoning district located approximately 480 feet north of the northeast corner of 1st Avenue and McDowell Road to multifamily residential.

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ITEM 34

DISTRICT 5

**ORDINANCE G-5878 -
AMEND CITY CODE -
REZONING
APPLICATION Z-44-13-5**

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-44-13-5 for the C-2 (Intermediate Commercial) zoning district located approximately 204 feet west and 225 feet north of the northwest corner of 27th Avenue and Glendale Avenue for removal of Special Permit Z-SP-13-06-5 to allow the underlying C-2 uses.

ITEM 35

DISTRICT 7

**ORDINANCE G-5879 -
AMEND CITY CODE -
REZONING
APPLICATION Z-43-13-7**

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-43-13-7 for the R1-6 (Single-Family Residence) and C-2 (Intermediate Commercial) zoning district located at the northwest corner of 67th Avenue and Broadway Road to allow single-family residential and neighborhood commercial.

This item was adopted as corrected to reflect rezoning to R1-6 and C-1 zoning district.

ITEM 37

DISTRICT 8

**ORDINANCE S-40494 -
AGREEMENT WITH VOLARIS
AIRLINES UNDER THE AIR
SERVICE MARKETING
SUPPORT PROGRAM**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Concesionaria Vuela Compañía de Aviación SAPI de C.V., Corp., transacting business in Arizona under the name Volaris (aka Volaris Airlines), under the Air Service Marketing Support Program, allowing for the reimbursement of marketing costs up to \$75,000 per city for air service to Guadalajara and Mexico City. Further requested to authorize the City Controller to disburse the necessary funds in an amount not to exceed \$150,000.

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The current Air Service Marketing Support Program was approved by the Phoenix City Council in June 2012 and amended in July 2013 to allow for marketing support of certain new non-stop routes.

In October and December 2013, respectively, Volaris began non-stop service three times per week to Guadalajara and to Mexico City, which made Volaris eligible for marketing reimbursements to promote the route(s) of \$75,000 for each city.

The Aviation Department would reimburse Volaris up to a total of \$150,000 for sales and marketing costs supporting the two new flights. The new flights would generate new revenue to Phoenix Sky Harbor International Airport (Airport) consisting of airline rental fees, parking fees, and concession revenue.

According to the Airport's most recent economic impact study, each passenger from Mexico spent an average of \$1,700 and international flights created a total economic impact of \$3 billion within the region.

ITEM 38 **DISTRICT 8** **ORDINANCE S-40495 -
ACQUISITION OF
ONE OCCUPIED RESIDENTIAL
PROPERTY FOR THE
COMMUNITY NOISE
REDUCTION PROGRAM**

The Council heard request to authorize the City Manager, or his designee, to perform all acts necessary to acquire fee title to and possession of the occupied residential real property listed below (Property) for the Aviation Department's Community Noise Reduction Program. Further requested authorization for the City Manager, or his designee, to negotiate and execute short-term, temporary occupancy agreements to give the occupants of the Property sufficient time to relocate, as such agreements might be necessary to, and in furtherance of, this ordinance.

The following property owner voluntarily asked the City to purchase her Property, which was located in Phoenix, Arizona, and identified by a Maricopa County Assessor's Parcel Number (APN):

<u>Owner</u>	<u>Address</u>	<u>Appraisal</u>	<u>WBS Element</u>
Dora Ramirez, an unmarried woman	1098 East Durango Street APN: 115-46-029A	\$64,000	AV01050231

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Further requested authorization for the City Controller to disburse funds necessary to purchase the Property at the City’s appraised value, plus usual and customary closing costs, and to accept and disburse funds necessary for the short-term, temporary occupancy agreements.

This item was continued to the January 29, 2014, formal meeting.

<u>ITEM 39</u>	DISTRICT 8	ORDINANCE S-40496 - ACQUISITION OF TWO VACANT INDUSTRIAL PROPERTIES FOR THE COMMUNITY NOISE REDUCTION PROGRAM
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The Council heard request to authorize the City Manager, or his designee, to perform all acts necessary to acquire fee title to and possession of the vacant industrial real properties listed below (Properties) for the Aviation Department’s Community Noise Reduction Program.

The following property owner voluntarily asked the City to purchase its Properties, which were located in Phoenix, Arizona, and identified by a Maricopa County Assessor’s Parcel Number (APN):

<u>Owner</u>	<u>Address</u>	<u>Appraisal</u>	<u>WBS Element</u>
Stacey Rachelle Maynard, as Successor Trustee of the Margie Jean Vise Burk Trust dated March 6, 1995	3039 and 3051 East Washington Street APN: 121-59-017B and 121-59-017C	\$380,000	AV01000587

The Properties were comprised of two vacant parcels, which were zoned industrial and were contiguous to other eligible properties zoned industrial.

Further requested authorization for the City Controller to disburse funds necessary to purchase the Properties at the City’s appraised value, plus usual and customary closing costs.

This item was continued to the January 29, 2014, formal meeting.

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ITEM 40

CITYWIDE

**ORDINANCE S-40497 -
RFA 13-048 - INTERVIEW
RECORDING AND
MANAGEMENT SYSTEM -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Microception, Inc. to provide and install digital audio/video recording system for the Police Department. Authorization was also requested for the City Controller to disburse funds over the life of the contract in the amount not to exceed \$87,979.

The Police Department conducted investigations on all criminal incidents within its jurisdiction. To facilitate the investigation of criminal incidents, the Phoenix Police Department (PPD) utilized a digital audio/video recording system used in ten interview rooms to facilitate the investigation of criminal incidents. It was the utmost importance that the interview rooms be operational and reliable as mandated by PPD policy.

A large portion of the investigations conducted by PPD involved violent and/or high profile criminal cases. The ability to digitally record all interviews had become an integral part of a successful investigation. In most cases the recording of such interviews was a requirement for successful prosecution.

In the negotiations between the City and Microception, Inc., the vendor requested exceptions to the City's standard terms and conditions. The Police Department in consultation with Law Department recommended accepting those changes.

ITEM 41

CITYWIDE

**ORDINANCE S-40498 -
RFA 14-017 - TELECOM
COMMUNICATIONS SYSTEM -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with JSI Telecom to provide and install communications system equipment upgrades and related services for the Police Department, for a four-year period beginning on or about February 1, 2014 and ending on January 31, 2018. The equipment was used by the Police Department to conduct complex investigations. Authorization was also requested for the City Controller to disburse the necessary funds over the four-year term contract in an amount not to exceed \$739,376.

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In the negotiations between the City and JSI Telecom, the vendor requested exceptions to the City's standard terms and conditions. The Police Department in consultation with Law Department recommended accepting those changes.

The aggregate amount for the four-year contract was \$739,376, with an annual estimated expenditure of \$184,844.

ITEM 42

CITYWIDE

**ORDINANCE S-40499 -
RFA 14- 033 - RADIO
COMMUNICATION NETWORK
EQUIPMENT - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with EMR Corporation for the purchase of radio communication network equipment on an as-needed basis. The initial one-year contract term would begin on or about January 15, 2014 and end on December 31, 2014. Authorization was also requested for the City Controller to disburse funds over the duration of the contract in an aggregate amount not to exceed \$300,000.

Information Technology Services (ITS) standardized on the EMR products for the radio communication network that supported public safety and municipal operations. EMR Corporation was the manufacturer of EMR radio communication network equipment and offered engineering, design, and maintenance support on the equipment they sold. This item was requested by ITS and subsequently approved by Finance as a sole source. The supplier agreed to furnish parts and equipment at a 32 percent discount on all products from their catalog.

The total aggregate amount would not exceed \$300,000, with an estimated annual amount of \$60,000.

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

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ITEM 43

CITYWIDE

**ORDINANCE S-40500 -
IFB 14-033 - CLIMATE
CONTROLLED/COURIER
SERVICES - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Arizona Hot Shot Logistics during a three-year period beginning on or about February 18, 2014 and ending February 17, 2017. Authorization was also requested for the City Controller to disburse funds over the life of the contract in an amount not to exceed \$150,000.

Solicitation IFB 13-34 - Climate Control Storage and Courier Services was conducted in accordance with Administrative Regulation 3.10. Three bids were received and opened on November 22, 2013.

Climate Control (inside) Storage and Courier Services were used for storage and distribution of community outreach literature and school educational materials. The space was also used for storage of tools and supplies for the low-income plumbing retrofit program.

The Water Services Department (WSD) Water Conservation program purchased outreach and school educational materials in bulk in three-year cycles to reduce cost per piece and to meet the requests of WSD customers. The materials required evaporative cooling to prevent damage due to dirt, inclement weather, heat, and vector infestation. In addition, a secured area was needed for tools and high-value construction materials such as copper pipe and brass fittings for Water Conservation programs offered. In 2008, the program changed from a warehouse contract to storage/courier services, which reduced storage costs by more than 50 percent.

Following is a tabulation of the lowest bids received:

<u>Bidder</u>	<u>Description</u>	<u>Awarded Amount</u>
Hot Shot Logistics*	Climate Control Areas (Per Skid)	\$10.75
	Secured Areas (Per Month)	\$300.00
	Rush Delivery Services (Per Box)	\$5.50
	Standard Delivery Services (Per Box)	\$5.50
	Non Standard Items Delivery (Per Delivery)	\$35.00
	Hourly Rates	\$15.00

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<u>Bidder</u>	<u>Description</u>	<u>Awarded Amount</u>
Above and Beyond	Climate Control Areas (Per Skid)	\$15.00
	Secured Areas (Per Month)	\$250.00
	Rush Delivery Services (Per Box)	\$7.00
	Standard Delivery Services (Per Box)	\$5.00
	Non Standard Items Delivery (Per Delivery)	\$85.00
	Hourly Rates	\$40.00
Mercury Delivery Services	Climate Control Areas (Per Skid)	\$2,950.00
	Secured Areas (Per Month)	\$295.00
	Rush Delivery Services (Per Box)	\$89.00
	Standard Delivery Services (Per Box)	\$69.00
	Non Standard Items Delivery (Per Delivery)	\$149.00
	Hourly Rates	\$36.95

It was recommended by the Deputy Finance Director that the bid of Hot Shot Logistics, as asterisked, be accepted as the lowest responsive and responsible bidder.

The aggregate contract value for all option years would not exceed \$150,000, with an estimated annual expenditure of \$30,000.

Provisions of the agreement included an option to extend the contract up to two additional years, in one-year increments, which would be exercised if considered in the City's best interest to do so.

**ITEM 44 CITYWIDE ORDINANCE S-40501 -
IFB 14-061 - EMS
MEDICATIONS -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement(s) with Henry Schein; Boundtree Medical, LLC; Life-Assist, Inc.; Midwest Medical Supply Company, LLC; EMED Rx; and Guardian EMS Products for EMS medications on an as-needed basis during a one-year contract period beginning on or about February 1, 2014 and ending January 31, 2015. Authorization was also requested for the City Controller to disburse funds for the life of the contract, in an amount not to exceed \$5,600,000.

