

January 29, 2014

The Phoenix City Council convened in formal session on Wednesday, January 29, 2014, at 3:05 p.m. in the Council Chambers.

INVOCATION

The invocation was given by Senior Pastor Rodger Loar, Mountain View Christian Church.

PLEDGE

The Pledge of Allegiance to the Flag was led by Councilman Jim Waring.

The City Council briefly adjourned the formal meeting at 3:07 p.m. in order to conduct the meeting of the Assisted Housing Governing Board, and then reconvened the formal meeting at 3:09 p.m.

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, Acting City Attorney Daniel Brown, City Clerk Cris Meyer, Community and Economic Development Director John Chan, Deputy Economic Development Director Scott Sumners, Acting Aviation Director Tamie Fisher, Acting Planning and Development Director Alan Stephenson, and Management Assistant II Denise Archibald

*Ms. Pastor arrived in the Chambers and joined the voting body prior to Item 1.

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MINUTES OF MEETINGS

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

Continued from January 15, 2014 - Mr. DiCiccio found the minutes of the formal meeting of October 30, 2013, to be in order and **MOVED** their approval. This was **SECONDED** by Mrs. Williams. **MOTION CARRIED UNANIMOUSLY.**

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

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-5881 through G-5882; S-40452, S-40495, S-40496, and S-40527 through S-40554; and Resolutions 21191 through 21195 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.

BOARDS AND COMMISSIONS

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to approve the following board and commission appointment as submitted by Mayor Stanton:

Library Advisory Board

- To appoint Carolyn Addie, replacing Roxanne Reddick, for a term to expire June 30, 2016

MOTION CARRIED UNANIMOUSLY.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to approve the following board and commission reappointments as submitted by Council members:

North Mountain Village Planning Committee

- To reappoint Pam Doan, for a term to expire November 19, 2015
- To reappoint Jim Larson, for a term to expire November 19, 2015
- To reappoint Sissie Shank, for a term to expire November 19, 2015
- To reappoint Robin Schneider, for a term to expire November 19, 2015

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Paradise Valley Village Planning Committee

- To reappoint Jerry Cobb, for a term to expire November 19, 2015

MOTION CARRIED UNANIMOUSLY.

Mayor Stanton administered the oath of office to Carolyn Addie for the appointment reflected above.

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

Ms. Pastor arrived in the Chambers and joined the voting body.

LIQUOR LICENSE APPLICATIONS

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Items 1 through 18 be recommended for approval.

Mayor Stanton noted speaker comment cards were submitted in favor, but not wishing to speak, as follows:

- Item 8 - Katie Sarvas (applicant)
- Item 17 - Sharri Runnels (applicant)

MOTION CARRIED UNANIMOUSLY.

<u>ITEM 1</u>	DISTRICT 1	LIQUOR LICENSE APPLICATION - <u>DUNES LOUNGE</u>
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The Council heard request for a Series 6, On Sale-All Liquor, liquor license in an area zoned C-2. Arizona State Application 06070236.

Applicant: Rose Davidson, Agent
 Dunes Lounge
 3611 West Dunlap Avenue

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

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Application Description

This request was for an ownership transfer of a Series 6 liquor license from Sand Pile Entertainment, LLC to LVC, LLC for a bar. This location was previously licensed for liquor sales and was operating with an interim permit.

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 have been in the food services and related businesses for many years. I enjoy mixing with people. I run a very clean and tidy business."

Staff Recommendation

Staff recommended approval of this application.

ITEM 2

DISTRICT 1

**LIQUOR LICENSE
APPLICATION - BENTO BOX**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079729.

Applicant: Tina Roberts, Agent
Bento Box
2501 West Happy Valley Road, #50-1230

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 the restaurant area seated 25 and there was no bar area.

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):

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "I've owned and operated businesses with liquor licenses. There have been no suspensions and any problems were dealt with promptly."
- 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 will add more variety of options to the members of the community looking to have liquor along with their food."

Staff Recommendation

Staff recommended approval of this application.

ITEM 3

DISTRICT 3

**LIQUOR LICENSE
APPLICATION -
FRESH & EASY #1146**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license with Sampling Privileges in an area zoned C-1. Arizona State Applications 10076473 and 10076473S.

Applicant: Andrea Lewkowitz, Agent
Fresh & Easy #1146
1209 East Bell Road

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

Application Description

This request was for a new Series 10 liquor license with sampling privileges for a grocery store. This location was previously licensed for liquor sales as Fresh & Easy Neighborhood Market and was operating with an interim permit.

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: "Fresh & Easy holds several liquor licenses in Arizona and throughout the United States. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper sales to their customers."

Staff Recommendation

Staff recommended approval of this application.

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

<u>ITEM 4</u>	DISTRICT 4	LIQUOR LICENSE APPLICATION - SPECIAL EVENT - ACTORS THEATRE OF PHOENIX
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The Council heard request for the following application 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	Erica Black Actors Theatre of Phoenix 5110 North 44th Street, L200 (Silent Auction/Cocktail Party)	<u>Event Location:</u> 300 East Indian School Road <u>Day/Date/Time:</u> Sunday, April 13, 2014 5:00 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.

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ITEM 5

DISTRICT 4

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ARIZONA
HEMOPHILIA
ASSOCIATION, INC.**

The Council heard request for the following application 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	Cindy Komar Arizona Hemophilia Association, Inc. 826 North 5th Avenue (Food and Tequila Tasting)	<u>Event Location:</u> 300 East Indian School Road <u>Day/Date/Time:</u> Saturday, March 8, 2014 10:00 a.m. to 6:00 p.m. <u>Total Expected Attendance:</u> 20,000

Staff Recommendation

Staff recommended approval of this application.

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

ITEM 6

DISTRICT 4

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ST. FRANCIS XAVIER
ROMAN CATHOLIC PARISH
PHOENIX**

The Council heard request for the following application 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>
4	Nancy Shaw St. Francis Xavier Roman Catholic Parish Phoenix 4715 North Central Avenue (Dinner/Dance)	<u>Event Location:</u> 4715 North Central Avenue <u>Day/Date/Time:</u> Saturday, March 1, 2014 6:00 p.m. to 10:00 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.

ITEM 7

DISTRICT 4

**LIQUOR LICENSE
APPLICATION -
FRESH & EASY #1075**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license with Sampling Privileges in an area zoned C-2. Arizona State Applications 10076471 and 10076471S.

Applicant: Andrea Lewkowitz, Agent
Fresh & Easy #1075
655 West Indian School Road

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

Application Description

This request was for a new Series 10 liquor license with sampling privileges for a grocery store. This location was previously licensed for liquor sales as Fresh & Easy Neighborhood Market and was operating with an interim permit.

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: "Fresh & Easy holds several liquor licenses in Arizona and throughout the United States. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper sales to their customers."

Staff Recommendation

Staff recommended approval of this application.

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

<u>ITEM 8</u>	DISTRICT 6	<u>LIQUOR LICENSE APPLICATION - SPECIAL EVENT - NOTMYKID, INC.</u>
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The Council heard request for the following application 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	Katherine Sarvas NotMyKid, Inc. 5230 East Shea Boulevard, Suite 100 (Dinner/Raffle/Live Auction)	<u>Event Location:</u> 5031 East Washington Street <u>Day/Date/Time:</u> Friday, April 25, 2014 7:00 p.m. to 12 midnight <u>Total Expected Attendance:</u> 800

Staff Recommendation

Staff recommended approval of this application.

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

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ITEM 9

DISTRICT 6

**LIQUOR LICENSE
APPLICATION -
FRESH & EASY #1048**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license with Sampling Privileges in an area zoned PSC. Arizona State Applications 10076476 and 10076476S.

Applicant: Andrea Lewkowitz, Agent
Fresh & Easy #1048
7812 North 12th Street

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

Application Description

This request was for a new Series 10 liquor license with sampling privileges for a grocery store. This location was previously licensed for liquor sales as Fresh & Easy Neighborhood Market and was operating with an interim permit.

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: "Fresh & Easy holds several liquor licenses in Arizona and throughout the United States. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper sales to their customers."

Staff Recommendation

Staff recommended approval of this application.

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

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ITEM 10

DISTRICT 6

**LIQUOR LICENSE
APPLICATION -
FRESH & EASY #1331**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license with Sampling Privileges in an area zoned C-2 PCD. Arizona State Applications 10076475 and 10076475S.

Applicant: Andrea Lewkowitz, Agent
Fresh & Easy #1331
4816 East Ray Road

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

Application Description

This request was for a new Series 10 liquor license with sampling privileges for a grocery store. This location was previously licensed for liquor sales as Fresh & Easy Neighborhood Market and was operating with an interim permit.

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: "Fresh & Easy holds several liquor licenses in Arizona and throughout the United States. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper sales to their customers."

Staff Recommendation

Staff recommended approval of this application.

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

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ITEM 11

DISTRICT 6

**LIQUOR LICENSE
APPLICATION -
FRESH & EASY #1408**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license with Sampling Privileges in an area zoned C-2. Arizona State Application 10076474 and 10076474S.

Applicant: Andrea Lewkowitz, Agent
Fresh & Easy #1408
3933 East Camelback Road

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

Application Description

This request was for a new Series 10 liquor license with sampling privileges for a grocery store. This location was previously licensed for liquor sales as Fresh & Easy Neighborhood Market and was operating with an interim permit.

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: "Fresh & Easy holds several liquor licenses in Arizona and throughout the United States. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper sales to their customers."

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.

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

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ITEM 12

DISTRICT 6

**LIQUOR LICENSE
APPLICATION - THE MARKET
BY JENNIFER'S CATERING**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079731.

Applicant: Randy Nations, Agent
The Market by Jennifer's Catering
3611 East Indian School Road, Suite A

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 licensed for liquor sales with a Series 7, On Sale-Beer and Wine, liquor license. The operation plan filed with the application showed the restaurant area seated 50 and there was no bar area. This business would have outdoor dining and outdoor alcohol sales. This location required a Use Permit for this type of activity.

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: "I will require my employees to attend the basic liquor law training class. This location is currently licensed with a Series 7 liquor license."
- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "I would like to offer my patrons an alcoholic beverage if they choose to have one."

Staff Recommendation

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

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ITEM 13

DISTRICT 7

**LIQUOR LICENSE
APPLICATION -
TAQUITOS & BEER**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned A-1. Arizona State Application 12079638.

Applicant: Theresa Morse, Agent
Taquitos & Beer
7710 West Lower Buckeye Road, #107

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 licensed for liquor sales. The operation plan filed with the application showed the restaurant area seated 70 and the bar area seated 13.

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 have already attended both basic and management liquor law training and I am assisting with the business financially as well as physically working at the location. I have no criminal history and am a very responsible individual."

Staff Recommendation

Staff recommended approval of this application.

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ITEM 14

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ALWUN HOUSE
FOUNDATION**

The Council heard request for the following application 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	Dana Johnson Alwun House Foundation 1204 East Roosevelt Street	<u>Event Location:</u> 1204 East Roosevelt Street
	(Art Show/Dance Performance)	<u>Day/Date/Time:</u> Friday, February 14, 2014 7:00 p.m. to 1:00 a.m.
		<u>Total Expected Attendance:</u> 400

Staff Recommendation

Staff recommended approval of this application.

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

ITEM 15

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ALWUN HOUSE
FOUNDATION**

The Council heard request for the following application 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	Dana Johnson Alwun House Foundation 1204 East Roosevelt Street	<u>Event Location:</u> 1204 East Roosevelt Street
	(Poetry/Live Music)	<u>Day/Date/Time:</u> Friday, February 21, 2014 7:00 p.m. to 12:30 a.m.
		<u>Total Expected Attendance:</u> 175

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Staff Recommendation

Staff recommended approval of this application.

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

ITEM 16

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - SAINT SAVA SERBIAN
ORTHODOX CHURCH**

The Council heard request for the following application 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	Donna Vudrag Saint Sava Serbian Orthodox Church 848 East Baylor Lane (Golf Tournament/Dinner/ Live Music)	<u>Event Location:</u> 4436 East McKinley Street <u>Day/Date/Time:</u> Thursday, February 20, 2014 7:00 p.m. to 11:00 p.m. <u>Total Expected Attendance:</u> 100 <u>Day/Date/Time:</u> Friday, February 21, 2014 7:00 p.m. to 11:00 p.m. <u>Total Expected Attendance:</u> 200 <u>Day/Date/Time:</u> Saturday, February 22, 2014 5:00 p.m. to 12 midnight <u>Total Expected Attendance:</u> 200

Staff Recommendation

Staff recommended approval of this application.

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

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ITEM 17

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - SPINA BIFIDA
ASSOCIATION OF
ARIZONA, INC.**

The Council heard request for the following application 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	Sharri Runnels Spina Bifida Association of Arizona, Inc. 5712 West Laurie Lane (Festival/Beer Tasting)	<u>Event Location:</u> 475 East Lincoln Street <u>Day/Date/Time:</u> Saturday, February 22, 2014 1:00 p.m. to 6:00 p.m. <u>Total Expected Attendance:</u> 2,500

Staff Recommendation

Staff recommended approval of this application.

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

ITEM 18

DISTRICT 8

**LIQUOR LICENSE
APPLICATION -
FRESH & EASY #1024**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license with Sampling Privileges in an area zoned C-2. Arizona State Applications 10076472 and 10076472S.

Applicant: Andrea Lewkowitz, Agent
Fresh & Easy #1024
1960 West Baseline Road

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

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Application Description

This request was for a new Series 10 liquor license with sampling privileges for a grocery store. This location was previously licensed for liquor sales as Fresh & Easy Neighborhood Market and was operating with an interim permit.

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: "Fresh & Easy holds several liquor licenses in Arizona and throughout the United States. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper sales to their customers."

Staff Recommendation

Staff recommended approval of this application.

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

ITEM 19

DISTRICT 4

**LIQUOR LICENSE
APPLICATION - BADA BING
GENTLEMEN'S CLUB**

The Council heard request for a Series 6, On Sale-All Liquor, liquor license in an area zoned C-2. Arizona State Application 06070721.

Applicant: Greg Casteel, Agent
Bada Bing Gentlemen's Club
1702 East McDowell Road

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 Chandler for a topless bar. This location was not previously licensed for liquor sales and did not have 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):

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "I have operated this adult-oriented business for some time and I familiar with its operation. We will have employees trained in the liquor laws and we comply with those laws."

- 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 will raise the age of patrons from 18 to 21 which will be beneficial to the community's best interest."

Staff Recommendation

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

The Police Department disapproval was based on concerns with the applicant's criminal history and failure to fully disclose ownership in other businesses, as required during the liquor license application process. The applicant had not demonstrated the capability, reliability, and qualifications required to hold and control a liquor license.

The Street Transportation Department disapproval was pursuant to Arizona Revised Statutes, Section 4-207, restricting liquor licensing near churches and schools. The proposed liquor license location was within 300 feet of a church.

Per updated information from staff, the Police Department withdrew its opposition to this request.

Management Assistant II Denise Archibald advised the Council that the applicant was potentially requesting a continuance.

Mr. Harvey Yee stated he was an attorney and represented the applicant for this liquor license. He confirmed they were asking for a one-week continuance to meet with Ms. Pastor and address the issue of the church and its proximity to the location. Although it involved a state statute, there were issues associated with the City's interpretation.