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Solicitation IFB 14-061 - EMS Medications was conducted in accordance with Administrative Regulation 3.10. Seven bids were received and opened on November 1, 2013. One bid was deemed non-responsive. Following is a tabulation of the responsive bids received:

<u>Bidder</u>	<u>Bid Price Ranges</u>
Henry Schein*	\$0.08 - \$146.24
Boundtree Medical, LLC*	\$0.10 - \$153.00
Life-Assist, Inc.*	\$0.11 - \$150.50
Midwest Medical Supply Company, LLC*	\$0.12 - \$152.94
EMED Rx*	\$0.15 - \$226.78
Guardian EMS Products*	\$0.10 - \$162.00

It was recommended by the Deputy Finance Director that the bids of Henry Schein; Boundtree Medical, LLC; Life-Assist, Inc.; Midwest Medical Supply Company, LLC; EMED Rx; and Guardian EMS Products be accepted as the responsive and responsible bidders. Multiple awards were recommended to meet the high volume and wide variety of needs outlined in the solicitation. Staff would select the most cost effective medications available at the time of purchase.

The aggregate contract value for all option years would not exceed \$5,600,000, with an annual expenditure of \$1,120,000.

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

ITEM 45

CITYWIDE

**ORDINANCE S-40502 -
IFB 14-062 - EMS MEDICAL
SUPPLIES LOCKER SYSTEM -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement(s) with Henry Schein; Boundtree Medical, LLC; Life-Assist, Inc.; Midwest Medical Supply Company, LLC; Guardian EMS Products; Kentron Health Care; AGS Safety Supply; Premier Medical Distribution; and VetMeds for EMS medical supplies locker system on an

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as-needed basis during the contract period beginning on or about February 1, 2014 and ending January 31, 2015. Authorization was also requested for the City Controller to disburse funds for the life of the contract, in an amount not to exceed \$10,300,000.

Solicitation IFB 14-062 - EMS Medical Supplies Locker System was conducted in accordance with Administrative Regulation 3.10. Sixteen bids were received and opened on November 1, 2013. Seven bids were deemed non-responsive. Following is a tabulation of the responsive bids received:

Bidder	Bid Price Ranges
Henry Schein*	\$0.02 - \$387.76
Boundtree Medical, LLC*	\$0.03 - \$265.00
Life-Assist, Inc.*	\$0.07 - \$369.19
Midwest Medical Supply Company, LLC*	\$0.02 - \$450.25
AGS Safety Supply*	\$0.58 - \$ 34.92
Guardian EMS Products*	\$0.06 - \$199.27
Kentron Health Care*	\$0.15 - \$219.00
Premier Medical Distribution*	\$0.67 - \$ 8.54
VetMeds*	\$0.21 - \$472.45

It was recommended by the Deputy Finance Director that the bids of Henry Schein; Boundtree Medical, LLC; Life-Assist, Inc.; Midwest Medical Supply Company, LLC; Guardian EMS Products; Kentron Health Care; AGS Safety Supply; Premier Medical Distribution; and VetMeds be accepted as the responsive and responsible bidders.

Multiple awards were recommended to meet the high volume and wide variety of needs outlined in the solicitation. Staff would select the most cost effective medical supplies available at the time of purchase.

The aggregate contract value for all option years would not exceed \$10,300,000, with an annual expenditure of \$2,060,000.

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

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ITEM 46

DISTRICTS 7 AND 8

**ORDINANCE S-40503 -
IFB 14-073 - OPERABLE WALL
MAINTENANCE -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Hufcor Desert West to provide maintenance and repair for all Phoenix Convention Center operable wall systems. The initial contract term would be for three years beginning on or about February 1, 2014 and ending January 31, 2017. Authorization was also requested for the City Controller to disburse funds over the life of the contract in an amount not to exceed \$400,000.

Solicitation IFB 14-073 was conducted in accordance with Administrative Regulation 3.10. One bid was received and opened by the Procurement Division on December 6, 2013, to provide operable wall maintenance.

Following is a tabulation of the only responsive and responsible offer received. The Procurement Division reviewed the offer and determined the price to be fair and reasonable based on previous contract pricing and current market prices.

<u>Bidder</u>	<u>Total Bid Price</u>
Hufcor Desert West	\$67,620

It was recommended by the Deputy Finance Director that the bid submitted by Hufcor Desert West be accepted as the only responsive and responsible bidder.

The aggregate contract value for all option years would not exceed \$400,000, with an estimated annual expenditure of \$80,000.

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

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ITEM 47

DISTRICT 4

**ORDINANCE S-40504 -
LICENSE WITH THE HEARD
MUSEUM FOR EVENT
OVERFLOW PARKING**

The Council heard request to authorize the City Manager, or his designee, to enter into a license with the Heard Museum to utilize the upper deck of the City of Phoenix Family Advocacy Center parking structure located at 2120 North Central Avenue for two planned events at the Heard Museum.

The license would be subject to the following terms and conditions:

1. Dates of February 8 and 9, 2014: Championship Hoop Dance
 Access: February 28 through March 2, 2014: Guild's Indian Fair
 and Market
2. License Fee: \$1,000, plus applicable taxes, which was within the range
 of market rents as determined by the Real Estate Division.
3. Insurance License would contain insurance and indemnity provisions
 and acceptable to the City's Risk Management Division and the
 Indemnity: City Attorney.
4. Termination: The license might be cancelled pursuant to the provisions
 of Arizona Revised Statutes 38-511, or by 30-day written
 notice from either party.

The license might contain such other terms and conditions deemed necessary or appropriate by the City.

Further requested authorization for the City Treasurer to accept funds in accordance with the license terms.

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ITEM 50

CITYWIDE

**ORDINANCE S-40507 -
RFP ITS 13-010 - FIRE CAD
AND RMS MODERNIZATION
PROGRAM - PROFESSIONAL
SERVICES CONTRACT AWARD**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Cit Com to provide professional services related to the Fire Computer Aided Dispatch (CAD) and Records Management System (RMS) Modernization Program. Expenditures under this agreement would not exceed \$150,000. Authorization was also requested for the City Controller to disburse funds over the life of the agreement.

Solicitation RFP ITS 13-010 was conducted in accordance with Administrative Regulation 3.10. Seven proposals were received. In compliance with the evaluation criteria stated in the Request for Proposal (RFP), the proposals were scored by an evaluation panel comprised of representatives from Phoenix Police, Phoenix Fire, and one at-large member from Mesa Fire. Based upon the results of the selection process, the evaluation panel recommended a contract award to Cit Com as the most responsive and responsible offeror.

ITEM 51

CITYWIDE

**ORDINANCE S-40508 -
AMEND CONTRACT 131104
TO SPLUNK, INC.
PROFESSIONAL SERVICES
FOR PCI REMEDIATION**

The Council heard request to authorize the City Manager, or his designee, to issue Statement of Work (SOW) 3 under Contract 131104 with Splunk, Inc. to maintain Payment Card Industry (PCI) network log management remediation services. Expenditures under this SOW would not exceed \$37,500. The original terms and scope of work had not changed from the original agreement. Authorization was also requested for the City Controller to disburse funds over the life of the SOW.

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The City of Phoenix processed over 3 million credit card transactions totaling over \$200 million in sales per year. City Departments accepted on-line payments, point-of-sale payments, interactive voice response payments, kiosk, and in-person payments of credit card transactions. Compliance with Payment Card Industry Data Security Standards was mandated by the payment card industry in order for the City to continue to process credit card transactions. The standards were developed to protect cardholder information and included mandates for regular monitoring and testing of networks, and maintenance of strong information security policies.

On May 5, 2011, City Council authorized the City Manager to enter into a contract with Splunk, Inc. for SOW 1 in the amount of \$125,000, and on January 4, 2012, City Council authorized an amendment in the amount of \$86,000. This contractor was selected in accordance with Administrative Regulation 3.10.

ITEM 53

CITYWIDE

**ORDINANCE S-40510 -
CREATE QUALIFIED VENDORS
LIST FOR HEARING OFFICER
SERVICES**

The Council heard request to establish a Qualified Vendor List (QVL) and enter into contracts with selected firms to provide hearing officer services on an as-needed basis. The QVL would be valid for three years with the option to add additional firms after one year. Total funding would not exceed \$115,000 per year for the term of these contracts. Authorization was also requested for the City Controller to disburse these funds over the life of the contracts.

The consultant would serve as hearing officers for the zoning process and Historic Preservation. Their services might be needed in the following areas, but not limited to: Zoning Hearing Officers, Zoning Takings Hearing Officers, Zoning Adjustment Hearing Officers, and Historic Preservation Hearing Officers.

The Request for Qualifications (RFQ) was advertised in the *Arizona Business Gazette* and on the City's webpage for business opportunities. Notices were sent to approximately 288 individuals/firms. Six Statements of

January 15, 2014

Qualifications were returned by the closing deadline. From the six who submitted, the following six were selected to provide hearing officer services:

Ted Brookhart
Frank Dolasinski
Joan Jacobs & Associates, LLC
Rideour Hienton & Lewis
Heidi Short
Michael Widener

ITEM 56

CITYWIDE

**ORDINANCE S-40513 -
ASSIGNMENT AND
ASSUMPTION AGREEMENT
BETWEEN CORPORATE
TECHNOLOGY SOLUTIONS
AND BCD LOW VOLTAGE
SYSTEMS**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Corporate Technology Systems (CTS) as Assignee of current Agreement 127921 with BCD Low Voltage Systems (Assignor), and for the City Controller to disburse funds approved by previous Council action for the life of the contract.

The City entered into an agreement with BCD on February 17, 2010, through RFP 09-ASD-012 and approved by City Council. BCD was awarded a contract for \$800,000 annually as a result of the RFP for the design, installation, integration, and maintenance of various citywide security systems that were standalone or network-based and might be monitored by the City's Central Monitoring System (CMS). The agreement would enter its final option year beginning January 31, 2014, in conjunction with this amendment.

Assignor and Assignee had entered into an Asset Purchase Agreement dated February 28, 2013, pursuant to which Assignee agreed to acquire the assets used in the business operated by BCD Low Voltage Systems and to assume certain liabilities of Assignor.

As of December 1, 2013, Assignor assigned to Assignee, and Assignee accepted, all of Assignor's rights and interests in the agreement and thereafter until the agreement termination date as set forth in the agreement with the same terms and conditions as the original contract.

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Entering into a contract with CTS would allow the Public Works Department to continue to promote operational efficiencies for security systems maintenance and upgrades which would help minimize overall operational costs.

ITEM 57

CITYWIDE

**ORDINANCE S-40514 -
UTILITY ACCOUNTS
MANAGEMENT PROGRAM
SOFTWARE**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with EnergyCap, Inc. to provide software, implementation services, and functionality for a centralized monitoring and auditing process for all City utility accounts. The initial contract term would begin on or about February 1, 2014 and end on January 31, 2015. Authorization was also requested for the City Controller to disburse funds for the life of the contract in an amount not to exceed \$875,000.

The findings from the October 2012 Utilities Audit conducted by the City Auditor Department resulted in the recommendation that a centralized database of all City gas and electric utility accounts be created and maintained by the Public Works Department. The software would provide secure multi-department access to verify, monitor, and analyze departmental energy usage and rates. It would also provide a means for the City to accurately monitor, analyze, and report its progress toward its commitment to reduce energy consumption 20 percent by 2020, reduce Greenhouse Gas emissions, and develop effective energy conservation initiatives.