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Noting the decision to continue this item and meet with the applicant was at Ms. Pastor's pleasure, Mayor Stanton shared that being within 300 feet of a church was a state law issue. He did not know if the establishments involved were 300 feet apart, but if they were not, there was not much the Council could do about it. Nonetheless, a one-week continuance likely would not affect the timing requirement at the State Liquor Board.

Ms. Archibald confirmed staff had received a 60-day waiver from Mr. Yee.

In the name of fairness, Ms. Pastor agreed with continuing this matter so she could meet with the applicant and then move forward from there.

MOTION was made by Ms. Pastor, **SECONDED** by Mrs. Williams, that Item 19 be continued to the formal meeting on February 5, 2014. **MOTION CARRIED UNANIMOUSLY.**

OFF-TRACK PARI-MUTUEL WAGERING APPLICATIONS

ITEM 20

DISTRICT 6

OFF-TRACK PARI-MUTUEL WAGERING PERMIT - MR. HANEY'S

The Council heard request for an Off-track Pari-mutuel Wagering Permit to a business with a Series 6, On Sale-All Liquor, liquor license in an area zoned C-2.

Applicant: David Johnson, Agent for Turf Paradise
Mr. Haney's
5110 East McDowell Road

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

Application Description

State law required City Council approval before a State Off-track Pari-mutuel Wagering Permit could be issued. This request was for a permit for off-track betting on horse races conducted at Turf Paradise. Public notice was posted at the proposed location on December 20, 2013, and special notice letters were mailed to residents within a 1/8 mile radius of the proposed location. The posting period expired January 10, 2014.

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Public Opinion

No petitions or protests were received.

Staff Recommendation

Staff recommended approval of this application.

MOTION was made by Mr. DiCiccio, **SECONDED** by Mrs. Williams, that Item 20 be recommended for approval. **MOTION CARRIED UNANIMOUSLY.**

OLD BUSINESS

ITEM 21

DISTRICT 8

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

Continued from January 15, 2014 - 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.

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):

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- 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, Arizona 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, Arizona 85003.

Staff Recommendation

Staff recommended approval of this application.

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

Mrs. Gallego stated she had a good meeting with the counsel for Dollar General and they agreed to a good-faith agreement to not sell single-serve alcohol at this Dollar General Store. She thanked them for that commitment; further stating they were also going to be a good partner in the City's efforts to reduce underage drinking in the South Mountain area.

Based on that successful meeting, **MOTION** was made by Mrs. Gallego, **SECONDED** by Mr. DiCiccio, that Item 21 be recommended for approval. **MOTION CARRIED**, 7-2, with Mr. Gates and Mrs. Williams casting the dissenting votes.

ORDINANCES AND RESOLUTIONS

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Items 22 through 57 be adopted; excepting Items 23, 26, 29, 31, 36, 40, 41, 46, 47, 49, 51, 54, and 55; and noting Items 24 and 27 were continued to the formal meeting on February 19, 2014, Item 44 was withdrawn, and Item 48 was adopted as corrected (see item for specific details).

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

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MOTION CARRIED. Item 44 was reconsidered following Item 41, and Item 57 was reconsidered following Items 54 and 55 which were heard together.

ITEM 22 **DISTRICT 7** **ORDINANCE G-5882 -
OFFICIAL SUPPLEMENTARY
ZONING MAP 1139**

The Council heard request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1139.

Z-376-85 C-2* (Owner: WILLIAM C. NEILS, ET AL.)

To rezone a parcel located at the northwest corner of 35th Avenue and Southern Avenue (approximately 28.19 acres).

ITEM 24 **DISTRICT 8** **ORDINANCE S-40495 -
ACQUISITION OF
ONE OCCUPIED RESIDENTIAL
PROPERTY FOR THE
COMMUNITY NOISE
REDUCTION PROGRAM**

Continued from January 15, 2014 - 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 for the Aviation Department's Community Noise Reduction Program. This also authorized 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 were 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 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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This further authorized 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.

Item 24 was continued by the Council to the formal meeting on February 19, 2014.

<u>ITEM 25</u>	DISTRICT 8	ORDINANCE S-40496 - ACQUISITION OF TWO VACANT INDUSTRIAL PROPERTIES FOR THE COMMUNITY NOISE REDUCTION PROGRAM
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Continued from January 15, 2014 - 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 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 Parcel Number (APN):

<u>Owner</u>	<u>Address</u>	<u>Appraisal</u>	<u>WBS Element</u>
Stacey Raechelle Maynard, as Successor Trustee of the Margie Jean Vise Burk Trust dated March 6, 1995	3039 and 3051 East Washington Street APNs: 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.

This further authorized the City Controller to disburse funds necessary to purchase the properties at the City's appraised value, plus usual and customary closing costs.

A speaker comment card was submitted in favor of Item 25 by Stacey Raechelle Maynard, who did not wish to speak on this matter.

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ITEM 27

DISTRICT 8

**ORDINANCE S-40528 -
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 for the Aviation Department's Community Noise Reduction Program. This also authorized 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 were 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 Parcel Number (APN):

<u>Owner</u>	<u>Address</u>	<u>Appraisal</u>	<u>WBS Element</u>
Pomposa S. Valdez, a widow	1417 South 9th Street APN: 115-44-080A	\$47,000	AV01040079

This further authorized 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.

Item 27 was continued by the Council to the formal meeting on February 19, 2014.

ITEM 28

DISTRICT 8

**ORDINANCE S-40529 -
AGREEMENTS FOR
TERMINAL 2 FOOD AND
BEVERAGE CONCESSIONS
AT SKY HARBOR AIRPORT**

The Council heard request to authorize the City Manager, or his designee, to enter into concession lease agreements with First Class Concessions, Inc.; JMJ-LLC; and Phoenix Airport Food Services, Inc. to operate food and beverage concessions in Terminal 2 at Phoenix Sky Harbor International Airport (PHX).

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Delaware North Companies Travel Hospitality Services, Inc. (Delaware North), the current master food and beverage concessionaire for Terminal 2, notified the Aviation Department it would cease operations on February 21, 2014, when the contract term of Food & Beverage Concessions Contract 71292 ended.

First Class Concessions, Inc., dba The Coffee Bean & Tea Leaf; JMJ-LLC, dba Wendy's; and Phoenix Airport Food Services, Inc., dba Paradise Bakery, currently had sublease agreements with Delaware North as Airport Concessions Disadvantaged Business Enterprise (ACDBE) operators in Terminal 2.

Terminal 2 was expected to close following the completion of the Terminal 3 Modernization Program. Aviation recommended entering into direct contracts with the ACDBE operators currently under sublease with Delaware North. Allowing the current Terminal 2 concessionaires to continue operations was in the best interest of the traveling public and the City to ensure uninterrupted food service in Terminal 2.

The lease term would be for three years with a provision for a 90-day notice of closure or early termination at the Aviation Director's sole discretion to accommodate any unexpected changes in passenger activity during the lease term. Rent would be ten percent of gross sales. The ACDBE operators would retain their existing workforce. The lease would contain other terms and conditions deemed necessary or appropriate by the City Manager or Aviation Director.

ITEM 30

CITYWIDE

**ORDINANCE S-40531 -
IFB 14-039 - ROOFING
REPAIRS AND REPLACEMENT
FOR CITY-OWNED
PROPERTIES -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Capstone Roofing and Progressive Roofing. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$550,000, with an estimated annual expenditure of \$110,000.

Six bids were received by the Procurement Division on November 8, 2013, for roofing services for the Housing Department for a two-year period beginning on or about February 1, 2014 and ending on January 31, 2016. Following is a tabulation of the two lowest bids received:

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<u>Description</u>	<u>Capstone Roofing*</u>	<u>Progressive Roofing*</u>
Remove all roofing materials	\$.45/square-foot	\$.70/square-foot
Install new shingle roofing	\$ 1.47/square-foot	\$ 2.65/square-foot
Install 3-tab shingle roofing	\$ 1.32/square-foot	\$ 2.25/square-foot
Install peel and stick roofing	\$ 1.95/square-foot	\$ 4.50/square-foot
Install underlayment	\$.11/square-foot	\$.25/square-foot
Replace damaged decking	\$ 1.69/square-foot	\$ 2.34/square-foot
Replace decking planks	\$ 4.21/linear-foot	\$ 4.00/linear-foot
Replace fascia board	\$ 6.85/linear-foot	\$ 4.50/linear-foot
Install drip edge	\$.60/linear-foot	\$ 1.50/linear-foot
Install new collars or roof jacks	\$12.11 each	\$25.00 each
Hourly rate - regular hours	\$40.00/hour	\$58.00/hour
Hourly rate - emergency hours	\$65.00/hour	\$85.00/hour
Elastomeric coatings	\$ 1.10/square-foot	\$.90/square-foot

It was recommended by the Deputy Finance Director that the companies listed above, as asterisked, be accepted as the lowest priced responsive and responsible bidders.

Multiple awards were recommended for times when one vendor could not be available to meet the volume and variety of needs outlined in the contract. Staff would use the most cost effective contract to meet its needs whenever possible.

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

ITEM 32

CITYWIDE

**ORDINANCE S-40533 -
IFB 14-059 - OUTDOOR
DIGITAL SIGNS FOR PUBLIC
TRANSIT LOCATIONS -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Audio Visual Resources for outdoor digital signs

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for Phoenix Public Transit Department (PTD) locations on an as-needed basis during a one-year contract period beginning on or about February 1, 2014 and ending January 31, 2015. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$875,155, with an estimated annual amount of \$175,031.

The PTD was replacing 30 outdoor digital signs primarily at Park-and-Ride locations. The existing digital signs had reached their end-of-life. The digital signs were part of a regional Vehicle Management System that provided current bus schedules and actual bus arrival times to passengers. New digital signage technology would be capable of delivering transit and other sources of information such as Arizona Department of Transportation traffic alerts and public announcements.

Two bids were received and opened on October 25, 2013. Following is a tabulation of the responsive bid received:

<u>Bidder</u>	<u>Bid Price</u>
Audio Video Resources	\$175,031.10

It was recommended by the Deputy Finance Director that the bid of Audio Video Resources be accepted as the responsive and responsible bidder.

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.

ITEM 33 **CITYWIDE** **ORDINANCE S-40534 -
IFB 14-063 - RADIATOR
REPAIR AND RE-CORE
SERVICES - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Colby Welding & Radiator for radiator repair and re-core services on an as-needed basis during a one-year contract period beginning on or about February 1, 2014 and ending January 31, 2015. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$375,000, with an annual estimated expenditure of \$75,000.

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Two bids were received and opened on December 6, 2013. Following is a tabulation of the bids received:

<u>Groups</u>	<u>Colby Welding & Radiator</u>	<u>Kachina Heat Transfer, Inc.</u>
Group I - Repair or re-core radiators for equipment up to and including 1 1/2 tons, assembled using solder and/or crimp process.	\$305.00*	\$561.60
Group II - Repair or re-core radiators for equipment over 1 1/2 tons, assembled using solder and/or crimp process.	\$415.00*	\$626.00
Group III - Repair or re-core radiators for equipment over 1 1/2 tons, with bolt on tanks and headers.	\$470.00*	\$873.00
Group IV - Repair or re-core of other miscellaneous radiator related parts such as intercoolers, oil coolers, and transmission coolers.	\$ 55.00*	\$ 56.00

It was recommended by the Deputy Finance Director that the bid of Colby Welding & Radiator, as asterisked, be accepted as the responsive and responsible bidder.

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 34

DISTRICTS 7 AND 8

**ORDINANCE S-40535 -
IFB 14-069 - MEDIUM VOLTAGE
MAINTENANCE AND REPAIR -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Sabino Electric, Inc. to provide maintenance and repair for all Phoenix Convention Center medium voltage systems for a contract term of two years beginning on or about February 1, 2014 and ending January 31, 2016. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$601,500, with an estimated annual expenditure of \$120,300.

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Report of one bid received and opened by the Procurement Division on December 6, 2013. Following is tabulation of the only responsive and responsible offer received:

<u>Bidder</u>	<u>Total Bid Price</u>
Sabino Electric, Inc.	\$120,300

It was recommended by the Deputy Finance Director that the bid submitted by Sabino Electric, Inc. be accepted as the only responsive and responsible bidder.

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

**ITEM 35 CITYWIDE ORDINANCE S-40536 -
IFB 14-071 - IDA
CORPORATION RADIO
EQUIPMENT - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Creative Communications. This further authorized the City Controller to disburse funds over the life of the contract in an aggregate amount not to exceed \$292,500, with an estimated annual amount of \$58,500.

Report of seven bids received by the Procurement Division on November 22, 2013, to provide radio equipment necessary to support the radio communications network for Information Technology Services on an as-needed basis for a one-year period beginning on or about February 1, 2014 and ending January 31, 2015. Following is a tabulation of the lowest bids received:

<u>Bidder</u>	<u>Total Bid Price</u>
Creative Communications*	\$53,096.70
Leavitt Communications, LLC	\$56,627.30
Vincent Communications, Inc.	\$56,778.26

It was recommended by the Deputy Finance Director and the Acting Chief Information Officer that the bid of Creative Communications, as asterisked, be accepted as the lowest responsive and responsible bidder.

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

ITEM 37 **CITYWIDE** **ORDINANCE S-40538 -
RFA 14-030 - CROWN
VICTORIA FUEL BLADDER
TANK (REFURBISHMENT) -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Fuel Safe for the refurbishment of approximately 128 Crown Victoria fuel bladder tanks for the Public Works Department for a contract term beginning on or about February 1, 2014 and ending on January 31, 2015. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$700,000, with an annual estimated expenditure of \$140,000.

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 38 **CITYWIDE** **ORDINANCE S-40539 -
RFA 14-034 - TWO PIERCE
QUANTUM PUMPER TRUCKS**

The Council heard request to authorize the City Manager, or his designee, to enter into an intergovernmental agreement with the Houston-Galveston Area Council for the purchase of two Pierce Quantum pumper trucks for the Fire Department. The vehicles offered in this agreement were established by a competitive public procurement process. This further authorized the City Controller to disburse funds for the purchase in an amount not to exceed \$1,164,737.26.

ITEM 39 **DISTRICT 2** **ORDINANCE S-40540 -
ACQUISITION OF A VACANT
STATE LAND PARCEL FOR
WELL 287 CONVERSION
PROJECT - CAVE CREEK AND
DYNAMITE BOULEVARD**

The Council heard request to authorize the City Manager, or his designee, to acquire fee title or lesser interest in all, or portions of, a vacant State land parcel located east of Cave Creek Road and north of Dynamite Boulevard, and

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execute documents necessary to accomplish the acquisition. The property consisted of approximately 0.63 acres and was required to facilitate the conversion of Well 287 from a potable well to non-potable well.

Acquisition for the purchase price and other terms were established at the Arizona State Land Department public auction, with the City's maximum bid to be determined by the City Manager, consistent with instructions provided by the City Council in Executive Session.

This further authorized the City Controller to disburse funds for the purchase of this property, plus usual and customary closing costs.

This additionally granted an exception pursuant to Phoenix City Code, Section 42-20, to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code, Section 42-18, as the Arizona State Land Department's Certificate of Purchase and other form documents included such provisions.

ITEM 42

CITYWIDE

**ORDINANCE S-40543 -
AMEND LICENSE AGREEMENT
FOR ELECTRIC VEHICLE
CHARGING STATIONS**

The Council heard request to authorize the City Manager, or his designee, to amend Contract 131961, a License Agreement with ECOtality, for the installation and maintenance of electric vehicle charging stations. The License Agreement was assigned to, and assumed by, Blink Acquisition, LLC (Blink), an affiliate of Car Charging Group, Inc., in federal bankruptcy proceedings in connection with a sale of ECOtality's Blink Network assets, on the condition that Blink pay and satisfy certain cure amounts. Blink requested the City extend the term of the License Agreement to coincide with the term of the U.S. Department of Energy grant awarded to ECOtality for the installation and operation of electric vehicle charging infrastructure, which was extended through April 30, 2014.

Accordingly, authorization was requested to amend the License Agreement to change the Licensee from ECOtality to Blink Acquisition, LLC or affiliates/related entities acceptable to the City Manager, to make this change effective retroactively as of December 31, 2013, and to extend the term of the License through April 30, 2014, upon payment of the court-ordered cure amount associated with the License Agreement. All other terms and conditions of the License remained unchanged.

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ITEM 43

CITYWIDE

**ORDINANCE S-40544 -
AWARD OF TENANT
BACKGROUND SCREENING
TO YARDI SYSTEMS, INC.**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Yardi Systems, Inc. for the purpose of tenant screening services software for Public Housing and Section 8 program applicants. This further authorized the City Manager to execute all necessary documents and the City Controller to disburse up to \$264,000 over the life of the contract, with an estimated annual expenditure of \$52,800.

A Request for Proposals was issued on October 21, 2013, for a cost effective background check solution that integrated into the current Housing Department business system, VisualHomes. The background checks must include a national criminal search, county and state search, optional eviction screening, credit report, and rental payment history.

Two proposals were received and evaluated on December 2, 2013, by a panel of City staff. The successful proposer, Yardi Systems Inc., was selected based on their extensive experience and ability to integrate with the current business system, VisualHomes. The contract term would be a two-year contract with three, one-year options to extend and was expected to begin April 1, 2014. The technical evaluation is outlined below:

<u>Firm</u>	<u>Total Points/Total Possible</u>
National Credit Reporting (NCR)	700/1,000
Yardi Systems, Inc.	900/1,000

ITEM 44

CITYWIDE

**ORDINANCE S-40545 -
PENSION/LABOR
CONSULTING SERVICES
QUALIFIED VENDOR LIST**

The Council heard request to establish a Qualified Vendor List (QVL) for pension/labor consulting services, and to also authorize the City Manager to enter into a contract with one or more of the vendors on the QVL on an as-needed basis during the three-year period of the QVL. This further authorized the City Controller to disburse funds for the life of the contracts in an amount not to exceed \$45,000.

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The Human Resources Department issued a Request for Qualifications (RFQ) on December 24, 2013, to establish a QVL to allow the City to engage one or more qualified, non-attorney vendors with extensive background in labor negotiations related to pension systems for City of Phoenix employees, including the City of Phoenix Employees' Retirement System (COPERS) and the Public Safety Personnel Retirement System (PSPRS). It was anticipated these services could be needed, at a minimum, through May 2014.

Responses were received from Buck Consultants, LLC and Kelly Garfinkle Strategic Restructuring, LLC (KGSR). Each proposal was reviewed based on the following criteria: experience in pension consulting, including any experience with COPERS and/or PSPRS; experience with reviewing and advising on labor negotiations as they relate to pensions; other qualifications related to the services required; and cost estimate for services. The Evaluation Committee, consisting of staff from the Human Resources Department, determined that both proposals met the minimum qualifications to be placed on the QVL.

Based on the information provided above, the Human Resources Department recommended that Buck Consultants, LLC and KGSR be posted to the QVL. Human Resources could enter into a contract with one or both of the vendors on an as-needed basis for professional consulting services during the three-year period of the QVL.

Item 44 was withdrawn by the Council as requested by staff. This item was reconsidered following Item 41 due to a speaker comment card submitted.

ITEM 45

DISTRICT 7

**ORDINANCE S-40546 -
AMEND CONTRACT 105833 TO
ACCEPT PARTIAL PAYMENT
AND AUTHORIZE PARTIAL
RELEASE**

The Council heard request to authorize the City Manager, or his designee, to amend Contract 105833 between the City of Phoenix and Phoenix Preservation Partnership, L.P., a Rhode Island limited partnership, authorized to transact business in the state of Arizona as Westward Ho Phoenix Preservation Partnership, L.P. (Westward Ho), to accept partial repayment of the loan of General Obligation Bond funds and authorize partial release of the City's security interest and land use restrictions in a portion of the first floor of the Westward Ho property. This further authorized the City Treasurer to accept all necessary funds for the partial payment.

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Westward Ho borrowed \$1,400,000 of taxable General Obligation Bond funds from the City in April 2003 as one source of funds to rehabilitate residential units in its property at 618 North Central Avenue for affordable occupancy by qualified tenants. As part of its current refinancing, Westward Ho was requesting the release of the City's security interest and land use restrictions in some of the first floor's non-residential space. In exchange, Westward Ho would pay-down part of the loan, in the amount based on the square footage to be released as compared to the total square footage (estimated to be between \$80,000 and \$90,000).

The partial repayment and release did not negatively affect any bond covenants or other obligations of the City, and did not reduce the number or quality of units available for affordable residence by families. The Bond Counsel and Finance Department were consulted on this agreement.

All other terms and conditions of Contract 105833 remained the same.

ITEM 48

DISTRICT 6

**ORDINANCE S-40549 -
AMEND ARIZONA
ZOOLOGICAL SOCIETY
LEASE AGREEMENT**

The Council heard request to authorize the City Manager, or his designee, to amend Lease Agreement 106614-01 with The Arizona Zoological Society (Phoenix Zoo) for the City to provide one acre of additional property and \$1.2 million for the construction of an administrative building and park interpretive plaza.

The City had leased property to the Arizona Zoological Society (Phoenix Zoo) since the 1960s. The Phoenix Zoo was located within Papago Park. In 2003, the lease was renewed for 30 years with five, five-year options. The current lease provided 119.62 acres with an annual rent of \$1,200.

In 2009, Phoenix, Tempe, and Scottsdale together with the Salt River Pima-Maricopa Indian Community (SRPMIC), conducted a public planning process to develop a vision and series of recommendations to guide the future of Papago Park as a premier regional park serving the surrounding cities, as well as the region. During the public process, a Papago Park Regional Master Plan was developed and included recommendations for a visitor's plaza and cultural and historic interpretive signs and displays.

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The administrative building and park interpretive plaza would provide 1,200 square feet of office space for Park and Recreation Department staff and would include office space, utilities, and furnishings. The lease amendment would allow the City and the Phoenix Zoo to continue to improve the visitor experience at Papago Park, and provide staff with on-site office space to more effectively and efficiently manage the park.

Item 48 was adopted as corrected to include authorization for the City Controller to disburse the necessary funds for the purpose of this lease agreement amendment. This language was not originally included in the printed agenda.

ITEM 50

CITYWIDE

**ORDINANCE S-40551 -
AMEND MOTOROLA MASTER
COMMUNICATIONS SYSTEM
AGREEMENT 124391 -
LOGGING RECORDER
EQUIPMENT**

The Council heard request to authorize the City Manager, or his designee, to amend the Master Agreement with Motorola (Contract 124391) and approve additional expenditures for a replacement call logging recorder system for the Police Department. This request would not exceed \$1,500,000. This further authorized the City Controller to disburse funds over the life of the agreement.

ITEM 52

CITYWIDE

**ORDINANCE S-40553 -
WS85500346 - WATER MAIN
EMERGENCY REPAIRS
CONSTRUCTION
ADMINISTRATION AND
INSPECTION SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Dibble Engineering, Phoenix, Arizona, to provide construction administration and inspection services to support the Water Main Emergency Repair Program. The engineer's fee would not exceed \$213,000 for the first year of the contract, including all subconsultant and allowable costs. This further authorized the City Controller to disburse funds for the purpose of this ordinance.

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This also authorized the City Manager, or his designee, to take all actions deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project; and included disbursement of funds. Such utility services included, but were not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads, and other modes of transportation. This authorization excluded any transaction involving an interest in real property.

This was a three-year contract, with one option to extend for an additional two-year period if considered in the City's best interest to do so. The aggregate value of the contract including all extension options would not exceed \$723,000.

ITEM 53

CITYWIDE

**ORDINANCE S-40554 -
WS90500232 - SANITARY
SEWER EMERGENCY
REPAIRS - CONSTRUCTION
ADMINISTRATION AND
INSPECTION SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Brown and Caldwell, Phoenix, Arizona, to provide construction administration and inspection services to support Sanitary Sewer Emergency Repair Programs. This was for a three-year contract, with the option to extend for one additional two-year period, if considered in the City's best interest to do so. The engineer's fee would not exceed \$359,987 for the initial three-year contract term, including all subconsultant and allowable costs. This further authorized the City Controller to disburse funds for the purpose of this ordinance.

This also authorized the City Manager, or his designee, to take all actions deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project; and included disbursement of funds. Such utility services included, but were not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads, and other modes of transportation. This authorization excluded any transaction involving an interest in real property.

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ITEM 56

DISTRICT 2

**RESOLUTION 21194 -
ABANDONMENT OF
RIGHT-OF-WAY - V-130041A**

The Council heard request to abandon the right-of-way described below, as the area was being replatted.

On December 4, 2013, the Abandonment Hearing Officer considered the application of Taylor Morrison, Inc. to abandon the east and west sides of the 27th Avenue cul-de-sac right-of-way north of the parcel identified as Assessor Parcel Number 204-13-003J and portions of the Balao Drive and 25th Drive intersection right-of-way on the east and the southwest sides.

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

Final Plat 130069, under the name of Replat of Sonoran Commons Phase 1, was to be recorded concurrently with this resolution.

ITEM 57

DISTRICT 7

**RESOLUTION 21195 -
ABANDONMENT OF
RIGHT-OF-WAY - V-130028A**

The Council heard request to abandon the right-of-way described below, as it was no longer needed.

On August 21, 2013, the Abandonment Hearing Officer considered the application of Mr. Manuel A. Inurriaga of M&M Civil Engineering to abandon the south 100 feet of the parcel identified as Assessor Parcel Number 105-49-011, previously conveyed to the City of Phoenix per Maricopa County Recorder 2009-0905856 and considered as right-of-way per the City of Phoenix Street Transportation Department.

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

Item 57 was reconsidered following Items 54 and 55 (heard together) due to a speaker comment card submitted.

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ITEM 23

DISTRICT 7

**ORDINANCE S-40452 -
DISPOSITION AND
REDEVELOPMENT
AGREEMENT WITH
ROOSEVELT HOUSING
ASSOCIATES, LLC**

Continued from December 18, 2013 - The Council heard request for authorization to enter into a Disposition and Redevelopment Agreement (DRA), easements, and other agreements as necessary (collectively, the "Agreements") with Roosevelt Housing Associates, LLC, or its City-approved designee (Developer), and for the City Controller to accept and disburse funds for the development of "The Row," a transit-oriented, mixed-use development on Second Street, between Roosevelt and Portland Streets in downtown Phoenix, and for the disposition of City-owned land.

This proposal included the preservation and adaptive re-use of the Knipe House as part of a craft brewery/restaurant with a committed tenant, and the private development of a rental residential project of approximately 56-75 units in buildings of 3-5 stories, and activated ground floor uses including resident amenities, offices, and live/work units. The Developer intended to develop much of the residential component as an age- and income-restricted development with a diverse mix of residents.

Based upon neighborhood feedback, the Developer agreed to: 1) develop approximately 15-20 percent of the units as market rate, with no age or income restrictions, creating a diverse, mixed-income project; 2) require all tenants to sign an affidavit acknowledging they are moving into a vibrant arts district; 3) develop the street-level units as live/work artist studios; 4) actively market the project to artists; and 5) dedicate a portion of the common area space for local artists to prominently display their works.

The Developer would provide a performance deposit, accept the Knipe House 25-year façade conservation easement, invest approximately \$1,100,000 to improve and open the Knipe House as a craft brewery/restaurant, create approximately 10 net new jobs, generate incremental sales tax revenues, and provide community benefit by activating and enhancing this prominent historic property. In exchange for these commitments, the City would convey the Knipe House property with no further consideration.

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The Developer would purchase the remaining properties for \$825,000. At the City's option, the City could credit the Developer a portion of the cost of improvements in the public right-of-way which were above and beyond the City's requirements, or provide broad public benefit to the neighborhood, to be applied toward the purchase price, in an amount not to exceed \$250,000. All proceeds from the performance deposit and purchase would be deposited in the Downtown Community Reinvestment Fund.

Pending Council approvals and subsequent execution of Agreements, the Developer would begin renovations to the Knipe House in 2014, and complete in early 2016; and begin construction on the residential phase(s) in 2015, and complete in 2018.

All deadlines for performance benchmarks could be modified at the City's sole discretion. The Agreements could contain such other terms and conditions as the City deemed necessary or appropriate.

Community and Economic Development Director John Chan presented this item for a staff recommendation to authorize entering into a Disposition and Redevelopment Agreement (DRA) with Roosevelt Housing Associates for a mixed-use project on approximately 1.5 acres of City-owned land on 2nd Street north of Roosevelt, including the preservation of the historic Knipe House.

Providing a background of the property, Mr. Chan stated the City had owned it for approximately 10 years, and during the majority of that time the property was subject to a development agreement. For a variety of reasons, the development never occurred, and in 2012, the City formally terminated the development agreement on this property.

In early 2013, Mr. Chan relayed that the City was approached by an adjacent property owner who expressed interest in developing on their property as well as, potentially, on the City-owned land. The City was also approached by a number of other prospective development interests. Therefore, it appeared there was sufficient market demand for development on this site.

Accordingly, in May 2013, Mr. Chan said staff issued a Request for Proposals (RFP) and received four proposals. A seven-member panel, including community representatives, private sector developers, and City staff, evaluated the proposals, and the panel unanimously recommended Roosevelt Housing Associates' proposal.

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Mr. Chan stated that prior to bringing this item to the subcommittee, staff and the development team met with community and neighborhood groups in November to discuss the project and answer questions regarding the nature and scope of the project. Staff received additional feedback from the community which led to the development team agreeing to make a number of modifications to the scope of the project, and those modifications were incorporated in the staff report.

Mr. Chan reported this project was supported by the Evans Churchill Community Association, the Roosevelt Action Association, and unanimously approved by the Downtown, Aviation, and Redevelopment Subcommittee in December.

Prior to bringing this item to the full City Council, Mr. Chan advised that legal concerns were raised by one of the unsuccessful proposers as to the process. The City Attorney retained outside counsel to conduct a legal analysis of the process. Upon review, it was affirmed that the process was adhered to, the City operated appropriately, and there was no basis to set aside the evaluation panel's recommendation to award this contract to the developer.

Mr. Ted Alan Klimaszenski noted he was a long-time musician and board member of the Professional Musicians of Arizona, although he was not representing his organization in this matter. He believed there was a question of whether mixed-use, older communities used music and arts. In his 30 years of playing live music in the Valley, they performed at many retirement communities, older communities, and different types of mixed-use facilities on a regular basis. Therefore, if that was an issue, he supported the proposal.