In accordance with Administrative Regulation 3.10, a Request for Proposal was issued and two proposals were received. The Evaluation Committee was comprised of staff from Public Works, Finance, Water Services, Aviation, and Phoenix Convention Center Departments. Evaluation criteria included: quality and experience; method of approach; technical support; and cost. EnergyCap, Inc. was the highest scorer and provided the lowest cost proposal.

The cost for this agreement would not exceed \$175,000 in the first year, and the total contract value would not exceed \$875,000 over the life of the contract.

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

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ITEM 61

DISTRICT 2

**ORDINANCE S-40518 -
CAVE CREEK WRP AND
UNION HILLS WTP -
ELECTRICAL
INSTRUMENTATION AND
CONTROL SYSTEMS
INSPECTION AND TESTING**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Brown and Caldwell, Inc., Phoenix, Arizona, to provide design support, construction inspections, and commissioning testing for projects associated with electrical, instrumentation, and control systems at the Cave Creek Water Reclamation Plant (WRP) and Union Hills Water Treatment Plant (WTP). Further requested to authorize the City Controller to disburse funds over the life of the contract, including extensions, for the purposes of this ordinance.

This contract was for a two-year period with an option to extend the contract for one additional two-year period, for a total of four consecutive years. Funding might be added depending on the fiscal needs of the period, for a total contract amount not to exceed \$960,000 over the life of the contract.

The Consultant was chosen for this project using a qualifications-based selection process as authorized by Title 34 of the Arizona Revised Statutes.

The Consultant's fee would not exceed \$460,000 for the first two-year period, including all subconsultant and allowable costs.

ITEM 64

DISTRICTS 4 AND 7

**ORDINANCE S-40521 -
ST89360018 - ITS FIBER OPTIC
BACKBONE PHASE B-2 -
DESIGN-BID-BUILD**

The Council heard request to authorize the City Manager, or his designee, to accept B&F Contracting, Inc., Phoenix, Arizona, as the lowest priced responsive and responsible bidder, and to enter into a contract with B&F Contracting, Inc. for construction services. The contract might contain other terms and conditions deemed necessary or appropriate by the City Manager, or his designee. Further requested authorization for the City Controller to disburse the necessary funds for the purpose of this ordinance in an amount not to exceed \$497,091.

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Six bids were received in compliance with Arizona Revised Statutes, Title 34, by the Street Transportation Department on December 10, 2013, to provide construction services in support of the ITS Fiber Optic Backbone Phase B-2 construction project. The six bids were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and general contractor responsiveness in meeting the project's Disadvantaged Business Enterprise (DBE) goal. Bidder three did not submit all required DBE paperwork and was deemed non-responsive. The lowest bidder, as well as the other four firms, were found responsive.

Bids ranged from a low of \$497,091 to a high of \$680,000. The Engineer's Estimate, second low bidder, and the lowest responsive and responsible bidder, indicated by an asterisk, are listed below:

	<u>Total</u>	<u>DBE Goal</u>
Engineer's Estimate	\$581,118.50	3.57%
CS Construction, Inc.	\$538,451.00	20.27%
B&F Contracting, Inc.*	\$497,091.00	4.02%

The Street Transportation Department recommended award of the base bid to the lowest responsible bidder, B&F Contracting, Inc., in an amount not to exceed \$497,091.

This proposed project would develop, design, and deploy the communication fiber backbone network and would include field surveys, procurement, and installation of fiber equipment to integrate traffic signals, detections systems, closed circuit television (CCTV) camera systems, and dynamic messages signs. The project would involve installing conduit, pull boxes, and junction boxes and populating them with new fiber optic cable and splice enclosures along the freeway ramps extending to the Arizona Department of Transportation (ADOT) right-of-way boundary and continuing on within City of Phoenix right-of-way to the nearest major signalized City-owned intersections of McDowell Road with 27th, 35th, 43rd, 51st, 59th, 67th, 75th, and 83rd Avenues, and at SR 51/McDowell Road and SR 51/Thomas Road.

This item was withdrawn.

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ITEM 66

DISTRICT 8

**ORDINANCE S-40523 -
ST85100342 - BUCKEYE
ROAD - CENTRAL AVENUE TO
16TH STREET DESIGN
SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Entellus, Inc., Phoenix, Arizona, to provide professional design and possible construction administration and inspection services for the construction of arterial street improvements on Buckeye Road from Central Avenue to 16th Street. Work might include storm drain laterals, curb, gutter, sidewalk, streetlights and signal modifications, and roadside landscaping design. Further, requested authorization for the City Controller to disburse funds for the purpose of this ordinance.

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

The Engineer's fee would not exceed \$872,012, including all subconsultant and allowable costs.

ITEM 67

DISTRICT 8

**ORDINANCE S-40524 -
WS85500388 - WATER MAIN
REHABILITATION PHASE II
ABB - 12TH TO 16TH STREETS/
VAN BUREN TO ROOSEVELT
STREETS - DESIGN-BID-BUILD**

The Council heard request to authorize the City Manager, or his designee, to accept J. Wise Corporation, Tucson, Arizona, as the lowest priced responsive and responsible bidder, and to enter into a contract with J. Wise Corporation for construction services. Further requested authorization for the City Controller to disburse the funds for the purpose of this ordinance in an amount not to exceed \$1,376,468.

Four bids were received in compliance with Arizona Revised Statutes, Title 34, by the Street Transportation Department on November 13, 2013, to provide construction services in support of the Water Main Rehabilitation Phase II ABB: 12th Street to 16th Street/Van Buren Street to Roosevelt Street construction project. The four bids were sent to the Equal Opportunity Department to determine subcontractor eligibility and general contractor responsiveness in meeting the project's Small Business Enterprise (SBE) goal.

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Bids ranged from a low of \$1,376,468 to a high of \$2,575,544. The Engineer's Estimate, second lowest bidder, and the lowest responsive and responsible bidder, indicated by an asterisk, are listed below:

	<u>Total</u>	<u>SBE Goal</u>
Engineer's Estimate	\$1,529,519	2%
Mainlining Service, Inc.	\$1,772,834	2.73%
J. Wise Corporation*	\$1,376,468	2.03%

The Street Transportation Department recommended award of the base bid to the lowest responsible bidder, J. Wise Corporation, in an amount not to exceed \$1,376,468.

On January 16, 2013, the City Council awarded Contract 135284 to Mainlining Services, Inc. for construction of Phase I of this project.

A public information service firm would be used during the construction phase to keep the property owners and residents informed of construction activities.

ITEM 70

DISTRICT 2

**RESOLUTION 21190 -
ABANDONMENT OF
EASEMENT – V-130018A**

The Council heard request to abandon the following easement as the area was being replatted.

On April 12, 2013, Mr. Randy Christman of Pulte Group requested the abandonment of the private accessway easement and adjacent 13-foot Public Utility Easement dedicated per Final Plat "La Solana Condominiums", Maricopa County Recorder Book 959, Page 47, on the parcel addressed 33220 North North Valley Parkway, Assessor's Parcel Number 204-01-929.

Subdivision Plat 130037 under the name of "Replat of La Solana" was to be recorded together with the Maricopa County Recorder on the same day, at the same time.

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

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ITEM 36

CITYWIDE

**ORDINANCE S-40493 -
PAYMENT ORDINANCE**

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed \$9,904,181.90 for the purpose of paying vendors, contractors, claimants, and others, and providing additional payment authority under certain existing City contracts.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 36 be adopted, except Item 36q.

Mr. Pat Vint welcomed the two new Councilwomen and hoped they listened to citizens. The remainder of his testimony was unrelated to the item.

Mr. DiCiccio insisted that Mayor Stanton take charge of these meetings. Mr. DiCiccio further requested Mr. Vint stay on topic when addressing Council.

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

MOTION CARRIED.

Due to a possible conflict of interest, Ms. Gallego withdrew from the voting body on Item 36q.

ITEM 36q

CITYWIDE

**ORDINANCE S-40493 -
PAYMENT ORDINANCE**

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed \$9,904,181.90 for the purpose of paying vendors, contractors, claimants, and others, and providing additional payment authority under certain existing City contracts.

\$ 20,263.22 q) To Salt River Project for payment of services provided to relocate a traffic signal metered power pedestal located at 67th Avenue and Roosevelt, for the Street Transportation Department.

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MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 36q be adopted.

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

MOTION CARRIED.

Ms. Gallego returned to the voting body.

<u>ITEM 48</u>	DISTRICTS 7 AND 8	ORDINANCE S-40505 - ACCEPTANCE AND DEDICATION OF EASEMENTS FOR PUBLIC USE
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The Council heard request to accept two easements for water meter vault and sewer purposes; ordering the ordinance recorded; and dedicating to public use the property interests described therein.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 48 be adopted.

Mr. Pat Vint went through this process back in the early 1980s when he built a shopping center between 13th and 14th Streets on the south side of Northern Avenue. Since that time, the Neighborhood Services and Development Services Departments had been out five times to try and close the easement which would hurt his business. He added all of his tenants had their utilities situated at the rear of their businesses. Also, he blacktopped the alley so water would drain away from the neighbors.

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

MOTION CARRIED.

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ITEM 49

CITYWIDE

**ORDINANCE S-40506 -
CONTRACT AWARD FOR
REAL ESTATE BROKERAGE
SERVICES**

The Council heard request to authorize the City Manager, or his designee, to execute a contract with Jones Lang LaSalle America, Inc. This contract would be to provide the Finance Department, Real Estate Division with real estate brokerage services during the contract period beginning February 1, 2014 through January 31, 2017. Authorization was also requested to disburse funds over the life of the contract in an amount not to exceed \$550,000.

The City Council approved the Excess Property policy at the September 24, 2013, Policy meeting as part of the Council approved plan to assess and dispose of unused and underserved property. The policy was also recommended for approval at the May 15, 2013, Finance, Efficiency, and Economy Subcommittee meeting.

The Finance Department released a Request for Proposals (RFP) for real estate brokerage services in September 2013. The requested scope of services included consulting services related to property inventory management (augmenting and validating the current fixed asset review) and property analysis, as well as traditional real estate services, including the marketing, sale, lease, and exchange of City-owned real property. Six proposals were received in response to the RFP.

The panel evaluated submittals according to the following criteria set forth in the RFP: experience and qualifications of proposer in providing real estate brokerage services (55 percent), proposer's suggested methodology (35 percent), and proposed fees and expenses (10 percent).

The highest ranked submitters, Jones Lange LaSalle America, Inc.; R.O.I. Properties; and Tierra Right of Way Services, were invited to give presentations to the evaluation panel. The evaluation panel determined Jones Lang LaSalle America, Inc. to be the most qualified proposer.

<u>Proposer</u>	<u>Total Points</u>
Jones Lang LaSalle America, Inc.*	98
R.O.I. Properties	76.2
Tierra Right of Way Services	64.2

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The contract term would be three years, and the contract value would not exceed \$550,000 over the life of the contract.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 49 be adopted.

Ms. Greta Rogers spoke in favor. She was glad a recognized commercial broker would be used in this situation and hopefully future circumstances. She wanted the City to use a title company to handle escrow as this was a common practice with brokers. A title company was a neutral escrow agent between the parties to the contract and was essential for the agreement from opening of escrow to its timely close. She requested this practice become part of City real estate transactions as it was the correct way to do things. Further, she asked what commission agreement the City had with Jones Lang LaSalle America as well as who would be doing the independent appraisal.