Mr. Reid Butler explained he was part of one of the teams that submitted a proposal. Butler Housing Company was his company, teamed with Wayne Rainey; adding they had been partners in the area of this site for 10 years.

Mr. Butler advised that 10 years ago, he and Mr. Rainey put together an assemblage in this area and were buying this property. This was not City-owned property. The City became involved when they approached he and Mr. Rainey and offered to be their land banker, which was a common structure for downtown. In early 2004, the City invested \$2 million, then he and Mr. Rainey invested the next \$2.5 million to assemble all the land in this area and work on a development project. However, that development project never moved forward.

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In May 2013, Mr. Butler recalled that the Community and Economic Development Department decided to issue an RFP. He suggested the process occurred backward, as the RFP was issued before engaging the community. There was a divided community, and the sentiment was the community engagement should have been done first, as was done when Roosevelt Square was built. The interests should have been identified, such as the big need for community parking on Roosevelt Row, historic preservation, mixed housing, rental housing, and affordable housing. That was what Roosevelt Square was about, and this project on 2nd Street should be the next better version of Roosevelt Square.

Mr. Butler encouraged the Council to take its time approving a plan for this property because the Hance Park master plan was going to be released in March/April 2014, at the time of the McDowell Mountain Music Festival. This was a highly activated area, so it made sense to evaluate the Hance Park master plan, involving \$350,000 funded by the City, and determine how this area of 2nd Street could connect to that master plan. He suggested stopping the process, redo it, set a high standard for community engagement and obtain their input, and develop a much better result.

Mr. Jim McPherson noted he was a board member of the Evans Churchill Community Association, a neighborhood association that represented the area. He also served as president of the Arizona Preservation Foundation, a statewide historic preservation group.

Mr. McPherson said the Evans Churchill group was thankful a member of their organization was placed on the selection committee. The person selected was a highly honest, fair, knowledgeable, and competent person, and he trusted this individual to make a rational, informed decision. Hence his support of the decision made by the entire selection team.

Speaking from a preservation perspective, Mr. McPherson indicated the Arizona Preservation Foundation strongly supported the restoration of the Knipe House, and advocated the use of insurance monies to preserve the building when it had been a victim of arson. Furthermore, they were glad the Knipe House was going to be restored in a form and fashion that would make the city proud.

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Mr. Wayne Rainey remarked he was trying to understand the circumstances whereby there was a system that decided the city he grew up in and invested his life in, should have the right to gamble with one's life work. He contended that was exactly what was happening with this project, and it was moving forward without discussion or consensus. The City wanted to expend public resources and money, funds paid by citizens, that could possibly ruin his and others' businesses and risk everything they had worked for on Roosevelt.

Mr. Rainey conveyed that he spent most of his life working to make Phoenix a better place. He had done projects and moved into places that were less than desirable. Now, they were walkable, vital areas in Phoenix. He also built affordable housing for artists on Garfield before there was a realization that artists were an asset. He had done the hard things nobody else would do, including an arts magazine, affordable housing, galleries, and artist housing in areas rife with prostitution and drugs. These projects were not considered lucrative, but he did them because they needed to be done in Phoenix and he did it for his city.

Mr. Rainey talked about surviving the recession, but at the great expense of his savings and putting his career on hold, and through tough loans and more to maintain MonOrchid, the building next to the proposed project. MonOrchid was a special place to many and was Phoenix' first co-working model, and a reference point for the hope and creative class. Featured in publications such as the *New York Times*, *L.A. Times*, and *Wall Street Journal*, it was one of the first galleries on what the whole country now recognized as Roosevelt Row.

Mr. Rainey stated he lived two blocks from the subject site in a historic 1912 home that he and his wife lovingly restored over the last eight years. His home was adjacent to one of the many senior-only housing complexes that occupied two entire city blocks. In the eight years of living next door, he had never met any of the residents or been invited inside its walls. He was not shy; he just was not welcome.

Based on his research, Mr. Rainey reported there was ample senior housing all over downtown. However, the missing component was workforce housing, and the opportunity to put it in this suitable location was being blown. Currently, people who worked in the area had to commute and clog the freeways, park somewhere, and it had been a strain on every business.

Mr. Rainey urged the Council to ask why this project was getting pushed through. It was not a good fit for the area and it was based on greed. Senior housing was a huge, solid, dependable, big money business with no risks. Therefore, he questioned why the City wanted to help a project that did not need its help.

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Mr. Rainey said he had personally given Phoenix everything he had, his career, art, and work. This neighborhood was very special, but that was accomplished on their own and often in spite of the City.

Mr. Rainey displayed a petition that he said contained over 1,400 signatures requesting the Council stop this project, reissue the RFP, and do it the right way with community and stakeholder input. Admittedly, he was not adept at protests, but of all the signatures, he said there were seven the Council should be hard-pressed to ignore. These seven were the owners of the adjacent buildings to this project, and they were part of the neighborhood it would be build in.

Mr. Rainey shared his dismay for having to fight for a city that belonged to the citizens. He had lost forever friendships and business, been slandered and called ugly names, such as ageists. He opposed dividing the community, but that was exactly what the City had done and, therefore, bore that responsibility. The Community and Economic Development Department should not have created this conflict. It could have been easily avoided at various times. This proposed development was not a place people chose to live. This was housing for people that would move in and stay forever because it was the last move they would ever make.

After one or two years, Mr. Rainey believed the newness would wear off, it would become more their neighborhood and they would resent others, such as: the First Friday spectacles and surroundings, people who invaded the neighborhood on a weekly basis, musicians on the sidewalks, people doing artsy things, and concerts and festivals at the new Hance Park just a block away.

Mr. Rainey was certain the resentment would occur because the average age of the residents would be 70 years old. Over time, it would become their neighborhood, not one they chose, but one chosen for them. They would hate it and want to change it because it was loud, fast, weird, and youthful; and they did not participate in these activities. This was cruel to both parties, and a poke in the eye that would lead to conflict. It was planning for failure, and anyone with integrity knew that.

Mr. Rainey questioned why this project was getting pushed so hard and rushed by the City. Given time, this could be planned properly. It was a huge investment, as downtown was recognized as a big asset.

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Mr. Bob Graham noted he lived on Portland Street in close proximity to the proposed project, and was the chairman of the Central City Village Planning Committee, although he was not speaking for the Village. He was the architect for the City, through his firm, Motley Design Group, for the restoration of the Knipe House. Therefore, he had a strong interest in making sure the Knipe House was preserved.

Regarding the question raised about the rush, Mr. Graham opined it was because the Knipe House remained an endangered property. As long as it was vacant and under construction, there was a potential danger of it getting burned down again. The first fire caused roof damage which had been reconstructed. Therefore, it was important to protect the City's investment and complete the project.

When this development became controversial, Mr. Graham took it upon himself to investigate the developer and looked at their Encore on Farmer property, which represented a parallel to the proposed site. Assuming the similarities, the opposition was mischaracterizing what this project was all about and the character of senior housing. A person would not know by looking at the Encore on Farmer project that it was a senior housing development. The people in the property self-selected because they liked this kind of area and welcomed a vibrant downtown scene. As someone who was soon to be 55, he really wanted to be in a place like that, and hoped the Council would support this item.

Ms. Dayna Reed shared that she was a stakeholder in Roosevelt Row, as co-owner of Greenhouse Gallery at 3rd Street and Roosevelt. She requested the Council not approve this request. While it was a valid project and could see success, the location was not a good fit.

Ms. Reed added the lots in question on 2nd Street at Roosevelt had stood vacant for far too long. She appreciated moving forward and getting something developed. However, they needed to be developed with great thought and consideration for what would help to continue Roosevelt Row's vibrancy and energy. This meant rather than segregation or limitations, thought should be given to inclusion and diversity.

Ms. Reed observed that the proposal attempted to fit its model by offering 20 percent of the units at market rate, but it was simply not a good fit. Rather than altering a project and trying to fit a square peg into a round hole, a task which would likely fall short, she suggested starting over and finding the right project.

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Ms. Teresa Brice, a resident of the Roosevelt area, stated she was the executive director of LISC (Local Initiatives Support Corporation) Phoenix, a fund contributor of this project. She noted LISC had also funded a couple of other projects offered by this developer.

Ms. Brice stressed that Roosevelt was a diverse area and that diversity needed to be continued. The most recent project along Roosevelt was a large development, primarily for students. This was a great opportunity to increase diversity of age, income, and class by including a project that was small in comparison to other recent developments.

From a fund contributor's perspective, Ms. Brice said LISC considered the feasibility of the project and the history of the developer in terms of other projects they had developed. This developer had a track record of quality development, as well as being engaged in the community. Most recently in a project that was completed similar to this one, this developer donated labor and material to pave pathways and perform other work at a community urban garden in proximity to his development.

Ms. Brice believed this project was worthy of the Council's support. This developer was going to demonstrate his exceptional talents at producing a quality product and engaging the community as he continued to develop the product.

Ms. Carla Wade Logan thanked City staff and Todd Marshall for meeting with the community. Although a member of Roosevelt Row CDC (Community Development Corporation), she was not speaking on their behalf. She was, however, speaking as a property and business owner of parcels on Roosevelt and 2nd Street. She and her husband had owned Carly's Bistro for nine years. They had been extremely active in the community and recognized that the events supporting the community had been critical to their success and other businesses.

Ms. Logan explained they did not favor one proposal over another, but felt the selected proposal was a poor fit for the community because it was not inclusive. She recognized the need for affordable housing in the community, but it was their desire that the people who worked and contributed in the community, of all ages, be able to live in a project that would be funded, in part, by low-income housing tax credits.

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Ms. Logan advised that she had the opportunity to research this type of funding and had spoken to the developer. It was their intent to apply for the tax credit. Of major concern to herself and other community members, was if this developer succeeded in obtaining this credit, the project must be in adherence for a compliance period of 30 years. Therefore, if this project proved to be a poor fit for the community, it was in place for that time period.

Additionally, Ms. Brice said it was her understanding there was no demonstrated need for age-restricted housing in this community. It was part of the Qualified Allegation Process to earn the maximum number of points to obtain the low-income housing credit, and that was why the developer desired this fit.

Mr. Steven Vollmer stated he was a business and property owner north of Hance Park on 2nd Street, and he strongly supported this project. He believed it was well thought out, and supported the Roosevelt redevelopment as well as the Hance Park master plan and the connectivity to Arizona State University.

Mr. Vollmer further shared he had good knowledge of this developer and had seen the results of quality development in Tempe and a new project in Mesa, which had great pedestrian connections. He felt strongly that it brought value to the community.

Mr. Michael Davis noted he was the adjacent property owner directly south of the parcel and next to MonOrchid. He was also the vice president of the Phoenix Civic Improvement Corporation, but speaking today only as the landowner and provider of the pocket park on the corner. His ownership of the property began approximately nine years ago at the behest of the City to combine developments to create a larger mixed-use development project.

Mr. Davis indicated he had been a cash owner and had unencumbered property. He was waiting for an eventual thawing of the market which had started to occur, and he had been catalytic to getting this project started.

Mr. Davis wished to express his deep concerns about doing something profound, significant, and diverse. He was also concerned about the mixed-use. However, he was not concerned about the developer or their capabilities; noting he had met with Todd Marshall who enjoyed a good reputation. It was the City's choice to develop or negotiate, and he did not oppose that.

Mr. Davis did, however, think district parking was needed. That was adamantly and abundantly clear, particularly with the new Arizona State University project and various other factors relative to Roosevelt Row, First Fridays, etc. He thanked the Council for consideration of the mixed-use and parking.

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In the spirit of diversity, Ms. Cole Reed, a business owner, proud Phoenician, and a woman, urged the Council to not exclude anyone from the art district. It was their desire to be inclusive, but this project appeared to be restrictive. History had already taught that was not something that would proclaim the city into greatness.

Ms. Reed displayed a map depicting her fellow business owners who supported the opportunity to consider something else for this site. The art district was borne and bred on including everyone and excluding no one, and she encouraged the Council to think about diversity.

Ms. Nicole Underwood spoke on behalf of the Roosevelt Row Community Development Corporation (CDC) as the director of operations. The president of the board could not be present, so she read the following letter submitted previously regarding the organization's stance:

“Roosevelt Row CDC is currently in the process of releasing a community visioning document developed with substantial community input over the past year that establishes priorities and goals for future development of the Roosevelt Row Arts District. Two guiding principles are highlighted in this document and are underscored.

The first guiding principle is to do no harm. In other words, any development is not necessarily better than no development. The second guiding principle can be summarized as mixed-use, mixed-income, and mixed-density.

We are plagued by vacant land, land speculation, and a disconnect and inconsistent pedestrian environment.

Following a presentation by City staff to the Roosevelt Row Merchants Association, and the Board of Directors on January 20, the Board of Directors discussed the project further and are in support of proposed modifications to the agreement as outlined below:

We support the preservation and adaptive reuse of the Knipe House and investment of private capital to create a new area amenity.

We are in support of the proposed low-income restrictions with the addition of market-rate units in the same development.

We are in support of investment with district parking solutions, which is a critically needed asset to sustain existing small businesses and support new business development.

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We are in support of greater density and the proposed development with both in terms of building height and total number of units.

And we support the activation of street frontage on the development with inclusive live at work units for artists.

In addition, we strongly oppose the element of age-restriction and the proposed development with the desire to provide affordable housing to the most diverse space of perspective residents possible.

We are in dire need of downtown development of affordable priced workforce housing for the community. So we believe that through strong public-private partnerships, we together, can create a more vibrant urban core in downtown.”

Mr. Jason Anthony Freeman said he owned the Golden Rule Tattoo located next to Carly's Bistro. The proposed site was an ugly, vacant lot. Something needed to be done with it, and moving in that direction was good. He did not, however, understand the need for the age restriction. It likely was not going to help the community or businesses.

Having spent the past couple of years building a business he was proud of, Mr. Freeman did not want anything developed that could be detrimental to his business and all the surrounding businesses. He supported something being done with the property, but stressed it needed to be the right fit. Therefore, he opposed the proposal as presented.

Mr. Larry Lazarus acknowledged his representation of Mike Davis who had already spoken, so he waived his opportunity to speak on this matter.

Ms. Kristin Mallory explained her interest in this item was as a person who signed the petition concerning Roosevelt Row. She enjoyed putting money into these businesses, spending time investing in her neighborhood, and trying to help the people who lived in the community. Therefore, when the people who owned businesses in the area had a problem, she believed it was obvious something was wrong.

Ms. Mallory also expressed concern about the people not present, such as those who enjoyed First Fridays and the local culture. Many of them were the workforce. Before making a decision, she encouraged the Council to think about the best interests of all involved.

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Ms. Dianne Barker stated she was a downtown community resident and citizen. Also, she had served on the Roosevelt Action Association board and lived in a senior residence. She believed the biggest obstacle was the way people thought. It was curious why people thought seniors could not contribute, and were not active and vibrant. To this notion, she shared that recently she won a dance contest, beating 20- and 30-year-olds; adding she came from a time when people spent time outside and rode bicycles instead of being on the computer.

Ms. Barker argued that seniors were active, attended First Fridays, and spent money as evidenced by their nice cars that required the purchase of gasoline. She also pointed out that studies showed locations with an integration of all ages, typically was a better community. There was a give and take. In her building, not everybody was 70, and there had been mobility in and out. Some people moved out and purchased a condo, so senior housing was not always their last destination. Also, there had been younger people who were paying market rent. Despite any problems, it was working.

Ms. Barker relayed that the Roosevelt Action Association board placed her on the selection committee, and she agreed that everything was above board and the decision was unanimous. Also, she attended the Hance Park conservancy and the number one thing they wanted around Hance Park was beer. They wanted a place within walking distance, and there was now going to be a microbrewery adjacent. Therefore, everything was fitting into downtown.

Ms. Greta Rogers inquired why the Request for Proposals issued prior to December 13 were not included on the agenda. That was part of full disclosure. Furthermore, truth and fact were one and the same, and needed to be practiced when appropriate, such as with this request.

Ms. Rogers advised that she was not opposed to the development, but she was opposed to the lack of full information provided. If seniors wanted to move to a location with the potential for a lot of noise at certain times, that was their choice and responsibility to deal with it. If they were deaf, it probably would not bother them. For example, a person should not move next to an airport and then complain about airplane noise.

Ms. Rogers thought this proposal required more detailed information for the citizens who were the city of Phoenix, and she recommended continuing the item.

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Mr. Charles Huellmantel introduced his business partner in this project, Todd Marshall, noting he would speak for both of them. He stated it was obvious many people present for this meeting cared about downtown, and that was going to help downtown thrive. Clearly, there were different ideas about what downtown should be in order to be a better downtown. Hence their belief that leaving a piece of dirt vacant for another 10 years was a bad idea.

However, Mr. Huellmantel added, they believed it was a good idea to turn the Knipe House into a brewery and restaurant. This would provide the neighbors with an amenity they could use, that would enliven the street, and it would assist in connecting the Hance Park area with Roosevelt Row and downtown. In addition, they thought the remainder of the property would be good for multifamily housing. Some of which had been proposed for people 55 years old and over. In fact, based on testimony heard earlier, a person could be over 55 and full of energy and love the downtown.

Based on experience with prior projects built in Mesa and Tempe, Mr. Huellmantel said the residents who lived there were not forced to live there because the City told them to. Cities built neighborhoods where people wanted to live. He and Mr. Marshall wanted the opportunity turn this long-vacant piece of land back into a neighborhood that would continue to evolve.

Mr. Huellmantel said they wanted to advance the neighborhood by working with Art Space, a nationally known community, to build community art spaces. They had been engaging with Art Space to refine how to build an affordable place for people age 55 and over. They believed this age group would add to the diversity of downtown. Toward that goal, they were working to ensure the ground floor had live/work units that included studio space, so that people who lived in those ground floor units, could use them as art studios and places to live. The people who chose to live in this building were going to make it their neighborhood, which typically happened in cities. People continued to evolve and they continued to move into the city.

Referring to property across the street, on the west side, Mr. Huellmantel advised that they proposed market rate housing. Also, they wanted to continue working with the City and neighborhoods toward allowing this to evolve.

Mr. Huellmantel acknowledged there had been discussion about this being a rushed process. He contended that was not true in light of the property being vacant for 10 years and this item being continued several times. They had reached out to the community. Every process could learn from itself, and every process could be made better over time. However, waiting for the perfect project that everybody in the community wanted, never happened. There would always be divergent opinions.

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Mr. Huellmantel said he and Mr. Marshall were proud to have so many people present in support of their proposal. It was easier to get people to show up for something they did not like; conversely, it was a challenge when they were in favor. He thanked those who visited their other projects in Mesa and Tempe to see the time and effort taken to connect spaces, use strong building materials, and create an urban environment. Certainly the buildings constructed were important for the people living inside those buildings, but it was also important for the people walking by those buildings. It was for that reason they took so much time on their projects to ensure they were building a great streetscape.

Mr. Todd Marshall confirmed he did not wish to testify as Mr. Huellmantel had spoken for him.

Mayor Stanton noted Art Space was a nationally known entity that worked on artists' live/work-type spaces, and he inquired about Mr. Huellmantel's and Mr. Marshall's relationship with Art Space.

Mr. Huellmantel replied they had been working with Art Space. Also, Art Space had visited the Mesa project and seen this proposed project as well. Their relationship was informal since they did not have documentation of their working terms. Nonetheless, they were committed to working with Art Space, and Art Space had committed to consult with them to make this space refined. He further added that particular locations were selected for their projects to accommodate the needs and desires of the impending residents who chose to live in a vibrant space. Art Space was the perfect group to help them reach that goal.

Mayor Stanton noted speaker comment cards were submitted for Item 23 as follows: James Baca and John Jordan opposed; and Tom Awai (Southwest Center for HIV/AIDS), Matthew Blanchard, Jennifer Boucek, Kirk Harnes (Restoration Place), Don Keuth, Cory Kincaid, Kevin Rille (Evans Churchill), and Louise Roman were in favor. These individuals did not wish to speak on this matter.

Mr. Butler advised the Council that his proposal had included Art Space as part of their team since June. In addition, the proposal dedicated 20 percent of its apartments, to be created by Art Space, as affordable housing for artists.

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Mr. Nowakowski recalled that last year the Council asked staff to look at the downtown area. There was infill land to be developed, and they wanted staff to identify possibilities to move Phoenix forward and attract businesses, housing, and people to live in downtown Phoenix. The dream was to bring 5,000 new families into downtown Phoenix to truly make it an urban core. To reach this goal, the Downtown Plan concept was created, which was a broad base of community individuals joining together and sharing their dreams, ideas, and plans.

From those planning sessions, Mr. Nowakowski said a Downtown Zoning Code was adopted in an effort to make it easier for individuals to come downtown. Staff was also asked to look for possibilities to create Requests for Proposals, especially on City land, to generate excitement downtown. This proposed project was a fine example of the process created in trying to move Phoenix forward.

Mr. Nowakowski expressed concern about the City's \$2 million investment, and wanted to know why that project never moved forward and how long ago this occurred.

In response, Mr. Chan explained the City entered into the original development agreement on this property in 2004, and it was under that development agreement until 2012 when the City terminated the agreement. As to why development did not happen, he said there were changes in the scope of the project, additional density, and market conditions that caused the time to extend.

In terms of who owned the property, Mr. Chan stated the way the City structured its development agreements was that in order to protect the City's million-dollar investment into the land, they did not convey fee title to the property until somebody was ready to put a shovel in the ground. That was why the City retained ownership of the property throughout that process.

Mr. Nowakowski acknowledged it was a long period of time. He further inquired whether there was community input prior to the Request for Proposals being issued, and whether there was any community outreach after the fact.

Economic Development Director Scott Sumners conveyed that prior to issuing the Request for Proposals (RFP), staff visited the Evans Churchill Community Association board at their May meeting. After issuing the RFP, staff attended meetings of the Downtown Voices Coalition, Evans Churchill Community Association, Garfield Association, Redevelopment and Economic Development Committee, and Roosevelt Row.

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Mr. Sumners said staff also spoke individually with leadership of the Roosevelt Action Association and met with several individuals who had emailed staff with questions. In addition, two members of neighborhood associations were part of the selection panel; one from Evans Churchill, which this property was within, and one from the adjacent Roosevelt neighborhood.

In reply to Mr. Nowakowski regarding the make-up of the panel, Mr. Sumners said it included seven members; two from the neighborhoods previously mentioned, a representative of the Downtown Phoenix Partnership, two private developers, one City staff member from Community and Economic Development, and the City's Historic Preservation Officer.

In further response to Mr. Nowakowski, Mr. Sumners confirmed a protest was not submitted within the protest period. Further, he said the protest period began three days after the proposer letters were mailed with the Step 2 results. Essentially, the letters were mailed on September 24, 2013, so the protest period began on September 27 and ended seven days later on October 4.

Mr. Nowakowski noted that First Fridays had become a significant event in downtown Phoenix, and there was a lot of young people, artists, music, and activity occurring. He inquired whether the individuals moving into the proposed complex would be warned of the activity or receive a disclaimer. He hoped to avoid future complaints from those living in downtown Phoenix about First Fridays, loud music, etc. because the intent was to create an urban, happening downtown.

Mr. Chan remarked this project was absolutely in the heart of a vibrant arts community, and staff had worked with the development team to ensure that anybody who potentially signed a lease to occupy a unit in this project, would be required to sign an affidavit acknowledging that they were moving into the middle of a vibrant arts community where there was a lot of street-level activity and events in the neighborhood.

Mr. Nowakowski said there had been a lot of talk about age restrictions. It was his understanding that one individual living in the household had to be 55 years or older.

Mr. Sumners confirmed each household must have one individual that was 55 years or older, and the ages of the other individuals were not relevant.

MOTION was made by Mr. Nowakowski, **SECONDED** by Mrs. Williams, that Item 23 be adopted.

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Noting his support for the motion, Mayor Stanton stated there were people he respected greatly and had worked with very closely who were on both sides of this very tough issue, and he respected the opinions of everyone involved. Having read the emails related this case, he urged everyone to refrain from negative allegations as he believed everyone had acted in good faith. They were only trying to exercise their best judgment in terms of what would most advance the city as a whole, the downtown area, and most particularly this incredible area that was considered a blessing in Phoenix.

Mayor Stanton believed this particular developer had a good track record of quality developments. Changes were made to the project to move in the direction of at least having some more market rate units. He also believed this developer would reach out to ensure they worked with appropriate groups, so the tenancy became artists, whether at market rate or for over 55-year-olds, but ultimately to obtain the right mix that would be a huge asset to the area.

Mayor Stanton respected the fact that many people were skeptical about whether this could be an asset to the area. His vote in support was a risk itself, because he was putting his reputation on the line to support this. However, a huge, important element was the Knipe House, which was a wonderful historic building. It would be properly preserved and have a use that would be a good public benefit to the community. He recognized members of the Council supported historic preservation, and he hoped more could be done in the future on that issue. Personally, that was an incredibly important consideration in his support of the motion.

Mayor Stanton assured this was not the end of the process; it was the beginning. The Mayor's Office as well as Mr. Nowakowski would be working closely with the developer to ensure they were reaching out to the artist community to get the right mix for the benefit of all. He hoped that in the years to come, those who politely disagreed on this issue could agree that, despite previous beliefs about what might occur, proved to be untrue, and this development was a benefit to this incredibly important part of Phoenix.

Mr. Nowakowski thanked staff and his colleagues for thinking outside the box in moving Phoenix forward. Everyone was looking at developing downtown Phoenix, bringing in grocery stores, a Lowe's or Home Depot, and individuals to an urban concept of downtown. To achieve this, everyone needed to work together. Growing pains were hard, and this was one of those steps of growing up as the sixth largest city in the country. Hopefully, in the future, Phoenix was going to have many more wins and the downtown core would be developed. Again, he thanked the visionaries on the Council for creating these types of projects.

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Mrs. Gallego stated she thought long and hard about this project, and joined Mayor Stanton and members of the Council in deeply respecting people on both sides of the project. She intended to support this project because the historic preservation element was extremely important. Also, she had personal experience with living in a downtown, noisy environment in a community that included people over 55. This experience had shown her that people of all ages were happy living downtown, and in some cases, the younger people were more concerned about the noise.

Mrs. Gallego hoped this was a step forward to a more vibrant and diverse downtown, and she joined the Council in being committed to making sure this helped move Roosevelt Row, First Friday, and other downtown activities forward. Additionally, she had heard, extensively, from people excited about the brewery element of the project, so she looked forward to seeing that succeed as well.

Ms. Pastor expressed her support of this project, diversity, artists, and the community. In 11 years she would be 55 and considered a senior, and once her children were grown, she would be looking to downsize. Furthermore, she did a due diligence in looking at all the facts, and it was time to develop.

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

MOTION CARRIED.

Mrs. Gallego declared a potential conflict of interest and withdrew from the voting body on Item 26r.

ITEM 26r

CITYWIDE

**ORDINANCE S-40527 -
PAYMENT ORDINANCE**

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed \$4,339,749.12 for the purpose of paying vendors, contractors, claimants, and others; and providing additional payment authority under certain existing City contracts.

- \$73,469.45 r) To Salt River Project, to provide construction services for the relocation of a 69 kV pole located at the 7th Avenue intersection, Project ST85100330, for the Street Transportation Department.

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MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 26r be adopted.

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

MOTION CARRIED. Item 26 was adopted in part.

Mrs. Gallego returned to the voting body.

ITEM 26

CITYWIDE

**ORDINANCE S-40527 -
PAYMENT ORDINANCE**

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed \$4,339,749.12 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 26, excluding 26r, be adopted.

Mr. Pat Vint submitted a speaker comment card for Item 26 but did not indicate whether he was in favor or opposed. He did, however, state the expenditures in this item appeared to be pocket change in comparison to the City's \$52 million shortfall.

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

MOTION CARRIED. Item 26 was adopted in full.

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ITEM 29

CITYWIDE

**ORDINANCE S-40530 -
CDBG FUNDING
RECOMMENDATIONS FOR
ECONOMIC DEVELOPMENT
OPEN APPLICATION**

The Council heard request to authorize the City Manager, or his designee, to enter into contracts with the five entities listed below to provide services to small businesses through the Community and Economic Development Department Community Development Block Grant (CDBG) Economic Development Open Application Program for a term of 18 months or until the 2013-2014 Economic Development Open Application CDBG funding had been fully expended. This further authorized the City Controller to disburse up to \$135,192 in 2013-2014 Economic Development Open Application CDBG funding for purposes of these contracts.

A Request for Proposals (RFP) for the Economic Development Open Application Program was issued seeking proposals in the priority areas of Incubator/Accelerator Organizations and Marketing/Web Development. Eight proposals were received in response to the RFP, and based upon an eligibility and panel review, the five Phoenix-based businesses that received the highest scores were being recommended for contracts totaling \$135,192, as follows:

Game CoLab - Incubator/Accelerator	\$33,798
SEEDSPOT - Incubator/Accelerator	\$33,798
A.E. Squared, LLC - Marketing/Web Development	\$26,298
Marketing With A Flair, Inc. - Marketing/Web Development	\$26,298
Local First Arizona Foundation - Marketing/Web Development	\$15,000

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 29 be adopted.

Mr. Pat Vint submitted a speaker comment card for Item 29 but did not indicate whether he was in favor or opposed. He thought everybody should have the chance to invest money and prove they could make it, so he believed the proposed contracts should be funded, as long as somebody knew what they were doing.

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Mr. Valenzuela acknowledged this was an Open Application process, and he was excited to see this list of five Phoenix-based companies awarded a total of \$135,192 in funding. He had toured Game CoLab and SEEDSPOT, and had worked with Local First Arizona Foundation on many efforts to continue creating the most entrepreneur-friendly community Phoenix could be. As a City, it was critical to allocate resources such as CDBG grants; noting this was federal funding tied to job creation.

Mayor Stanton thanked Mr. Valenzuela for his leadership on entrepreneurialism across Phoenix.

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

MOTION CARRIED.

ITEM 31

CITYWIDE

**ORDINANCE S-40532 -
IFB 14-047 - FULL SERVICE
LAUNDRY AND RENTAL
PROGRAM - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Prudential Overall Supply to provide a full service laundry and rental program to include inventory, laundering and finishing, and pick-up and delivery on an as-needed basis during the contract period beginning on or about March 1, 2014 and ending February 28, 2015. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$275,000, with an estimated annual expenditure of \$55,000.