City Attorney Gary Verburg replied the City frequently used title companies as escrow officers in closings but not every transaction had been done that way, particularly with development agreements and such. That being said, he conveyed the City obtained title insurance on every transaction with the Law Department reviewing the conditions to ensure there was no defect in the title.

Deputy Finance Director Mary Vivion-Withrow concurred with Mr. Verburg in that the City frequently used title companies. However, the City had an in-house team with a lot of title experts who had the ability to perform research. In any case, the City went through escrow with a title company for purposes of insurance with an absolute threshold of \$100,000, especially when the property was valued above that amount. She indicated if there was a potential title issue the City's standard practice was to go through a title company.

Mayor Stanton stated the other questions related to whether the City received commissions and who would be doing the appraisal.

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Ms. Vivion-Withrow responded the City was required to do independent appraisals per the Uniform Act. The City only used Arizona certified general appraisers, noting staff reviewed them in-house again in accordance with the Uniform Act so there were two eyes on every appraisal. As for the title company issue, she advised the City had contracts with three major title companies who were paid through an agreement. She added the City did not typically pay a brokerage commission but did compensate on a case-by-case basis if brokers were involved. This contract changed that because Jones Lang LaSalle America proposed a fee structure which meant the City would pay a commission on all transactions handled by the company.

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

MOTION CARRIED.

ITEM 54

CITYWIDE

**ORDINANCE S-40511 -
MEMORANDUM OF
UNDERSTANDING WITH THE
FEDERAL BUREAU OF
INVESTIGATION FOR THE
CHILD EXPLOITATION TASK
FORCE**

The Council heard request for retroactive authorization for the City Manager, or his designee, to enter into a Memorandum of Understanding (MOU) between the Phoenix Police Department (PPD) and the Federal Bureau of Investigation (FBI). Funding was to support the Child Exploitation Task Force (CETF) program. This MOU provided funding in an amount of \$65,000 per year, not to exceed \$135,000 over the life of the MOU. The term of the MOU was two years with the opportunity to extend for three additional one-year periods, not to exceed a total of five years. The funding period was October 1, 2013 through September 30, 2015. Authorization was also requested for the City Controller to receive and disburse funds.

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The PPD had engaged in numerous successful interagency agreements with the FBI in an effort to combat crimes against children in the metropolitan Phoenix area. The mission was to provide a rapid, proactive, and intelligence driven investigative response to the sexual victimization of children as well as other crimes against children. The CETF provided support to identify and rescue child victims; to reduce the vulnerability of children to sexual exploitation and abuse; to reduce the negative impact of domestic and international parental rights disputes; and to strengthen the capabilities of the FBI and federal, state, local, and international law enforcement through training, intelligence-sharing, technical support, and investigative assistance. Through the implementation of the CETF MOU, the City of Phoenix was reimbursed for PPD task force member's overtime and related fringe benefits.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 54 be adopted.

Mr. Leonard Clark thought it was a good thing the City was entering into this agreement with the FBI. The State of Arizona was making an effort to protect children more but the FBI could help in stopping the exploitation of kids. He thought Phoenix should lead the way and expressed children had to be protected as much as possible.

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

MOTION CARRIED.

ITEM 55

CITYWIDE

**ORDINANCE S-40512 -
PURCHASE ELECTRONIC
RIGHTS FROM FRANKLIN
COVEY FOR NOBILITY OF
POLICING CURRICULUM AND
TRAINING**

The Council heard request to authorize the City Manager, or his designee, to execute an agreement between the City of Phoenix Police Department and Franklin Covey authorizing the Phoenix Police Department to reproduce

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2,800 copies of the "Nobility of Policing" participant workbook at a cost of \$10 a copy. Requested additional authorization for the City Controller to disburse AZPOST Training Allocation funds to cover this expenditure.

Franklin Covey was an internationally renowned leadership company which had specific rights to the Nobility of Policing curriculum and training, student participant workbook, and other related materials. The curriculum focused on ethical and individual self-management concepts to reinforce the competencies, character, values, and attitudes necessary for committed and effective policing principles. Under the proposed agreement, Franklin Covey would provide the Phoenix Police Department with an electronic version of the Nobility of Policing workbook that the Department would utilize to reproduce the materials for an estimated 2,800 employees. The cost to reproduce these guidebooks for 2,800 employees, at \$10 per copy, is \$28,000. The Department would utilize previously accepted AZPOST Training Allocation funds, which were specifically authorized for this purpose.

It was anticipated that the 4- to 5-hour sessions of Nobility of Policing training would be provided to the Department's sworn personnel throughout the 2014 calendar year. The class sizes of each session would range from 25 to 30 students and would be facilitated at various City venues as well as the AZPOST Training Facility.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 55 be adopted.

Mr. Leonard Clark spoke in support. He thought the community and police should work together instead of building walls. Further, he believed this booklet would provide additional training for officers who put their lives on the line every day as well as explain the highest honorable practices of law enforcement.

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

MOTION CARRIED.

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ITEM 52

DISTRICT 7

**ORDINANCE S-40509 -
DESIGN CONTRACT FOR THE
DESERT SKY TRANSIT
CENTER PUBLIC ART
PROJECT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with the Washington artist Sheila Klein, for an amount not to exceed \$50,000, to work as a design team member to develop shade structures and other integrated necessities to enhance passenger comfort as part of the Desert Sky Transit Center. Authorization was also requested for the City Controller to disburse the funds over the life of the contract.

On December 4, 2013, a seven-person selection panel recommended five finalists from a pool of 107 applicants who responded to a national call to artists. On December 11, 2013, the panel interviewed the finalists before recommending Ms. Klein for this project. The panel based its recommendation on Ms. Klein's inventive approach to the use of materials and her ability to work successfully with a design team and community to produce a project of exemplary quality.

The Desert Sky Transit Facility Public Art Project was one of 60 projects in the Fiscal Year 2013-2018 Public Art Project Plan approved by City Council on July 3, 2013. The project included \$20,000 in Percent-for-Art funds from the Public Transit Capital Program and \$250,000 in Federal Transit Administration and Regional Transportation Program funds. The \$50,000 for this proposed contract would cover all of the artist's costs to design and provide construction oversight for shade structures and other integrated passenger enhancements at the Desert Sky Transit Center. The remaining \$220,000 would be used for project construction and administration.

This item was adopted as corrected to reflect the contract was with Washington artist Sheila Klein, DBA Anti, Inc.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 52 be adopted.

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

MOTION CARRIED, noting Mr. Waring cast the dissenting vote.

Items 58 through 60 were heard together.

ITEM 58

DISTRICT 1

**ORDINANCE S-40515 -
AV31000083 FAA - DEER
VALLEY AIRPORT ACUTE
ANGLE CONNECTORS
RUNWAY 7L/25R - DESIGN
SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Trace Consulting, LLC, Phoenix, Arizona, to provide engineering services for the Deer Valley Airport Acute Angle Connectors Runway 7L/25R project. This agreement might contain other terms and conditions deemed necessary or appropriate by the City Manager, or his designee. Further requested authorization for the City Controller to disburse the necessary funds for the purpose of this agreement in an amount not to exceed \$100,000.

This project would include design of two new acute angle connectors/exits midfield on the north side of Runway 7L/25R. Connectors would be constructed in the existing infield area requiring removal of existing infield material, site grading, new electrical edge lighting and signage, drainage, striping, and relocation of utilities as needed. Scope of work might include design, survey, cost estimating, preparation of a construction management plan, and a construction safety and phasing plan.

Trace Consulting, LLC was selected through a qualifications-based selection process in accordance with Title 34 of the Arizona Revised Statutes.

Trace Consulting, LLC's fee would not exceed \$100,000 including all subconsultants and reimbursable costs. Staff anticipated reimbursement from the Federal Aviation Administration.

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

ITEM 59

DISTRICT 1

**ORDINANCE S-40516 -
WS85050045 - DEER
VALLEY WATER TREATMENT
PLANT RESERVOIR 1
REPLACEMENT - CMAR
CONSTRUCTION CONTRACT
AWARD**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Kiewit Infrastructure West, Inc., Phoenix, Arizona, to provide Construction Manager at Risk (CMAR) construction phase services in support of the Deer Valley Water Treatment Plant (DVWTP) Reservoir 1 Replacement project; and further requested to authorize the City Controller to disburse funds for the purpose of this ordinance.

The CMAR was chosen for this project using a qualifications-based selection process as authorized by Title 34 of the Arizona Revised Statutes.

This request for CMAR's services was for Guaranteed Maximum Price (GMP) 1 which included demolition of existing Reservoir 1 with asbestos removal. This project was at the DVWTP, located at 3030 West Dunlap Avenue. This project would provide existing reservoir demolition; construction of a replacement 20-million-gallon reservoir; and installation of chemical feed piping, level sensors, transmitters, and associated conduits and control wiring. Construction activities would require attention to all underground utilities, or any other facilities, needing relocation or protection during construction.

The CMAR's construction fee for GMP 1 services would not exceed \$3,350,000, including all subconsultant, subcontractor, and reimbursable costs.

City Council approved CMAR design phase services on May 1, 2013. City Council approved engineering design services on May 1, 2013.

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ITEM 60

DISTRICTS 1 AND 6

**ORDINANCE S-40517 -
24TH STREET AND DEER
VALLEY WTP - ELECTRICAL
INSTRUMENTATION AND
CONTROL SYSTEMS
INSPECTION AND TESTING
SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Bay Area Instrument and Electric, Inc., Glendale, Arizona, to provide design support, construction inspections, and commissioning testing for projects associated with electrical, instrumentation, and control systems at the 24th Street and Deer Valley Water Treatment Plant (WTP). Further requested to authorize the City Controller to disburse funds over the life of the contract, including extensions, for the purpose of this ordinance.

This contract was for a two-year period with one option to extend the contract an additional two-years, for a total of four consecutive years. Funding might be added, depending on the fiscal needs of the period, for a total contract amount not to exceed \$1,000,000.

The Consultant was chosen for this project using a qualifications-based selection process as authorized by Title 34 of the Arizona Revised Statutes.

The Consultant's fee would not exceed \$500,000 for the first two-year period, including all subconsultant and allowable costs.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 58 be adopted.

Mr. Leonard Clark spoke in support on Items 58-60. He wished to thank Mrs. Williams because he saw how City authorities and communities were working closely together and thought the more time and effort being put into the airport the better. There were a lot of business, industry, and international things going on in District 1 and again thanked Mrs. Williams for her great representation.

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AMENDED MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Items 58-60 be adopted.

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

MOTION CARRIED.

<u>ITEM 62</u>	DISTRICTS 3, 5, 6, 7, AND 8	ORDINANCE S-40519 - ST87400155 - 2013-1 CMAQ ALLEY DUST PROOFING PROJECT (FEDERAL AID) - DESIGN-BID-BUILD
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The Council heard request to authorize the City Manager, or his designee, to accept Cholla Pavement Maintenance, Inc., Apache Junction, Arizona, as the lowest priced responsive and responsible bidder, and to enter into a contract with Cholla Pavement Maintenance, Inc. for construction services. The contract might contain other terms and conditions deemed necessary or appropriate by the City Manager, or his designee. Further requested authorization for the City Controller to disburse the necessary funds for the purpose of this ordinance in an amount not to exceed \$1,439,400.51.

2013-1 CMAQ Alley Dust Proofing Project (Federal Aid) work would include approximately 268,224 square yards of clearing, grubbing, and sub-grade preparation, including removal, hauling, and disposal of deleterious materials and degraded asphalt millings; 246,871 square yards of single application of MC-800TR and pre-coated fractured aggregate; weed control; traffic control; and other miscellaneous items in various alleys within the City of Phoenix.

Four bids were received in compliance with Arizona Revised Statutes, Title 34, by the Street Transportation Department on December 3, 2013, to provide construction services in support of the 2013-1 CMAQ Alley Dust Proofing Project (Federal Aid). The four bids were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and general contractor responsiveness in meeting the project's Disadvantaged Business Enterprise (DBE) goal. The lowest bidder, as well as the other firms, were found responsive.

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Bids ranged from a low of \$1,439,400.51 to a high of \$2,001,852.71. The Engineer's Estimate, second low bidder, and the lowest responsive and responsible bidder, indicated by an asterisk, are listed below:

	<u>Total</u>	<u>DBE Goal</u>
Engineer's Estimate	\$1,746,718.54	2.52%
Sunland Asphalt	\$1,460,039.81	4.6%
Cholla Pavement Maintenance, Inc.*	\$1,439,400.51	2.8%

The Street Transportation Department recommended award of the base bid to the lowest responsible bidder, Cholla Pavement Maintenance, Inc., in an amount not to exceed \$1,439,400.51.

Public notification would be provided by the contractor during construction. Flyers with the contractor's phone number and the contact name would be distributed to notify residents of the upcoming work.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 62 be adopted.

Ms. Greta Rogers was glad to see the City propose action to control the dust in alleys, particularly in the central and southern areas which were older parts of the city. She suggested an additional recommendation for overall environmental improvement in air quality that was mainly created by dust. Also, she requested all alleys be closed for public right-of-way traffic, except for utilities and the few residents who accessed their garages from the alley. She stressed alleys were havens for crime and urged Council to seriously consider this topic as a future agenda item.

Mayor Stanton appreciated the comments about air quality and mentioned the Environmental Protection Agency accepted the region's five-year plan that had been in the works for many years. He indicated the threat about loss of federal transportation dollars for the region was off the table for awhile which was a good regional accomplishment. He argued no one had done more to achieve that goal in terms of reducing particulates, but he still valued the remarks relative to air quality.

Mr. Pat Vint claimed the City came to his private residence which was over one acre and instructed him to dust proof a certain portion of his property or be fined \$2,500 per day. So he purchased 75 tons of three-quarter-minus rocks even though the company he bought it from informed him it would not settle and had not since that time, consequently destroying his property.

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Mr. John Rusinek remarked the alleys that were approximately 50 yards from his house were dust proofed by the City with proper gravel; however, his neighbor's driveway was a disaster. The gravel company that put in the gravel said it would not settle so he hoped the City would use the proper gravel or not get the money for this project from the federal government. Nonetheless, he met with the Mayor of Youngtown who went to Mr. DiCiccio on his behalf and provided his nine-year log to which Mr. DiCiccio followed up with email.

Mr. DiCiccio interjected he met with the Mayor of Youngtown and emphasized this was a neighbor on neighbor situation, noting the City of Phoenix would not get involved with this dispute.

Mr. Rusinek asserted this was not vindication against his neighbor. Yet, no one would read his log, listen to the tape of his conversations with staff, or look at the photos he took of the yard.

Mr. DiCiccio stated this happened prior to his taking office and the City made a determination. Mr. Rusinek had been getting the runaround because everyone led him to believe he would get assistance in order to make this work. After nine years Mr. DiCiccio agreed with staff's decision and reiterated the right thing to do was not get involved with neighborhood disputes, noting the Mayor of Youngtown concurred. He advised the City of Phoenix made a legal ruling that the neighbor was correct.

Mayor Stanton said Mr. Rusinek would be able to provide additional testimony during Citizen Comment.

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

MOTION CARRIED.

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ITEM 63 **DISTRICTS 3, 5, AND 6** **ORDINANCE S-40520 -**
ST87440025 - 2013-2 CMAQ
ALLEY DUST PROOFING
PROJECT (FEDERAL AID) -
DESIGN-BID-BUILD

The Council heard request to authorize the City Manager, or his designee, to accept Cholla Pavement Maintenance, Inc., Apache Junction, Arizona, as the lowest priced responsive and responsible bidder, and to enter into a contract with Cholla Pavement Maintenance, Inc. for construction services. The contract might contain other terms and conditions deemed necessary or appropriate by the City Manager, or his designee. Further requested authorization for the City Controller to disburse the necessary funds for the purpose of this ordinance in an amount not to exceed \$1,162,734.28.

2013-2 CMAQ Alley Dust Proofing Project (Federal Aid) work would include approximately 223,872 square yards of clearing, grubbing, and sub-grade preparation, including removal, hauling, and disposal of deleterious materials and degraded asphalt millings; 205,216 square yards of single application of MC-800TR and pre-coated fractured aggregate; weed control; traffic control; and other miscellaneous items in various alleys within the City of Phoenix.

Four bids were received in compliance with Arizona Revised Statutes, Title 34, by the Street Transportation Department on December 3, 2013, to provide construction services in support of the 2013-2 CMAQ Alley Dust Proofing Project (Federal Aid). The four bids were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and general contractor responsiveness in meeting the project's Disadvantaged Business Enterprise (DBE) goal. The lowest bidder, as well as the other firms, were found responsive.

Bids ranged from a low of \$1,162,734.28 to a high of \$1,685,268.26. The Engineer's Estimate, second low bidder, and the lowest responsive and responsible bidder, indicated by an asterisk, are listed below:

	<u>Total</u>	<u>DBE Goal</u>
Engineer's Estimate	\$1,449,733.19	2.57%
Sunland Asphalt	\$1,208,981.20	4.6%
Cholla Pavement Maintenance, Inc.*	\$1,162,734.28	3.0%

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The Street Transportation Department recommended award of the base bid to the lowest responsible bidder, Cholla Pavement Maintenance, Inc., in an amount not to exceed \$1,162,734.28.

Public notification would be provided by the contractor during construction. Flyers with the contractor's phone number and the contact name would be distributed to notify residents of the upcoming work.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 63 be adopted.

Mr. DiCiccio requested a staff report on the subject matter of this item. Since no one was present he would be voting against the item, noting staff needed to be prepared when Council asked for additional information.

Mayor Stanton pointed out staff was coming forward on this item.

Deputy Street Transportation Director Jenny Grote responded these contracts were done annually since there were different maintenance responsibilities throughout the City and this one pertained to alleys. She explained the City was divided into different areas due to varied treatments so this was routine. In further response to Mr. DiCiccio, she advised staff had identified specific areas in the City on Items 62 and 63.

Mr. DiCiccio conveyed this was basically about putting gravel in alleys throughout the City as a dust proofing measure due to the PM-10 ruling from the Environmental Protection Agency at a cost of \$1.4 to \$1.5 million.

Ms. Grote added staff kept track of the worst conditions in the City and prioritized accordingly.

Mr. Pat Vint wanted to know what size gravel would be used in the alleys.

Ms. Grote did not know the size but would provide that information once known.

Mr. Vint believed staff should know the answer, noting the highways had small gravel. The remainder of his testimony was unrelated to the item.

Mr. John Rusinek alleged for seven-and-a-half years the City said it was non-dust proof, yet they dust proofed three times and it was still wrong.

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

MOTION CARRIED.

ITEM 65

DISTRICT 8

**ORDINANCE S-40522 -
AV08000073 FAA - PSHIA EAST
HOLD BAY PAVEMENT
RECONSTRUCTION - DESIGN
SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Stantec Consulting Services, Inc., Phoenix, Arizona, to provide engineering services for the Phoenix Sky Harbor International Airport (PSHIA) East Hold Bay Pavement Reconstruction project. The agreement might contain other terms and conditions deemed necessary or appropriate by the City Manager, or his designee. Further requested authorization for the City Controller to disburse the necessary funds for the purpose of the agreement in an amount not to exceed \$330,000.

The project would include milling of existing asphalt pavement; full-depth reconstruction; apron lighting, signing, and striping per Federal Aviation Administration (FAA) requirements; providing construction safety phasing plans to comply with FAA Airport Improvement Program grant requirements; providing cost estimates; and providing updated plan/profile design. The scope of services might include, but were not limited to: project management and meetings; design development, investigation, and design report; construction documents; and plans, specifications, and pre-bid assistance services.

Stantec Consulting Services Inc. was selected through a qualifications-based selection process in accordance with Title 34 of the Arizona Revised Statutes.

Stantec Consulting Services, Inc.'s fee would not exceed \$330,000, including all subconsultants and reimbursable costs. Staff anticipated reimbursement from the FAA.

January 15, 2014

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

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 65 be adopted.

Mayor Stanton stated Mr. Leonard Clark submitted a speaker comment card in favor of the item, but did not wish to speak.

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

MOTION CARRIED.

Items 68 and 69 were heard together.

ITEM 68

CITYWIDE

**ORDINANCE S-40525 -
SPECIALIZED EQUIPMENT,
PIPING, AND
INFRASTRUCTURE
COATINGS - CONSTRUCTION
ADMINISTRATION AND
INSPECTION SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into separate agreements with Arcadis, Inc., Phoenix, Arizona; and RFI Consultants, LLC, Phoenix, Arizona, to provide construction administration and inspection services to support the Wastewater Equipment and Piping Coatings Rehabilitation Program at City of Phoenix Wastewater Facilities; and further requested to authorize the City Controller to disburse funds over the life of the contract, including extensions, for the purposes of this ordinance.

Each contract would be for a one-year period with four options to extend the contract, in one-year increments, for a total of five consecutive years. Funding might be added, depending on the fiscal needs of the period, for a total not to exceed \$500,000 for each contract over the life of the contracts.

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The Consultants were chosen for this project using a qualifications-based selection process as authorized under Title 34 of the Arizona Revised Statutes.

The Consultants would each develop an action plan to evaluate and prioritize the rehabilitation or replacement of existing protective coatings on wastewater infrastructure along with providing inspection services for work associated with the application of protective coatings.

Each of the Consultant's respective fees would not exceed \$100,000 each year, including all subconsultant and allowable costs. The initial year funding for Arcadis, Inc. would be \$85,000. The initial funding for RFI, Inc. would be \$80,000.

ITEM 69

OUT OF CITY

**ORDINANCE S-40526 -
AMENDMENT 1 TO
CONTRACT 135353 WITH
ALAN PLUMMER ASSOCIATES
FOR CONSULTING SERVICES
FOR TRES RIOS WETLANDS**

The Council heard request to authorize the City Manager, or his designee, to amend existing Agreement 135353 with Alan Plummer Associates, Inc. to exercise the first option to extend the agreement and increase the contract amount by \$50,000. Authorization was also requested for the City Controller to disburse funds over the life of the contract.

On September 19, 2012, City Council authorized this one-year contract for professional consulting services for the Tres Rios Wetlands Facility with two available one-year options to extend. Services included consultant recommendations on operational strategies needed for continued successful operations. The extension would allow operations staff to utilize Alan Plummer Associates for assistance with technical wetlands matters.