These services were used by multiple departments, including Fire, Parks and Recreation, and Water Services. They included laundry and rental of various items, including shop towels, mats, smocks, and other equipment.

Three bids were received and opened on November 22, 2013. Following is a tabulation of the responsive bids received:

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<u>Bidder</u>	<u>Total Bid Price</u>
Prudential Overall Supply*	\$51,727.42
Unifirst Corp.	\$70,733.04

It was recommended by the Deputy Finance Director that the bid of Prudential Overall Supply, as asterisked, be accepted as the responsive and responsible bidder.

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.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 31 be adopted.

Mr. Pat Vint submitted a speaker comment card for Item 31 but did not indicate whether he was in favor or opposed. Upon addressing the Council, his comments were unrelated to the item.

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

MOTION CARRIED.

ITEM 36

DISTRICT 7

**ORDINANCE S-40537 -
IFB 14-086 - PERFORMANCE
CONSOLE SYSTEMS FOR
SYMPHONY HALL AND
ORPHEUM THEATRE**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Barbizon to purchase two performance console systems for Symphony Hall and Orpheum Theatre. The console systems replaced aging theatrical lighting controls at Symphony Hall and Orpheum Theatre. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$107,449.32.

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Report of two bids received by the Procurement Division on December 6, 2013. Following is a tabulation of the bids received:

<u>Bidder</u>	<u>Bid Price</u>
Video Hi-Tech, dba Adwar	\$133,260.93
Barbizon	\$107,449.32

It was recommended by the Deputy Finance Director that Barbizon be awarded this contract.

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

Mr. Pat Vint submitted a speaker comment card for Item 36 but did not indicate whether he was in favor or opposed. Upon addressing the Council, his comments were unrelated to the item; however, in response to Mayor Stanton, he agreed with awarding the contract because audio was necessary.

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

MOTION CARRIED.

ITEM 40

DISTRICT 3

**ORDINANCE S-40541 -
PUBLIC SALE OF CITY-OWNED
PROPERTY LOCATED AT
2222 WEST GREENWAY ROAD**

The Council heard request to authorize the City Manager, or his designee, to sell by sealed bid, public auction, or negotiation, real property located at 2222 West Greenway Road. The City-owned property to be sold consisted of a site area that contained approximately 8.479 acres or 369,329 square feet, net, and was zoned RE-43, One Family Residence (43,560-square-foot minimum). The site area included two freestanding single-story office buildings (single and multi-tenant), with a combined improvement area of 36,116 square feet and two vacant adjoining parcels (one improved with a parking lot and other formerly improved with modular offices).

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The property would be sold to the highest responsive and responsible bidder for not less than the appraised value. Should the City fail to receive a responsive and responsible bid at or above the appraised value, authorization was requested to: 1) reject all bids and re-bid; or 2) negotiate with the bidder(s) whose bid(s) most closely conformed with the elements of the bid solicitation in order to yield the highest financial return to the City, as deemed acceptable by the City Manager, or his designee.

The buyer would pay all customary transaction-related expenses. The title would be conveyed by Special Warranty Deed.

This further authorized the City Treasurer to accept funds associated with the sale of the property.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 40 be adopted.

Mr. Pat Vint submitted a speaker comment card for Item 40 but did not indicate whether he was in favor or opposed. Upon addressing the Council, his comments were unrelated to the item. However, in response to Mayor Stanton, he agreed with selling the property so the City could have the money in its pocket rather than leaving the property to disintegrate.

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

MOTION CARRIED.

Mrs. Gallego declared a potential conflict of interest and withdrew from the voting body on Item 41.

ITEM 41

DISTRICT 6

**ORDINANCE S-40542 -
GRANT OF A PUBLIC UTILITY
EASEMENT FOR A CITY
PROJECT LOCATED AT
15010 SOUTH 19TH WAY**

The Council heard request to grant a public utility easement, for consideration of one dollar and/or other valuable consideration, for the

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installation of a new service to a City facility on City property in the Salt River Project service area, and further ordering the ordinance recorded. This easement was needed to provide utilities and other services to the 4SD-B1 Booster Station located at 15010 South 19th Way.

The public utility easement would be for the area described in the legal description to be sent directly to the Law Department (“Easement Premises”) and would be granted to all public service corporations, agricultural improvement districts, and telecommunication corporations providing utility service to the property located at 15010 South 19th Way (collectively “Grantee”) for an indefinite period subject to certain terms and conditions.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 41 be adopted.

Mr. Pat Vint submitted a speaker comment card for Item 41 but did not indicate whether he was in favor or opposed. Upon addressing the Council, his comments were unrelated to the item; except to encourage the Council to cooperate with businesses.

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

MOTION CARRIED.

Mrs. Gallego returned to the voting body.

Mayor Stanton noted a speaker comment card had been submitted on Item 44 which the Council previously voted to withdraw. Out of an abundance of caution, he recommended the item be reconsidered.

MOTION was made by Mr. Gates, **SECONDED** by Mr. DiCiccio, that Item 44 be reconsidered. **MOTION CARRIED UNANIMOUSLY.**

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ITEM 44

CITYWIDE

**ORDINANCE S-40545 -
PENSION/LABOR
CONSULTING SERVICES
QUALIFIED VENDOR LIST**

The Council heard request to establish a Qualified Vendor List (QVL) for pension/labor consulting services, and to also authorize the City Manager to enter into a contract with one or more of the vendors on the QVL on an as-needed basis during the three-year period of the QVL. This further authorized the City Controller to disburse funds for the life of the contracts in an amount not to exceed \$45,000.

The Human Resources Department issued a Request for Qualifications (RFQ) on December 24, 2013, to establish a QVL to allow the City to engage one or more qualified, non-attorney vendors with extensive background in labor negotiations related to pension systems for City of Phoenix employees, including the City of Phoenix Employees' Retirement System (COPERS) and the Public Safety Personnel Retirement System (PSPRS). It was anticipated these services could be needed, at a minimum, through May 2014.

Responses were received from Buck Consultants, LLC and Kelly Garfinkle Strategic Restructuring, LLC (KGSR). Each proposal was reviewed based on the following criteria: experience in pension consulting, including any experience with COPERS and/or PSPRS; experience with reviewing and advising on labor negotiations as they relate to pensions; other qualifications related to the services required; and cost estimate for services. The Evaluation Committee, consisting of staff from the Human Resources Department, determined that both proposals met the minimum qualifications to be placed on the QVL.

Based on the information provided above, the Human Resources Department recommended that Buck Consultants, LLC and KGSR be posted to the QVL. Human Resources could enter into a contract with one or both of the vendors on an as-needed basis for professional consulting services during the three-year period of the QVL.

Mr. Luis Schmidt said he understood Item 44 had been withdrawn at this time, but there were many recommendations that remained about the pensions and negotiations. It was good the new Council members were now on board to lead the City, and whatever changes made going forward, should include their input. In a prior meeting, Ms. Pastor mentioned that employees were taxpayers, and it was a breath of fresh air to hear several Council members highlight the value of employees.

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Mr. Schmidt felt the taxpaying employees were getting lost in the discussions. While this matter concerned the public, it was also about people giving themselves a voice and exercising their rights. Therefore, it was disheartening when City staff made threats to these taxpayers who were employees, and who were exercising their first amendment rights.

Mayor Stanton reminded Mr. Schmidt that this item related to the pension labor consulting qualified vendor list.

Mr. Schmidt observed this item requested hiring more services related to negotiating activities. He stressed that all City employees deserved a contract that was dignified and respectful, and the unions had always been forthcoming about working with the City in good faith.

Mr. DiCiccio explained the idea behind this item was to bring somebody in from the outside that would be a lot firmer in the negotiations.

Acting City Manager Ed Zuercher stated this item, which was being withdrawn, was to create a qualified vendor list of firms that would be able to consult with the City on issues related to pensions as they related to labor. The contractor would not be directly negotiating, but rather someone who had expertise in the pension field to give advice on the impact of different proposals.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 44 be withdrawn. **MOTION CARRIED UNANIMOUSLY.**

ITEM 46

DISTRICT 1

**ORDINANCE S-40547 -
PROPERTY TAX - CHOLLA
BRANCH LIBRARY**

The Council heard request to authorize the City Manager, or his designee, to pay real property taxes and associated charges assessed and levied by Maricopa County for tax years 2007 through 2013 against land leased by the City of Phoenix for the Cholla Branch of the Phoenix Public Library, located at 10050 Metro Parkway East (the "Property"), and to sign documents and take other actions necessary or appropriate to secure a release of the liens securing payment of such taxes. This further authorized the City Controller to disburse the necessary funds.

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On December 5, 1974, the City entered a 50-year ground lease (City Contract 15166) for the Property upon which the City constructed the Cholla Branch Library. Maricopa County considered the Property to be exempt from real property tax until 2007. Beginning in 2007, the County assessed and levied real property taxes and associated charges which were now a lien upon the Property. The County Assessor and County Treasurer agreed to accept a sum in an amount not to exceed \$81,461.78 as payment in full for such taxes, and to release the liens securing payment of such taxes.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 46 be adopted.

Ms. Greta Rogers stated she was neutral on this matter. However, she questioned why taxes would be paid by a government entity to a government entity. She thought government entities were exempt from taxes.

Mayor Stanton informed Ms. Rogers the City did not own the property where the City had the library at Metrocenter. The City leased it, and as part of the lease agreement, had to pay taxes. Unfortunately, the City was not notified properly, and a dispute occurred.

Ms. Rogers inquired whether the City was liable for taxes even though the property was owned by the County.

Mayor Stanton advised that the Council a long Executive Session on this issue which could be the subject of litigation, so he did not want to comment definitively. However, if the Council voted to support this expenditure, it was because they believed this was the right action to take.

Acting City Manager Ed Zuercher clarified the property was not owned by the County. It was owned by a private firm and the City leased the land.

Ms. Rogers acknowledged her misunderstanding of the ownership.

Mayor Stanton explained this was a property tax issue. If the City wanted to keep the Cholla Library open, the Council would vote to approve the taxes to be paid.

Mrs. Williams commented she was delighted to keep this library open.

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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.

Items 47 and 49 were heard together.

<u>ITEM 47</u>	DISTRICT 4	ORDINANCE S-40548 - NATIONAL FISH AND WILDLIFE FOUNDATION GRANT - ENVIRONMENTAL SOLUTIONS FOR COMMUNITIES
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The Council heard request for retroactive authorization to apply for a \$50,500 grant from the National Fish and Wildlife Foundation - Environmental Solutions; and authorization for the City Manager, or his designee, to accept the funds. This further authorized the City Controller to accept and disburse funds.

The Neighborhood Services Department (NSD) would partner with the Woodlea Neighborhood located in the area of 7th to 15th Avenues from Indian School Road to the Grand Canal for a neighborhood improvement project to replace a leaking flood irrigation pipeline within the neighborhood which provided 124 residential properties with flood irrigation in order to sustain old-growth trees that had been in the area for over 86 years. These funds would ultimately benefit the environment by continuing to sustain shade cover, decrease surface temperatures, reduce energy use, and create a more walkable/livable street for the community.

In addition, NSD would partner with the Woodlea Neighborhood and surrounding neighborhood organizations to raise awareness on environmental stewardship and the benefits of urban forestry.

<u>ITEM 49</u>	CITYWIDE	ORDINANCE S-40550 - RETIREMENT AND DONATION OF CANINE "DALLAS"
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The Council heard request to authorize the retirement and donation of canine "Dallas" to the Arizona Department of Corrections (AZDOC).

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Police Service dog "Dallas" was a dual purpose trained canine assigned to Officer Mike Moissonner. Throughout the past year, numerous incidents were encountered in which the canine's behavior and unacceptable performance placed officers in dangerous situations. All of the unit trainers and outside training consultants worked to develop and improve the canine with non-acceptable results. After careful evaluation, it was determined that "Dallas" was no longer serviceable and did not meet Police Department standards.

Canine "Dallas" was over two years old, served the Tactical Support Bureau for the past year, and was no longer under vendor warranty. Due to the dual training of "Dallas", it was not feasible or safe to consider any other option than retirement and donation to the AZDOC. The use of the dual trained service dog in this static environment was acceptable and had proven to be valuable to AZDOC. The AZDOC accepted donations of police service dogs in the past and successfully transitioned the dogs to the corrections environment.

In return for the donation of "Dallas", the AZDOC purchased and donated police service dog "Bohdi" to the Phoenix Police Canine Unit.

The AZDOC agreed to accept full responsibility and liability for canine "Dallas" until his death.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Items 47 and 49 be adopted.

In reference to Item 47, Mr. Leonard Clark opined this was a great idea and the grant money would help the neighborhoods look nice and to learn about the environment. Many people did not realize they lived in a desert and the water had not always been here.

Regarding Item 49, Mr. Clark said he was thankful this canine was being treated well, and he hoped the City would continue to ensure service dogs' best interest. Dogs truly were a best friend, and he knew they saved many people's lives, especially soldiers and police officers. Therefore, it was important they were protected.

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 51

CITYWIDE

**ORDINANCE S-40552 -
AMENDMENT 1 - AVIATION
SUSTAINABILITY ON-CALL
CONSULTING SERVICES FOR
FISCAL YEARS 2012-2013 AND
2013-2014**

The Council heard request to authorize the City Manager, or his designee, to execute Amendment 1 to Contract 133566 with LeighFisher, Wilmington, Delaware, to provide professional services to the Aviation Department by performing various sustainability on-call services. This further authorized the City Controller to disburse funds for the purpose of this ordinance.

This amendment increased LeighFisher's contract amount by \$75,000, for a contract total of \$375,000. The two-year contract period approved by previous Council action would expire June 30, 2014.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 51 be adopted.

Mr. Waring requested clarification of this item.

Acting Aviation Director Tamie Fisher explained this request was for professional services to help the Aviation Department develop a sustainability management plan to improve its sustainability practice at the airport. There were three phases to the program, and the third phase had not been completed, which would be setting goals, action plans, and performance measures for an adopted sustainability plan.

Ms. Fisher stated the department was requesting an additional \$75,000 of funding to conduct more extensive outreach with the airport tenants and contractors to promote their participation in the airport's overall sustainability management plan, which included the following focus areas: air quality, energy, recycling, policies, contracts with tenants and contractors, water and wastewater, and also community outreach.

Ms. Fisher further confirmed for Mr. Waring this process had already begun, and today's request was simply adding to it.

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Thanking Ms. Fisher, Mr. Waring said he now understood the intent of this item.

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

MOTION CARRIED.

Items 54 and 55 were heard together.

ITEM 54

DISTRICT 4

**RESOLUTION 21192 -
ISSUANCE OF ONE OR MORE
SERIES OF UP TO \$11,000,000
OF THE INDUSTRIAL
DEVELOPMENT AUTHORITY
OF THE CITY OF PHOENIX,
ARIZONA TAX-EXEMPT
AND/OR TAXABLE
EDUCATION FACILITY
REVENUE BONDS (BASIS
PHOENIX CENTRAL PROJECT)
SERIES 2014**

The Council heard request by BASIS Schools, Inc. (the "Borrower"), an Arizona non-profit corporation, seeking a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Arizona (the "Phoenix IDA") previously resolved to issue up to \$11,000,000 of Education Facility Revenue Bonds (the "Revenue Bonds") to: a) finance the acquisition, construction, renovation, improvement, and equipping of a charter school facility (the "Project"); and b) to pay certain costs related to the issuance of the Revenue Bonds.