The extension would exercise the first option to extend the agreement through January 24, 2015. The agreement might be extended an additional year, which would be exercised by staff if considered in the best interests of the City.

This extension would also increase the total contract value by \$50,000 for an amount not to exceed \$100,000.

January 15, 2014

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Items 68 and 69 be adopted.

Mr. Leonard Clark spoke in support on both items. First, he thanked the new members on Council and respected their public service. He hoped part of the pipe inspections included looking at safety aspects because of instances that had occurred around the country. He expressed the Tres Rios Wetlands were beautiful and needed to be preserved from development.

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

MOTION CARRIED.

NEW BUSINESS

ITEM 71

DISTRICT 8

**PROPOSED 35TH AVENUE
AND BASELINE ROAD
ANNEXATION - FILING**

The Council heard request to authorize the City Manager to file with the Office of the County Recorder a blank petition containing a map and legal description of an area proposed to be annexed, designated as the proposed 35th Avenue and Baseline Road Annexation.

This annexation was requested by the property owner to create a residential subdivision and conformed to current City policies regarding annexation of property prior to extension of City services. Annexing this property represented infill and would reduce a county island, which would result in property tax revenue to the City of Phoenix. The proposed annexation area included approximately 3 acres (0.005 square miles) and the population was estimated to be 1. The general boundaries of the area were Beautiful Lane on the north, 34th Avenue on the west, 32nd Glen on the east, and Melody Drive on the south. The Waiver of Claims for Diminution in Value of Property under Proposition 207 had been executed.

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This action was being requested to comply with Arizona Revised Statutes, Section 9-471. Signatures on the proposed annexation petition would not be obtained for a waiting period of thirty days after filing the blank petition with the County Recorder's Office. A public hearing would be scheduled within the thirty-day waiting period to discuss the annexation proposal.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 71 be approved.

Mr. Leonard Clark supported the item but wanted to make sure the City would not incur any expense with this annexation. He believed the company needed to pay for some of the cost similar to citizens.

MOTION CARRIED UNANIMOUSLY.

ITEM 72

CITYWIDE

**CONSIDERATION OF CITIZEN
PETITION**

The Council heard request for the City Council to take action regarding a petition presented by Ms. Dianne Barker during the Citizen Comment Session at the November 20, 2013, City Council Formal Meeting pursuant to Chapter IV of the City Charter.

The November 20, 2013, petition requested Council action to change Rule 8 of Chapter 2, Rules of Council Proceedings, to have Citizen Comments occur at the beginning of the Formal Meeting following roll call. Ms. Barker requested the City Council to change Rule 8 concerning Citizen Comments to read as such, "Any member of the public may address the Council to comment on issues of interest or concern to them at regular weekly formal meeting. This will occur at the beginning of the meeting following roll call. Citizens are encouraged to participate, and although no decisions will be made, the open meeting law permits the council asking for clarification, and assigning the matter for staff follow-up, and or the matter to be placed on the coming formal agenda for discussion, action, and possible adoption."

Rule 8 of Chapter 2, Rules of Council Proceedings, Citizen Comments currently stated, "Immediately after adjournment or recess of the regular weekly formal meeting, any member of the public may address the Council to comment on issues of interest or concern to them. A quorum of the City Council may or may not be present, but in either event, no decisions will be made and no action on any issues raised will be taken."

January 15, 2014

Citizen Comments was not required by State Law, but was set forth in the Rules of Council Proceedings adopted by City Council. Each city or entity determined its process for citizen comments. The amount of time allotted to speakers was at the discretion of the Chair of the meeting. The City's current practice was to allow two minutes for each speaker.

Staff sought City Council direction regarding the request to change the current practice for Citizen Comments outlined in Rule 8 of Chapter 2, Rules of Council Proceedings.

Ms. Dianne Barker spoke in favor as a resident of District 7. She had mentioned the benefits of this change before and hoped that Council looked at the petition with fresh eyes. The basis of the petition requested to change Rule 8, Chapter 2 of the Rules of Council Proceedings so the public could speak during the formal meeting. She stated if approved it would no longer be two separate meetings and would encourage citizens to participate as well as permit communication within government. There would be two-way respect and speakers would stay on topic, if not they would be asked to sit down or be escorted out of the building.

Staff did some research and found that 99 percent of cities in the Valley put Citizen Comment on the formal agenda, noting most were at the beginning of the meeting. Ms. Barker added numerous cities offered three minutes per speaker. She believed their opportunity to be heard and considered could be as much as two minutes but citizens should be placed in their rightful position. Still, she was misunderstood and wanted this to resolve the problems presented to Council, and instead of assigning to staff place it on the agenda for Council action.

Mr. DiCiccio thanked Ms. Barker for bringing this forward and thought this was a prime example of citizens petitioning their government. The City had a policy that placed citizens at the end of the meeting and putting them in a position where they were not heard on television. He stressed the public had a right to talk as well as criticize Council and petition government but the public was prohibited from doing such. He wanted to make sure Citizen Comment was put on television because the public had a right to hear citizens concerns.

January 15, 2014

By law the public could only talk about the specific subject on the agenda. Mr. DiCiccio believed a lot of the frustration stemmed from the fact that speakers were not allowed to discuss general topics. The other part required a level of respect for other people in the audience that were present for other items by staying on topic. He just wanted to make sure Council followed the law but by moving this forward it gave citizens the ability to say whatever concerned them. There were a lot of things that were not transparent and this would allow people to criticize Council. He would support whatever motion came forward that permitted this to occur.

Ms. Greta Rogers also thanked Ms. Barker for bringing this petition forward and getting it affected for action by Council and further agreed with Mr. DiCiccio's comments. She pointed out formal meetings were open meetings by law for the benefit of citizens to participate and Council to listen, understand, and make suggestions for some type of action on a future agenda. It was also basic accepted manners of respect and politeness to the speaker that Council and staff listened without speaking to one another.

Mr. John Rusinek remarked the Maricopa Association of Governments held Citizen Comment at the beginning of the program which he felt was a good thing because Council was present to listen. When it was placed at the end some on the Council left and did not hear citizens concerns. He thought Council should be required to stay and having Citizen Comment at the beginning meant they would be present which resolved that problem. In addition, if this was televised other people might come to the meetings and express their feelings about government.

Mr. Pat Vint thanked Mr. DiCiccio for supporting the citizens of Phoenix but every Councilperson should comment on this matter because people wanted to know their thoughts in an open forum. Mr. Vint had been told numerous times the state prohibited Council from responding during Citizen Comment. Every Councilperson had equal voting power and was responsible for not only taking care of their respective district but the entire city.

Mrs. Williams clarified the law specified during public comment that Council could not discuss anything with speakers that was not posted on the agenda. She added staff could be assigned to take questions and provide a response.

Mr. Leonard Clark appreciated the fact this matter was put on the agenda. He wanted to make sure this not only gave him the ability to speak to Council but also put the meetings on television similar to other cities per the Telecommunications Act of 1996. Further, he agreed with the other folks who spoke that Citizen Comment be first on the agenda.

January 15, 2014

Vice Mayor Gates echoed the comments of Mr. DiCiccio and wished to thank Ms. Barker for bringing the petition forward. Vice Mayor Gates thought this was a good topic to discuss. Obviously there had been challenges with some of the meetings and believed part of it was due to concerns held by the public. He wanted to address these issues to improve the way meetings were run moving forward.

He understood the desire to have public comment at the beginning of the meeting. Vice Mayor Gates thanked staff for looking at how other municipalities handled public comment, noting some had it at the beginning while others placed it at the end. His concern with doing public comment at the beginning was he did not know how long it would take knowing people attended these meetings to speak on agenda items. Therefore, he was not supportive of placing public comment prior to the meeting but did favor the principles and concepts made during testimony; the main one was televising public comment.

Concerns were raised that some Council Members were not present at the end of meetings due to the length or other commitments. However, if public comment was at the end of the meeting and televised then Vice Mayor Gates would make it a priority to watch which he felt addressed that concern. The survey staff conducted showed many of the municipalities gave three minutes or more to speakers so it made sense to extend the public comment portion to three minutes.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 72 be approved to televise Citizen Comment, increase the amount of time per speaker to three minutes, and keep Citizen Comment following the conclusion of formal meetings in order to keep the start time consistent.

Ms. Barker remarked not everybody needed to speak during public comment but could submit written comments. She expressed it should be heard at the beginning of the meeting with a set timeframe similar to most other cities.

Mr. Waring concurred with putting public comment on television as well as expanding the time. Likewise, he was willing to place it at the beginning of the meeting but that was not included in the motion. However, he had seen the decorum at these meetings deteriorate since he joined the Council in 2011. He emphasized politeness was a two-way street, noting he usually stayed for public comment.

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He conveyed the behavior from speakers had put the Mayor and Vice Mayor in a position to constantly cut them off. People should be aware their time to speak was limited to two or three minutes and prepare comments ahead of time because it was not fair to others in the audience. Mr. Waring pointed out the bulk of public comment was taken up by five or six individuals which was fine but other people came to these meetings. This point went along with Vice Mayor Gates' comment about not knowing when the meetings would begin if public comment was placed at the beginning.

He did not mind what people said about him as that was the downside to public life. His request was that speakers refrain from swearing, calling people names, and defaming or embarrassing other audience members. Again, Mr. Waring was willing to televise public comment but did not want that kind of stuff on air as it did not reflect well on anyone. He had asked the City Attorney about the City's liability with regard to televising public comment. He recalled reading in the newspaper that Tempe stopped broadcasting their meetings because of things that were said by people on television.

City Attorney Gary Verburg replied Council's comments were immune from any sort of lawsuit related to defamation due to their legislative capacity as elected officials. On the contrary, that defense did not extend to the public so if they engaged in defamatory comments and it was published through the media they could be held responsible for those remarks. In further response to Mr. Waring, Mr. Verburg affirmed the City would not be liable.

Mr. Waring expressed if he had been a citizen speaking at a meeting and on the receiving end of such comments he would not be happy. In any case, he did not know if it was actionable but it still would have been an issue and wanted everyone to keep that in mind. If this was approved he asked that people respect the time limits by keeping their comments to three minutes. He continued if someone went well beyond their time limit they should expect to be cut off, especially the continuous banter that took up a lot of time. Once more, he agreed with televising public comment and extending the time limit. Another conversation for the future could be about doing some public comment at the beginning of the meeting, noting some Subcommittee meetings already had this in place.

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Mr. DiCiccio supported the motion since he believed this was a right of every citizen; however, he requested there be a level of decorum. It was one thing to call Council names but it was not right to do so to other audience members. He commented the current state of these meetings were dysfunctional and thought this would help because Council had an obligation to ensure citizens were heard.

Mr. Nowakowski also supported the extension of time from two to three minutes but was concerned about controlling speakers' time and respect for one another. He wanted staff to do some research on the code of ethics and thought the speaker cards should reflect that code.

Mr. Waring did not want his testimony to be misinterpreted as criticism of the way this was handled because he thought the Mayor and Vice Mayor had been polite but firm with speakers' time. He wondered if there was a way to set up two microphones so if someone went over their time the next person could begin. The Council needed to be able to cut off testimony and end the back and forth discussion.

Ms. Pastor would be chairing a subcommittee and transparency was one of the items on that committee which was very important. She also agreed that individuals had to treat each other with dignity and respect. It was fine to disagree or be passionate about a specific topic but it was preferable to have polite dialogue with one another. She supported the three minutes but wanted further research on a possible compromise to start Citizen Comment at 2:45 p.m. followed by the Formal Meeting at 3:00 p.m. If there were additional speakers it could continue after the meeting but wanted to look at this option for the future.

Mr. DiCiccio liked the idea of doing public comment at 2:45 p.m. then promptly starting the formal meeting at 3:00 p.m.

Mayor Stanton appreciated the suggestion and would support the motion on the floor to keep Citizen Comment at the end of the meeting, extend speaker time to three minutes, and televise that portion. However, two years ago these meetings were not televised, noting the only Council meeting on television at that time was the Policy Session. When he became Mayor the Council voted to put meetings on television, so he gave up a television show on Channel 11 to help pay for the cameras in the Chambers and in City Hall for the subcommittee meetings.

January 15, 2014

Since he had been Mayor the Council had significantly increased the amount of sessions as well as voting, debate, and dialogue on television. Mayor Stanton pointed out formal meetings were not televised and knew previous mayors were concerned with grandstanding by members of Council and the possibility of lengthening the meetings. He thought those concerns were negated by the desire people had to see what Council did in the modern era. Also, it was appropriate to present these opportunities not just to people who attended the meetings but those who wanted to watch at home or on the computer. He mentioned the meetings were now on the City of Phoenix web channel via YouTube which greatly improved transparency. This was another step in the right direction and he reiterated his support for the motion.

MOTION CARRIED UNANIMOUSLY.

ITEM 73

CITYWIDE

**AMEND FIXED ROUTE
AGREEMENT 127858 WITH
REGIONAL PUBLIC
TRANSPORTATION
AUTHORITY**

The Council heard request to authorize the City Manager, or his designee, to amend Agreement 127858, for Fiscal Year 2013-2014 for fixed route service with the Regional Public Transportation Authority (RPTA) for purchases of service from the City of Phoenix.

This agreement was originally approved by City Council on May 20, 2009. Effective July 1, 2013, the RPTA requested modifications to Route 29. This modification would increase RPTA funded revenue miles on Route 29 for weekdays by 270.9 miles per day, and increase weekend/holiday miles by 224.5 miles per day. These miles were previously funded by the City of Scottsdale.

Additionally, effective January 27, 2014, the RPTA requested modifications to Routes 3 and 17. These modifications would increase RPTA's funded revenue miles on Route 3 for weekdays by 522.3 miles per day and increase weekend/holiday miles by 254 miles per day. The modification to Route 17 would increase RPTA's funded revenue miles on weekdays by 705.9 miles per day, increase Saturday miles by 338.4 miles per day, and increase Sunday/holiday miles by 143.2 miles per day.

January 15, 2014

This change order would result in a service cost increase of \$999,256. The estimated increase in fare box revenue was \$183,061 bringing the estimated net cost to the RPTA for this service change to \$816,195. There was no cost to the City of Phoenix. The RPTA would fund this service change. Invoices for the remainder of the year would reflect any financial adjustments necessary for the retroactive and future changes.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 73 be approved.

Mr. Leonard Clark spoke in favor. Although there was no cost to the City, his concern was that buses were very limited in the West Valley which made it difficult for youth to get around and people to travel to their jobs. He wanted this to be looked at because more transportation was needed in that part of the valley.

Mr. Pat Vint had suggested when Light Rail was approved that it be elevated since laying track down took a lot of time and meant everything underground had to be fixed. Moreover, the construction on 19th Avenue and Dunlap Avenue was destroying businesses and once the track was down would damage the roads. He also believed the traffic signals were terrible and accidents that occurred on the ground tied up traffic.

MOTION CARRIED, noting Mr. Waring cast the dissenting vote.

Due to a possible conflict of interest, Ms. Gallego withdrew from the voting body on Item 74.

ITEM 74

DISTRICT 6

**WS85050026 - CONSTRUCTION
AGREEMENT WITH SALT
RIVER PROJECT FOR THE
42ND PLACE RESERVOIR**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Salt River Project (SRP). The purpose of this agreement was to allow SRP to install a new electrical service for City of Phoenix project WS85050026: 42nd Place Reservoir located at 7615 South 42nd Place. The electrical service was needed to power the new recirculation pump system and surface aerators that were installed in the 2, 7-million-gallon (MG) reservoirs that were currently being commissioned.

January 15, 2014

The agreement in the amount of \$10,153 provided for the design and construction of the new electrical service.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 74 be approved. **MOTION CARRIED UNANIMOUSLY.**

Ms. Gallego returned to the voting body.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Items 75 through 81.1 be approved. **MOTION CARRIED UNANIMOUSLY.**

ITEM 75 **DISTRICT 1** **FINAL PLAT - GALCO III -
130042**

The following final plat was reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code, and was approved on December 6, 2013:

Plat 130042
Project 07-2788
Name of Plat: Galco III
A One-Lot Commercial Plat
Generally located at the southeast corner of 21st Avenue and Quail Avenue

Owner(s): Gringotts, LLC and Don Key Enterprises, LLC
Engineer(s): Hunter Engineering

It was recommended that the above plat be approved by the City Council and certified by the City Clerk.

ITEM 76 **DISTRICT 2** **FINAL PLAT - REPLAT OF
LA SOLANA - 130037**

The following final plat was reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code, and was approved on December 13, 2013:

January 15, 2014

Plat 130037
Project 05-4028
Name of Plat: Replat of La Solana
A 109-Lot Residential Plat
Generally located at Dove Valley Road and North Valley Parkway

Owner(s): Pulte Home Corporation
Engineer(s): Hilgart-Wilson

It was recommended that the above plat be approved by the City Council and certified by the City Clerk.

This plat needed to record concurrently with Abandonment V-130018A.

ITEM 77 **DISTRICT 4** **FINAL PLAT - APS COUNTRY CLUB SUBSTATION - 130070**

The following final plat was reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code, and was approved on December 16, 2013:

Plat 130070
Project 13-2044
Name of Plat: APS Country Club Substation
A One-Lot Commercial Plat
Generally located at 502 East Sheridan Street

Owner(s): Arizona Public Service Company
Engineer(s): James A. Loftis, R.L.S.

It was recommended that the above plat be approved by the City Council and certified by the City Clerk.

ITEM 78 **DISTRICT 4** **FINAL PLAT - CORONADO COMMONS - 130066**

The following final plat was reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code, and was approved on December 11, 2013:

January 15, 2014

Plat 130066
Project 12-3199
Name of Plat: Coronado Commons
A 20-Lot Residential Subdivision
Generally located at 3rd Street and Coronado Road

Owner(s): Coronado Commons PHX, LLC
Engineer(s): Keogh Engineering

It was recommended that the above plat be approved by the City Council and certified by the City Clerk.

ITEM 79 **DISTRICT 6** **FINAL PLAT - PARK 28 -
130075**

The following final plat was reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code, and was approved on December 11, 2013:

Plat 130075
Project 05-1250
Name of Plat: Park 28
A One-Lot Commercial Plat
Generally located at Indian School Road and 28th Street

Owner(s): IL Cortile, LLC
Surveyor: SIG Survey Innovation Group, Inc.

It was recommended that the above plat be approved by the City Council and certified by the City Clerk.

ITEM 80 **DISTRICT 7** **FINAL PLAT - ESTRELLA
COMMERCE PARK PHASE II -
130071**

The following final plat was reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code, and was approved on December 20, 2013:

January 15, 2014

Plat 130071
Project 01-20702
Name of Plat: Estrella Commerce Park Phase II
A Two-Lot Commercial Plat
Generally located at 63rd Avenue and Buckeye Road

Owner(s): SHEFFA, LLC
Engineer(s): Griffin-Jacobs Engineering, Inc.

It was recommended that the above plat be approved by the City Council and certified by the City Clerk.

ITEM 81 **DISTRICT 8** **FINAL PLAT - CENTRAL AND GRANT PLAZA - 130040**

The following final plat was reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code, and was approved on December 18, 2013:

Plat 130040
Project 13-2081
Name of Plat: Central and Grant Plaza
A One-Lot Commercial Plat
Generally located at the southeast corner of Central Avenue and Grant Street

Owner(s): Chicanos Por La Causa, Inc.
Engineer(s): Cano and Associates, Inc.

It was recommended that the above plat be approved by the City Council and certified by the City Clerk.

ITEM 81.1 **CITYWIDE** **APPROVAL OF FINAL CORRECTIVE ACTION PLAN AND COST ALLOCATION PLANS FOR CLOSE OUT OF FEDERAL REVIEW**

The Council heard request for approval of the corrective action plan and cost allocation plans to close out the 2013 Head Start triennial federal review.

January 15, 2014

The Head Start Performance Standards required the U.S. Department of Health and Human Services Administration for Children and Families Office of Head Start to conduct a comprehensive review of each grantee every three years. The review measured seven areas of grantee performance: Program Governance; Management Systems; Fiscal Integrity; Eligibility, Recruitment, Selection, Enrollment, and Attendance; Child Health and Safety; Family and Community Engagement; and Child Development and Education. Data gathered about grantees during monitoring reviews were used by the Office of Head Start to evaluate multiple levels of performance, including determining program strengths, concerns, non-compliances, and deficiencies.

The City of Phoenix triennial review took place February 3 to 8, 2013. Fourteen reviewers conducted an extensive evaluation of the City's systems including 96 classroom/home visit observations, 160 child file reviews, and 100 staff file reviews. The final report, received March 28, 2013, outlined two areas of non-compliance. The City of Phoenix was granted 120 days, to July 27, 2013, to correct the non-compliance items. An extension was requested and granted to October 27, 2013, in order to allow time to train the Delegate Agency staff on the corrective actions when they returned from summer break in August. In addition, once all of the corrective actions were completed, the Head Start Policy Council and Governing Board (City Council Downtown, Aviation, and Redevelopment Subcommittee) were required to approve the corrective actions.

A draft of the final corrective action plan, as approved by the Head Start Policy Council and Governing board, was reviewed by the Office at Head Start Region IX in July 2013. They requested modifications to the plan and granted the City of Phoenix another three-month extension, to January 26, 2014, to complete the revisions. This report incorporated all revisions and requested City Council approval of the plans to close out the 2013 Head Start triennial federal review.

The following information outlined the two areas of non-compliance and the corrective actions taken:

Fiscal Integrity

<u>Applicable Standards</u>	<u>Status</u>	<u>Finding Type</u>
225, App A(C)(3)(a)	Non-compliance	Cost Principles

The grantee did not ensure charges to the Head Start and Early Head Start (EHS) programs were allocated in accordance with relative benefits received. The grantee was unable to support allocation percentages used to charge costs to the grant.

January 15, 2014

The grantee did not ensure shared costs were allocated to Head Start and EHS based on relative benefits received; therefore, it was not in compliance with the regulation.