The Borrower stated the Project would serve grades K through 6 and included a 5-story building with approximately 97,000 square feet on approximately 2.5 acres located at the southeast corner of 2nd Street and Indianola Avenue.

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

ITEM 55

CITYWIDE

**RESOLUTION 21193 -
ISSUANCE OF ONE OR MORE
SERIES OF UP TO \$10,500,000
OF THE INDUSTRIAL
DEVELOPMENT AUTHORITY
OF THE CITY OF PHOENIX,
ARIZONA TAX-EXEMPT
AND/OR TAXABLE
EDUCATION FACILITY
REVENUE BONDS (BASIS
SAN ANTONIO NORTH
PROJECT) SERIES 2014**

The Council heard request by BASIS Schools, Inc. (the "Borrower"), an Arizona non-profit corporation, seeking a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Arizona (the "Phoenix IDA") previously resolved to issue up to \$10,500,000 of Education Facility Revenue Bonds (the "Revenue Bonds") to: a) finance the acquisition, construction, renovation, improvement, and equipping of a charter school facility (the "Project"); and b) to pay certain costs related to the issuance of the Revenue Bonds.

The Borrower stated the Project would serve grades 5 through 12 and included an approximately 44,800-square-foot, single-story building on approximately 3.65 acres located at 318 East Ramsey Road and 9518 McCullough Avenue in San Antonio, Texas.

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

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Items 54 and 55 be adopted.

Mr. Leonard Clark strongly opposed the Industrial Development Authority (IDA) and the \$20 million in bond funding/tax incentives requested in Items 54 and 55. If the IDA was so independent and the City had no liability, he wondered why they required Council approval. He urged the Council to look into this board as he was worried about the potential for corruption.

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In addition, Mr. Clark said the IDA allowed tax incentives. In these times when the citizens of Phoenix were facing a deficit, being told to tighten their belts, and jobs were not coming back, it was not appropriate for the City to give tax breaks to private/corporate charter schools who liked to call themselves public charter schools. This was money that could be coming into the public coffers from these mega corporations. Little businesses had to pay their taxes; therefore, he did not like these sweetheart deals.

In regards to Item 55, Mr. Clark further opposed this request from a Texas school. The Industrial Development Authority's primary mission was to create jobs. However, the City of New York did a report in 2008 showing that hardly any jobs were being created. He contended that even if the City gave tax breaks to the private charter schools that were killing public schools, these jobs were going to be created anyway. They did not need the government helping them. They were all about competition, and to be fair they should be treated like the public schools which had to obtain the votes of the citizens.

Mayor Stanton explained that, occasionally, Phoenix' IDA funded projects out of state. If they made smart choices, it benefited the community because the fees associated with that deal were used locally. Therefore, it actually generated more resources for programs within Phoenix. He also opined that the IDA had made smart choices and did not believe there had been graft or corruption in the IDA process.

Mr. DiCiccio stated he knew the BASIS School system well, and it was ranked as one of the top five in the country. It was a private charter school with public funding, and it was about School Choice Week; thus giving parents the right to choose a school for their children.

Mr. Clark added this school misused their students and removed the students who were not passing.

Mr. DiCiccio reiterated this was School Choice Week and this request came down to funding schools that gave parents a choice between different education systems. This was funding a good school and ensuring the community had the best quality schools.

Mayor Stanton clarified the schools mentioned were public schools and that was why public funds were being used.

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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.

Mr. Gates noted a speaker comment card had been submitted on Item 57 which the Council previously adopted, and suggested the item be reconsidered.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 57 be reconsidered. **MOTION CARRIED UNANIMOUSLY.**

ITEM 57

DISTRICT 7

**RESOLUTION 21195 -
ABANDONMENT OF
RIGHT-OF-WAY - V-130028A**

The Council heard request to abandon the right-of-way described below, as it was no longer needed.

On August 21, 2013, the Abandonment Hearing Officer considered the application of Mr. Manuel A. Inurriaga of M&M Civil Engineering to abandon the south 100 feet of the parcel identified as Assessor Parcel Number 105-49-011, previously conveyed to the City of Phoenix per Maricopa County Recorder 2009-0905856 and considered as right-of-way per the City of Phoenix Street Transportation Department.

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

Mr. Pat Vint submitted a speaker comment card for Item 57 but did not indicate whether he was in favor or opposed. Upon addressing the Council, his comments were unrelated to the item, except to inquire how the Council knew whether the right-of-way being abandoned was needed.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 57 be adopted.

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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.

NEW BUSINESS

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Items 58 through 64 be approved. **MOTION CARRIED UNANIMOUSLY.**

ITEM 58 **CITYWIDE** **IFB 09-037 - LANDFILL
SERVICES - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to extend contracts with Salt River Landfill and Vulcan Materials Company for disposal of excavation spoil, asphalt paving material, concrete materials, mixed asphalt paving and spoil materials, and water treatment plant sludge for one month (ending February 28, 2014) to allow for evaluation of bids for new contracts. Since there were authorized funds remaining at the end of the contracts' terms, no new funds were requested.

ITEM 59 **DISTRICT 1** **FINAL PLAT - 3101 WEST
PEORIA AVENUE - 130062**

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 January 13, 2014:

Plat 130062
Project 12-2527
Name of Plat: 3101 West Peoria Avenue
A Three-Lot Commercial Plat
Generally located at 3101 West Peoria Avenue

Owner(s): Peoria 3101, LLC
Engineer(s): Dennis Frank Keogh, R.L.S.

January 29, 2014

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

ITEM 60

DISTRICT 2

**FINAL PLAT - REPLAT OF
SONORAN COMMONS
PHASE 1 - 130069**

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:

Plat 130069
Project 06-2123
Name of Plat: Replat of Sonoran Commons Phase 1
A 102-Lot Residential Subdivision Plat
Generally located at North Valley Parkway and Sonoran Desert Parkway

Owner(s): Taylor Morrison Arizona
Engineer(s): Bowman Consulting Group

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-130041A.

ITEM 61

DISTRICT 2

**FINAL PLAT - STONELEDGE
AT NORTH CANYON - 130029**

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 January 13, 2014:

Plat 130029
Project 12-2847
Name of Plat: Stoneledge at North Canyon
A 250-Lot Residential Plat
Generally located at 30th Avenue and North Valley Parkway

Owner(s): Jen Arizona 15, LLC
Engineer(s): Ritoch-Powell

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

January 29, 2014

ITEM 62

DISTRICT 6

**FINAL PLAT - JACKS
JUNCTION - 130073**

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 January 15, 2014:

Plat 130073
Project 01-21991
Name of Plat: Jacks Junction
A Two-Lot Residential Re-plat.
Generally located at 41st Street and Earll Drive.

Owner(s): Arizona Community Ventures, LLC
Engineer(s): D & M Engineering

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

ITEM 63

DISTRICT 6

**FINAL PLAT - MADISON
VISTAS - 130039**

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 January 3, 2014:

Plat 130039
Project 12-3305
Name of Plat: Madison Vistas
A 35-Lot Residential Plat
Generally located at Campbell Avenue and 29th Place

Owner(s): Ryland Homes
Engineer(s): Bowman Consulting

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

ITEM 64

DISTRICT 7

**FINAL PLAT - SOUTHWEST
INDUSTRIAL CENTER - 130081**

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 January 13, 2014:

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Plat 130081
Project 12-1110
Name of Plat: Southwest Industrial Center
A Two-Lot Commercial Plat
Generally located at 7845 West Buckeye Road

Owner(s): Southwest Industrial Center 1, LLC
Engineer(s): Jerry D. Heath Jr., R.L.S.

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

ITEM 65

DISTRICT 8

**FINAL PLAT - VILLAGES AT
VERONA - 130060**

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 January 3, 2014:

Plat 130060
Project 06-4266
Name of Plat: Villages At Verona
A 125-Lot Residential Plat
Generally located at Beverly Road and 7th Street

Owner(s): Ryland Homes of Arizona
Engineer(s): EPS Group, Inc.

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

Mayor Stanton noted a speaker comment card was submitted by Greta Rogers who had a question on Item 65. However, it was determined Ms. Rogers did not intend to speak on this matter.

MOTION CARRIED UNANIMOUSLY.

January 29, 2014

ITEM 66

CITYWIDE

**REQUEST FOR
RECONSIDERATION -
CONSIDERATION OF CITIZEN
PETITION**

The Council heard request for reconsideration of Item 72 (Consideration of Citizen Petition) from the January 15, 2014, Formal Agenda. At the meeting, the Council approved a motion to televise the Citizen Comments Session, increase the amount of time for speakers to three minutes, and keep Citizen Comments following the conclusion of Formal meetings in order to maintain a consistent start time.

Pursuant to the Rules of Council Proceedings, this reconsideration was placed on the agenda in accordance with a written request filed in the City Clerk Department by Councilmen DiCiccio and Nowakowski on January 22, 2014. The original item was placed as the next item on the agenda immediately following this request for reconsideration. The text of the item was exactly as it appeared before the City Council on January 15, 2014. If this request was approved, the City Council would reconsider the original item. If this request was not approved, the City Council should not take action on the next item.

MOTION was made by Mr. DiCiccio, **SECONDED** by Mrs. Williams, that Item 66 be approved. **MOTION CARRIED**, 8-1, with Mrs. Gallego casting the dissenting vote.

ITEM 67

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 Comments Session at the November 20, 2013, City Council Formal Meeting pursuant to Chapter IV of the City Charter.

The November 20, 2013, petition requests 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 requests 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 place on the coming Formal agenda for discussion, action, and possible adoption."

January 29, 2014

Rule 8 of Chapter 2, Rules of Council Proceedings, Citizen Comments currently states, "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."

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.

Mr. DiCiccio reported that, generally, other cities held a Citizen Comments Session at the beginning of the meeting. He also indicated an agreement with Pat Vint.

MOTION was made by Mr. DiCiccio that Item 67 be approved as follows:

- The Citizen Comments portion of the regularly scheduled Formal meetings move to 2:45 p.m.
- Allow three minutes per speaker.
- Promptly start the Formal meeting at 3:00 p.m.
- The Citizen Comments portion would be televised.
- The speakers would be called upon to testify on a first come, first serve basis.
- Staff would adjust the Rules of Council Proceedings accordingly.
- The Council would evaluate this new process.

Mr. DiCiccio said he believed moving the public comment to the beginning was the right thing to do. Typically, individuals waited two or three hours to have their opportunity to speak, and that did not seem fair, especially for people who had strong feelings. Those individuals had a right to petition their government and say their piece.

However, Mr. DiCiccio added, there was a certain level of decorum he requested Pat Vint and others adhere to. He stressed that respect needed to be given to others in addition to not infringing on anyone's freedom of speech. He invited Mr. Vint to the microphone while discussing this concern and assuring Mr. Vint that he understood his belief that he had been wronged by the City. Before moving his motion forward, Mr. DiCiccio requested Mr. Vint discuss their agreement.

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Mr. Pat Vint stated they were going to agree on everything from now on. Also, they agreed to be respectful and nice to each other, because Mr. DiCiccio made him an offer he could not refuse.

Mr. DiCiccio stressed he was only asking that Mr. Vint and others show a certain level of decorum and respect toward the other people in the audience. That was what they had come to an agreement on.

Mr. Vint mentioned a timer used in a City meeting chaired by Mr. Gates that more clearly alerted a speaker that their time was up.

Ms. Pastor said she was willing to **SECOND** Mr. DiCiccio's motion with an amendment. On the back of the speaker comment cards, she suggested adding printed language along the lines of a code of conduct or defining the rules such as three minutes per person and sticking to a topic in order to ensure a respectful dialogue and conversation.

Mr. Valenzuela requested a recap of the motion on the floor.

Mayor Stanton clarified the motion was that public comment would begin at 2:45 p.m.; the order of public comment would be first come, first serve, so staff would have to have to develop a mechanism to indicate which card came in first; each person would be given three minutes; it would be televised; and then after 15 minutes, the Council would begin its regular Formal meeting. He assumed if there were additional speakers after the initial 15 minutes, they would be heard during public comment at the end of the regular Formal meeting.

Further clarifying the motion, Mayor Stanton said Ms. Pastor added her preference that, on the back of the speaker comment cards, some sort of notification be given to the public about the legal rules associated with public comment, as well as the possibility of developing a code of conduct, which must come before the Council for final approval. The concept was to put a code of conduct on the back of the card or perhaps another location to ensure the public was well aware of their expectations in terms of participating in a public meeting.

Mr. Gates posed a question and possibly friendly amendment relative to clarifying that a quorum did not have to be present for the call to the public to begin at 2:45 p.m.

Mr. DiCiccio replied that was a great point.

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Mayor Stanton stated at least one member of the Council had to be present, but it was not legally required that there be a quorum of the Council. The official meeting would begin at 3:00 p.m. If a Council member was present at 2:45 p.m., the Citizen Comments Session would begin, and he assumed most Council members, in good faith, would attempt to be present at 2:45 p.m. He noted that, currently, once the meeting was adjourned, the Council could continue to hold public comment without a quorum, so the same rules would apply to having public comment before the Formal meetings.

Mr. Waring remarked it was three minutes for each person, and the regular Council meeting would start promptly at 3:00 p.m.

Mayor Stanton interjected it was a maximum of three minutes, not a minimum of three minutes.

Following Mr. Vint's attempt to interrupt the Council's debate, Mr. Waring said that brought him to his next point. He appreciated that at the Council meeting a week prior, Ms. Pastor mentioned the idea of starting the public comment at 2:45 p.m. He additionally appreciated her raising discussion about the code of conduct.

Having served on a different governmental body, Mr. Waring relayed they never had these kind of problems. The committees he ran in that other capacity also did not have time limits, nobody swore at one another, and audience members did not insult each other. Overall, the Council's meetings had gotten completely out of hand.

Mr. Waring inquired what the sanction was for violating the code of conduct. He recalled that recently there had been instances of an audience member using negative terms toward another audience member as well as a Council member. While it was possible this type of behavior was not traumatizing too many children viewers, it was embarrassing for everyone. It was one thing if people at home turned the channel because they disagreed with his politics, but they were probably turning the channel because the behavior of participants was so pitiful. He suggested that when drafting the code of conduct, these issues be addressed.

Mayor Stanton inquired whether the makers of the motion wished to have a formal sanction associated with the code of conduct.

Ms. Pastor replied affirmatively.

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Mr. DiCiccio said they already existed, but it was a good idea to put them in writing.

Mayor Stanton said he was unsure whether Mr. Waring was asking for something above and beyond the current rules.

Mr. Waring added that enforcing the rules as written was fine with him.

Ms. Pastor agreed.

Mayor Stanton recalled that a few years ago, the Council passed a code of conduct for participation in parks and youth activities. He suggested this could be used as a guide for what Ms. Pastor was suggesting.

Mr. Nowakowski asked what the sanction would be.

Mayor Stanton responded there was no formal sanction other than if the speaker went beyond their time and/or went off topic, they would be asked to sit down, and if at some point they did not comply, they would be more formally required to remove themselves from the podium.