Corrective Actions

The following information documented the actions taken to resolve the area of non-compliance:

- Cost allocation plans were developed to determine the methodology to be utilized for any shared costs between Head Start, Early Head Start, or the Human Services Department.
- Journal entries were completed to distribute the costs of the Community Assessment and non-federal share cost for Travis L. Williams and Sunnyslope Family Services Centers according to the cost allocation plans.
- To ensure all cost for the year were allocated appropriately, staff reviewed all charges to verify the allocation method. Three additional areas required journal entries to correct the charges.
- The Region IX Technical Assistance consultant met with the Head Start management staff on June 11 to provide training and technical assistance on cost allocation. The assistance included reviewing the draft cost allocation plans.
- A conference call was conducted with the Region IX Fiscal Specialist and Program Specialist to review the cost allocation plan and review feedback. The draft cost allocation plans were finalized at that time.
- The Head Start management staff and Management Services Division staff were trained on the new cost allocation plans on August 28, 2013.

Child Health and Safety

<u>Applicable Standards</u>	<u>Program Type</u>	<u>Status</u>	<u>Finding Type</u>
1304.53(a)(7)	Head Start	Non-compliance	Safe Physical Environments

The grantee did not ensure its delegate agency provided for the maintenance and repair of all Head Start facilities. Five percent of settings observed were not in good repair.

The grantee did not ensure its delegate agency provided for the maintenance and repair of all Head Start facilities; therefore, it was not in compliance with the regulation.

January 15, 2014

Corrective Actions

The following information documented the actions that were taken to resolve the area of non-compliance:

- As soon as the damaged storage shed was identified by the federal reviewer on February 7, 2013, and the Washington Head Start Director was notified, the program began the efforts to repair it. By 10:45 a.m. on February 8, 2013, the damaged shed was repaired by placing a wooden frame on the shed to correct the damage and prevent it from occurring again. A picture of the repaired shed was forwarded to the Washington Head Start Director, Grantee Head Start Director, and federal review team leader.
- The Region IX Technical Assistance Consultant provided training and technical assistance to the Head Start management team on June 20, 2013. This included reviewing the Grantee Monitoring Plan and tools, and reviewing the Delegate Agency documents.
- The Grantee Head Start Director met with each Delegate Agency Head Start Director to review the Health and Safety procedures. The procedures were clearly documented to ensure compliance.
- The Grantee reviewed its ongoing monitoring systems to ensure appropriate actions were being taken to monitor the classrooms.
- The Delegate Agencies provided training on the Health and Safety procedures during the pre-service orientation in August 2013 and the City of Phoenix employees were trained in September 2013.
- Six centers randomly selected by Region IX were reviewed from September 13 to September 20. Issues were identified in three of the six sites. Those sites were revisited in December 2013 and no issues were identified.
- In November 2013, random monthly health and safety checks were implemented by the Delegate Agency administrative staff and/or parents. In addition, the City of Phoenix was conducting a monthly random check.
- In December 2013, Delegate Agencies began reporting the results of their ongoing monitoring and monthly random health and safety checks to the City of Phoenix. This information would be shared with the Head Start Policy Council and Governing Board (City Council Downtown, Aviation, and Redevelopment Subcommittee).
- In January 2014, City of Phoenix staff would complete an inventory of all classrooms and playgrounds to identify furniture and equipment needing replacement or repairs. A request would be made to the Office of Head Start to provide one-time program improvement funding for items needing immediate attention. Other items would be replaced and repaired as program savings were identified.

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PLANNING AND ZONING MATTERS

ITEM 82

CITYWIDE

**ORDINANCE G-5880 -
PUBLIC HEARING -
Z-TA-6-13 - CORRECT
ADMINISTRATIVE ERRORS IN
THE DOWNTOWN CODE**

The Council heard 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-6-13
Request: To correct administrative errors in Chapter 12 Downtown Code
Proposal: Amend Chapter 12, Section 1212 (Downtown Gateway) of the Zoning Ordinance to correct administrative errors in the Downtown Code.
Applicant: City of Phoenix Planning Commission
Representative: Planning and Development Department
Staff: Approved.
VPC Action: The Village Planning Committees did not review this amendment.
PC Action: December 10, 2013 – Approved. Vote 9-0

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

Proposed Language

Amend Chapter 12, Section 1212.D (Downtown Gateway) of the Phoenix Zoning Ordinance to correct administrative errors in the Downtown Code as follows:

1212 Downtown Gateway.

D. Streetscape Standards.

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<i>Streetscape Standards Matrix</i>						
<i>Street Section</i>	<i>Minimum Building Setback</i>	<i>Maximum Building Setback</i>	<i>Building Frontage</i>	<i>Allowed Frontage Types</i>	<i>Minimum Sidewalk Width</i>	<i>Minimum Streetscape Zone Width</i>

1st Avenue Roosevelt Street to McKinley Street	0'	5'	Minimum 75%	SD, GA, <u>S</u>	8'	8'
1st Avenue McKinley Street to Fillmore Street	0'	5'	Minimum 75%	SD, GA, <u>S</u>	8'	8'
Central Avenue Coronado Road to Roosevelt Street	0'	5'	Minimum 75%	SD, GA, <u>S</u>	8'	8'
Central Avenue Roosevelt Street to Fillmore Street	0'	5'	Minimum 75%	SD, GA, <u>S</u>	8'	8'

(AFY) Active Front Yard, (SD) Stoop/Door Well, (DY) Dooryard, (S) Storefront, (GA) Gallery/Arcade, (SY) Side Yard, (ALL) All Frontage Types						

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

In response to Mayor Stanton, Acting Planning and Development Director Alan Stephenson advised a letter was left off in a table that referenced store front type for downtown.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 82 be approved per Planning Commission’s recommendation and to adopt the related ordinance.

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

MOTION CARRIED.

Items 83 and 84 were heard together.

<u>ITEM 83</u>	DISTRICT 2	RESOLUTION 21191 - <u>PUBLIC HEARING -</u> GPA-NG-2-13-2 - NORTH VALLEY PARKWAY AND NORTERRA PARKWAY
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The Council heard request to hold a public hearing on the land use for the following item to consider adopting the Planning Commission's recommendation and the related resolution, if approved.

Application:	GPA-NG-2-13-2 - Companion Case Z-46-13-2
Request:	Map Amendment
From:	Commercial
To:	Residential 3.5 to 5 du/ac
Acreage:	11.55
Location:	Approximately 400 feet north of the northwest corner of North Valley Parkway and Norterra Parkway
Proposal:	To extend the single-family residential use further south along North Valley Parkway.
Applicant:	Toni Bonar - HilgartWilson, LLC

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Staff: Approved.
VPC Action: North Gateway - November 14, 2013 - Approved. Vote 5-0
PC Action: December 10, 2013 - Approved. Vote 9-0

ITEM 84 **DISTRICT 2** **ORDINANCE G-5881 -**
PUBLIC HEARING -
Z-46-13-2 -
NORTH VALLEY PARKWAY
AND NORTERRA PARKWAY

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

Application: Z-46-13-2 - Companion Case GPA-NG-2-13-2
From: PCD NBCOD (Approved C-2 PCD NBCOD)
To: R1-6 NBCOD
Acreage: 13.69
Location: Approximately 400 feet north of the northwest corner of North Valley Parkway and Norterra Parkway
Proposal: Removal of North Gateway PCD (Z-34-01) to allow single-family.
Applicant: Randy Christman - Pulte Homes Corporation
Owner: Patrick R. Anderson Trust ETAL
Representative: Toni Bonar - Hilgart Wilson, LLC
Staff: Approved, subject to stipulations.
VPC Action: North Gateway - November 14, 2013 - Approved, subject to stipulations. Vote 5-0
PC Action: December 10, 2013 - Approved, subject to stipulations. Vote 9-0

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

Stipulations

SITE PLAN AND ELEVATIONS

1. The development shall be in general conformance with the site plan and elevations date stamped September 4, 2013, as modified by the Planning and Development Department, with specific regard to 43 lots.

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2. A minimum of 15 percent of the gross project area shall be retained as open space, including washes and hillside areas, as approved by the Planning and Development Department.
3. No more than 50 percent of the required landscape setback adjacent to North Valley Parkway shall be used for retention.
4. The main entryway design shall adhere to the North Gateway PCD, Functional Unit 1 (PCD 34-01) typical detail that includes a 12-foot median and a stone veneered entry monument, as approved by the Planning and Development Department.

WALLS

5. Solid walls above three feet shall not be allowed between the Central Arizona Project (CAP) Canal and the recreational area.
6. Lots adjacent to the open space to the south, along the CAP Canal shall incorporate view fencing, which is any combination of fencing that is at least 50 percent open, as approved by the Planning and Development Department.
7. The perimeter wall adjacent to North Valley Parkway shall include material and textural differences, such as stucco and/or split face block with a decorative element, as approved by the Planning and Development Department. The NBCC requires stone detail of rock, stone veneer, stonework, or faux stone to be incorporated.

STREET TRANSPORTATION

8. The developer shall provide full improvements to North Valley Parkway for the length of the property and construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all Americans with Disabilities Act accessibility standards.
9. The Developer will be responsible for the installation of conduit and pull boxes for the future traffic signal at Casino Avenue and North Valley Parkway. Signal installation will only occur after warrants have been met as determined by the Street Transportation Department.

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OTHER

10. The property owner shall record a "Notice to Prospective Purchasers of Proximity to Airport" in order to disclose the existence and operational characteristics of the Phoenix Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be according to the template and instructions provided which have been reviewed and approved by the City Attorney.
11. A development agreement shall be provided (prior to Preliminary Site Plan approval) that the development and/or association will be responsible for the landscape and maintenance of the right-of-way and median islands adjacent to the property. The agreement shall run with the entitled property and the City of Phoenix shall be listed as an additional signatory to the agreement, as approved by the Planning and Development Department prior to recordation with the County Recorder.

Acting Planning and Development Director Alan Stephenson advised staff requested Items 83 and 84 be continued to the January 29, 2014, formal meeting because one neighborhood association did not receive the required notice for this application. He affirmed staff would send notice to this particular association and get together with them prior to the next meeting.

Mr. Waring wanted to know if Mr. Randy Christman with Pulte Group agreed with the continuance.

Mayor Stanton stated the following speaker comment cards were submitted in favor of the item, but did not wish to speak:

Mr. Randy Christman - Pulte Group
Ms. Toni Bonar - Hilgart Wilson
Mr. Bradley Novacek - Hilgart Wilson

Mayor Stanton called on Mr. Vint to speak only on the request for continuance.

Mr. Pat Vint noticed the item was listed as a public hearing.

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Mayor Stanton explained the public hearing was not opened due to the motion for continuance. Therefore, it would be inappropriate to hear this item now because of the posting issue. He conveyed the City had requirements for posting items so the public could appear and it was not done on this matter. In further response to Mr. Vint, Mayor Stanton stated he could submit written comments that would be taken into consideration if he could not attend the next meeting but the Council could not take substantive testimony at this meeting on the item.

Mr. Waring was contacted by someone who lived in the neighborhood that did not get notified of this matter. Staff spoke with the individual and established the Homeowners Association did not get notification which was the reason for continuance.

MOTION was made by Mr. Waring, **SECONDED** by Ms. Pastor, that Items 83 and 84 be continued to the January 29, 2014, formal meeting. **MOTION CARRIED UNANIMOUSLY.**

ADJOURNMENT

There being no further business to come before the Council, Mayor Stanton declared the meeting adjourned at 4:59 p.m.

MAYOR

ATTEST:

CITY CLERK

0115min.doc/SC

January 15, 2014

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 15th day of January, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 28th day of March, 2014.

City Clerk