Following Mr. Vints' attempt to interrupt the Council's debate, Mr. DiCiccio assured Mr. Vint he would have an opportunity to speak soon, and further advised Mr. Vint he was not permitted to sit at the table. He stated the Council was agreeing to make the changes to public comments as Mr. Vint requested, and he wanted Mr. Vint to agree to that.

Ms. Greta Rogers favored the motion, but thought it should be amended to include roll call before the public comment, so there would be a quorum present; otherwise, the Council members would not show up. She noted that when the Formal meeting concluded, Council members left; sometimes leaving only two or three members to hear the speakers, and that was useless. If the Council valued citizens, they would show up and be present for roll call at the beginning of the Citizen Comments Session, noting it would not be a part of the regular meeting.

Mayor Stanton said he had been very impressed by the number of Council members who made an effort to stay for the Citizen Comments Session and the attendance was normally very good. In fact, it was not his impression that any member of the Council left upon adjournment of the meeting because they did not want to hear public comments. They did, however, leave due to meetings, community activities, public commitments, or family obligations.

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Mr. Leonard Clark acknowledged there was no specific written law allowing citizens a right to speak before the Council, but mutual respect was understood. As presented, he opposed the motion because it sounded Orwellian and was an invasion of the first amendment. The language for these special rules seemed ambiguous, and he pointed out there were already rules pertaining to the freedom of speech.

Mr. Clark believed the Council was using this avenue to silence the citizens, which he disagreed with. Developers were allowed to speak, and he referenced dark money coming to politicians; however, this was the day and age of citizens united. He reiterated his strong opposition and said he felt insulted for the first amendment of the country.

Ms. Dianne Barker noted she was in support and liked that the Council had reconsidered this matter. However, the Council merely found another way to exclude the public from the Formal agenda, by moving the session to a separate meeting prior to the regular meeting.

Ms. Barker said the City of Phoenix was unlike any government agency she frequented or researched. All of the cities had a prayer, roll call, and then, typically, a call to the public, and usually the public did not abuse it. Some of the people submitted their comments in writing on cards in lieu of speaking, and normally the process took less than 15 minutes. In this case, though, it was an unfortunate example of City officials not serving the citizenry at the top of the hierarchy.

Ms. Barker relayed that she specifically requested a change to Rule 8 allowing the Council to take action. She found the rule to be very old and not written according to the open meeting law. It stated a quorum was not required and no discussion or action would occur. Council could, however, assign an issue to staff to resolve, put the matter on an agenda, request clarification, and respond to criticism. Nonetheless, the Council should not dilute the public freedom of speech.

Ms. Barker requested the Council consider allowing any member of the public to address the Council on issues of concern at a regular Formal meeting at the beginning of the meeting following roll call. She cautioned the Council that passing the change as presented, would only cause future problems.

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In response to the Orwellian comment made by Mr. Clark, Mr. Waring clarified the Council was only asking that people not interrupt Council members or other speakers, not stand lurking behind them, or sit at the table. Basically, the Council was asking people to follow rules learned in kindergarten. Most people abided by the two- or three-minute limit and tailored their comments to conclude within 30 seconds of that timeframe. However, some individuals did not stop, then the Mayor or Council members had to ask the person to stop, and it became embarrassing.

Mr. Waring argued that asking someone to abide by the rules was not Orwellian, and the request was for everyone's benefit. He further noted the only reason the Council was addressing this issue was to modify the behavior of a couple of people that had caused the situation to get out of hand.

Mr. Pat Vint said Dianne Barker reminded him that whenever any kind of agreement was reached, it went the other way and was all left up to the Council. He proclaimed there would be no City Council if it was not for citizens. He felt the citizens had no right, so it was good to bring this issue out into the open. He also posed the question of why citizens would want to come to a City Council meeting if there was not a quorum present for them to talk to. While they were happy to have rules, Mr. Vint suggested reaching an agreement before making a decision.

Mayor Stanton asked Mr. Vint if he was in favor or opposed to the motion made by Mr. DiCiccio.

In reply, Mr. Vint said sure, if the Council was going to hold it 15 minutes before, but it was not going to satisfy anybody if nobody was present. The Council was elected to do a job they promised to do. However, they did not listen, and although the Citizen Comments Session would be televised, it seemed like the Council did not want that. Therefore, before the Council voted, he suggested holding this matter until everybody approve it.

In the interest of giving everyone their due process, Mr. John Rusinek suggested the Council consider opening the meeting with the pledge and a prayer, and then allowing the citizens to be a part of that open meeting so they could have their freedom of speech. If this was not done, the citizens were going to be before the Council. Normally, most of the Council members were present when the pledge of allegiance was done. If the Council wanted to allow 15 minutes for he and the regulars to say their peace, then the meeting should commence at 2:45 p.m.

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Mayor Stanton appreciated what Mr. Rusinek was saying. Although Mr. Rusinek, Mr. Vint, and others tended to be regular attendees of Council meetings, occasionally larger crowds wanted to participate in the Citizen Comments Session. Therefore, if the motion was approved, it would become a regular practice for the Council to hear some comments in the beginning and some at the end.

Mr. DiCiccio stated he was inclined to vote no on the motion, but would move it forward on his own. He really thought an agreement had been reached with the citizens.

Mr. Vint replied they did, but the Council changed it.

Ms. Pastor suggested taking a vote.

Mrs. Williams said to call for the question.

Over Mr. Vint's interruptions, Mr. DiCiccio said he was fine with whatever anybody wanted to do. He was going to vote yes because he thought it was the right thing to do. However, he considered Mr. Vint's continued rude and disruptive behavior to be very disrespectful, especially when attempts were being made to accommodate him. If necessary, he would request that Mr. Vint be removed.

Mr. DiCiccio agreed with Mr. Waring that the situation had been mishandled. People were trying to find ways to make it work. If it did not work one way, other options could have been considered. Nonetheless, he would vote in favor of the motion, but he did not care if anyone voted no and the motion failed. That was how bad he felt about the ordeal.

Mrs. Gallego shared that she expected there would regularly be more than five individuals who wanted to testify, and she saw great value in having them all testify in one contiguous block. Often, when important items were occurring, people could respond to each other and it would be useful for the Council to see them together. Furthermore, she believed the proposal approved at the previous Council meeting was a good decision, so she intend to vote no on the proposed motion.

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Mrs. Williams remarked she did not care whether it was 15 minutes before or 15 minutes after, and would leave that up to the majority of the Council. However, she agreed with Mr. Clark relative to freedom of speech, and that did not mean Mr. Vint could be rude. Furthermore, no matter what rules were placed on the back of the speaker comment card, it was not going to change behavior. If there was no sanction for violating those rules, the Council was wasting time and probably creating more argument. Therefore, she was not supportive of the motion.

Mr. Nowakowski believed if a code of conduct was implemented, there had to be some kind of sanction. Perhaps if a person did not follow the rules, they would be escorted out. That should be included in the rules, and the rules should be obeyed.

Mr. Gates expressed appreciation for Mr. DiCiccio's and Ms. Pastor's efforts to make this tough issue work. Unfortunately, though, it was not possible to make everyone happy, and the Council needed to do what made the most sense. He stressed the importance of the Council's previous action which approved televising the public comment session and expanding each person's allotted time by 50 percent. He also pledged his commitment to watch the video of public comments should he not be present in person at any given meeting.

Agreeing with Leonard Clark, Mr. Gates said he was concerned about the code of conduct, without knowing exactly what it would say. If it had anything to do with the content of the speech, that made him uncomfortable given some of the first amendment concerns raised. He was willing to continue working toward a resolution but, as presented, he would be opposing the motion.

Ms. Pastor wished to add clarity to the code of conduct or expectations. It did not matter what the Council named it, the bottom line was, a person would be given three minutes and had to stay within the topic. If that was not followed, either the microphone would be shut down or the person would be asked to sit down, especially if they were disrespectful or cussing. Basically, it would be showing participants the expectations for dialogue with the Council.

Mr. DiCiccio added there was no mention of stifling freedom. It was mainly about the three-minute rule, defining the rules, putting them in writing, and then enforcing them. If someone wanted to find a reason to vote against the motion, that was not a good reason.

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If the motion failed, Mr. DiCiccio said he was prepared to make an alternative motion to implement a code of conduct with the rules discussed and to occur at the end of the meeting. Whether the public comment was held before or after the meeting, people needed to know the rules.

Mayor Stanton stated there was possibly a misunderstanding of Ms. Pastor's intent. She wanted language on the back of the speaker comment card stating the rules. Then there was commentary regarding a code of conduct, which went beyond the rules.

Mayor Stanton relayed that, in the context of the code of conduct developed for the parks, it went beyond the minimal rules that had to be followed at the parks. The Council decided to go the extra mile and outlaw behavior such as cussing at children's ballgames. If such behavior occurred, the individual would be removed. It involved many constitutional issues, and the City put in a lot of lawyer time to get it right.

Ms. Pastor explained it was more about respect and staying within the rules, and the expectations of both the speaker and the Council. It was also a matter of putting the rules in writing. If a speaker went past the three minutes and did not conclude after being given a warning, the microphone would be turned off. If the behavior continued, as happened recently, then there would be an advanced, second warning.

Mr. Nowakowski inquired whether the Council could adopt the code of conduct used for the parks. He assumed they went through the legal process to make sure everything was sound, so that same process should be followed.

If the motion passed, Mayor Stanton stated that could be considered. That code of conduct was geared more toward youth, and it took a lot of time to develop and legal input because of the first amendment issues involved.

Mr. Waring thought the intention was to vote on the changes to the public comment process today, and staff would return to the Council with the code of conduct for approval at a later date. He did not support approving a code of conduct without seeing it first.

Mr. DiCiccio concurred; adding he would not even call it a code of conduct.

Ms. Pastor commented she did not know what it would be called.

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No matter what it was called, Mr. DiCiccio stressed the point was to present the rules so speakers knew they had three minutes. He agreed people had the right to say anything they wanted, but ultimately the rules would be outlined on the back of the speaker comment card, in hopes of not having to repeatedly remind people their time was up. He thought Ms. Pastor's suggestion was a nice gesture and should not be overcomplicated.

Ms. Pastor agreed it was not that complicated.

Mr. Waring suggested the following: not shouting out from the audience, not interrupting each other, not scaring other audience members, and staying within the three-minute limit; when time ran out, the microphone would be turned off. He further noted two microphones were setup at Policy meetings, and could similarly be setup at Formal meetings so two speakers were ready alternately. This way, when somebody overstayed their time or continued talking, they would be standing at a silent microphone, the audience at home would not be able to see them, and it defeated their goal of being on television. The next person on standby would begin speaking, and that would allow five people to speak for three minutes each.

To Mrs. Gallego's point, Mr. Waring pointed out the issue, for the most part, was concerning the behavior of five people. Obviously, there were other people wanting to address the Council, but 98 percent of the comments were from the same five individuals. He requested staff verify those statistics. He further noted the other people who addressed the Council followed the basic rules with no problem.

To simplify the matter, an **AMENDED MOTION** was made by Mr. DiCiccio to separate the motion into two categories: 1) moving the Citizen Comments Session to the beginning of the meeting to satisfy the citizens; and 2) directing staff to draft language based on what had been agreed upon to be added to the back of the speaker comment card. This was **SECONDED** by Ms. Pastor.

Mayor Stanton observed that the new motion essentially brought back the original motion before the friendly amendment by Ms. Pastor. The proposal on the table included the following: the Citizen Comments Session would begin at 2:45 p.m., did not require a quorum of the Council to be present, and would not be part of the Formal meeting; up to three minutes would be allowed for individual comments, on a first come, first serve basis; if more people attended and more than 15 minutes was needed, those individuals who put their cards in later would have the opportunity to provide their comments at the end of the meeting; and the code of conduct-related requests were not included at this time.

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Mayor Stanton advised that if the motion failed, the action approved by Council the previous week would remain in place which included: three minutes per speaker, Citizen Comments Session held at the end of the meeting, and it would be televised.

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

MOTION CARRIED.

Regarding the second portion, Mayor Stanton said it was not necessary for the Council to vote because it was considered a request to staff to develop language on the back of the speaker comment card to indicate the rules under which people testified.

Mrs. Williams believed the problem with that portion stemmed from not knowing what was going to be printed on the back of the card. Also, because it was confusing, she suggested posting the information at the entrance, explaining the rules and that it pertained to non-agenda items, so people did not think they had only that time period to talk about agenda items.

Ms. Pastor requested staff research appropriate language regarding the expectations of people addressing the Council.

Given the direction from the Council, Acting City Manager Ed Zuercher confirmed staff would develop something and bring it back for review to ensure it met their approval, and the rules adopted for the parks would be used as the basis.

PLANNING AND ZONING MATTERS

ITEM 68

DISTRICT 2

**PUBLIC HEARING -
RESOLUTION 21191 -
GPA-NG-2-13-2 -
NORTH VALLEY PARKWAY
AND NORTERRA PARKWAY**

Continued from January 15, 2014 - 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:

January 29, 2014

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

Mayor Stanton declared the public hearing open. He noted speaker comment cards were submitted in favor by Toni Bonar and Bradley Novacek (Hilgart Wilson) and Randy Christman (Pulte Homes). These individuals indicated they were available to speak if necessary. There being no one else present wishing to speak on this matter, Mayor Stanton declared the public hearing closed.

Mr. Waring said he was not certain citizens would appear at today's meeting. Two people opposed to the project contacted his office. In addition, the homeowners association had not received notice. As a result, this matter was continued for two weeks so the individuals would have an opportunity to comment and to allow the appropriate notifications to the homeowners association.

Although the homeowners association's representative was unavailable, based on the emails received, Mr. Waring believed they were neutral on the issue upon receiving the information on this site. Additionally, the citizens he spoke to earlier in the day seemed agreeable, since the site was changing from commercial to residential, which usually made people happy.

Acting Planning and Development Director Alan Stephenson concurred with Mr. Waring. He explained that commercial generated significantly more impacts to surrounding properties due to traffic lights, noise, odor; all of which were much greater with commercial uses than single-family residential.

While he believed the citizens he spoke with were agreeable, Mr. Waring wanted assurance that they could contact staff if more information was necessary after the Council voted.

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Mr. Stephenson replied he would be happy to meet with the citizens and show them statistics showing single-family had less impacts than commercial.

MOTION was made by Mr. Waring, **SECONDED** by Mrs. Williams, that Item 68 be granted as recommended by the Planning Commission, and the related resolution adopted.

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

MOTION CARRIED.

ITEM 69

DISTRICT 2

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

Continued from January 15, 2014 - 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:

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.

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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 could 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.
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.

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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.

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.

Mayor Stanton declared the public hearing open. He noted speaker comment cards were submitted in favor by Toni Bonar and Bradley Novacek (Hilgart Wilson) and Randy Christman (Pulte Homes). These individuals indicated they were available to speak if necessary. There being no one else present wishing to speak on this matter, Mayor Stanton declared the public hearing closed.

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MOTION was made by Mr. Waring, **SECONDED** by Mrs. Williams, that Item 69 be granted as recommended by the Planning Commission, and the related ordinance adopted.

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

MOTION CARRIED.

ADJOURNMENT

There being no further business to come before the Council, Mayor Stanton declared the meeting adjourned at 5:35 p.m.

MAYOR

ATTEST:

CITY CLERK

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CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 29th day of January, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of March, 2014.

City Clerk