

March 19, 2014

The Phoenix City Council convened in formal session on Wednesday, March 19, 2014, at 3:04 p.m. in the Council Chambers.

INVOCATION

The invocation was given by Pastor Jacqui Pagel, Trinity Lutheran Church.

PLEDGE

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

ROLL CALL

Present: Council Members *Sal DiCiccio, *Kate Gallego, Bill Gates, Laura Pastor, Daniel Valenzuela, Thelda Williams, Vice Mayor Jim Waring, and Mayor Greg Stanton
Absent: Council Member Michael Nowakowski
Also Present: City Manager Ed Zuercher, Acting City Attorney Daniel Brown, City Clerk Cris Meyer, Deputy City Manager Rick Naimark, Acting Planning and Development Director Alan Stephenson, Deputy City Clerk Ben Lane, Deputy Finance Director Juan Salgado, Police Officer Mario Ancich, and Management Assistant II Denise Archibald

*Mr. DiCiccio participated in the meeting via telephone. Mrs. Gallego arrived following the board and commission appointments.

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

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

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Mayor Stanton acknowledged and welcomed former Councilman Dave Siebert to the meeting, along with his son, a member of Boy Scout Troup 513, who was present to earn a merit badge.

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-5753, G-5890, G-5891, and G-5898 through G-5905; S-40619 through S-40670; and Resolutions 21204 through 21208 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 appointments as submitted by Mayor Stanton:

Development Advisory Board

- To appoint Anamaria Ortega, to serve as an ex-officio member, replacing Patrick Ravenstein
- To appoint Matthew Brady, replacing Jessica Bushong, for a term to expire July 1, 2015

Phoenix Women's Commission

- To appoint Theresa A. "Terri" Jackson, for a term to expire June 30, 2016

Phoenix Workforce Connection Youth Initiatives Committee

- To appoint Marsha Cordova, for a term to expire August 31, 2014

MOTION CARRIED UNANIMOUSLY.

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

Camelback East Village Planning Committee

- To appoint William Fischbach, replacing Michael Maledon, for a term to expire November 19, 2014

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South Mountain Village Planning Committee

- To appoint Aaron Marquez, for a term to expire November 19, 2014

MOTION CARRIED UNANIMOUSLY.

Mrs. Gallego arrived in the Chambers and joined the voting body.

Mayor Stanton administered the oath of office to Anamaria Ortega, Matthew Brady, Theresa A. "Terri" Jackson, Marsha Cordova, William Fischbach, and Aaron Marquez for the appointments reflected above.

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

ITEM 1

CITYWIDE

**SUSPENSION OF THE RULES -
SWEARING IN OF THE CHIEF
PRESIDING JUDGE AND
MUNICIPAL COURT JUDGES**

The Council heard request to suspend the rules and change the order of business to permit the swearing in of the Honorable Roxanne K. Song Ong as Chief Presiding Judge for a term to expire on February 9, 2015; and for the Municipal Court Judges listed below:

<u>Name</u>	<u>Term</u>
Judge Deborah Griffith	December 19, 2017
Judge Lori Metcalf	December 19, 2017
Judge Monyette Nyquist	December 19, 2017
Judge Robert Doyle	January 1, 2018
Judge Kevin Kane	January 1, 2018
Judge Marianne Bayardi	January 17, 2018
Judge Hercules Dellas	January 17, 2018
Judge Michael Hintze	January 17, 2018
Judge Eric Jeffery	January 17, 2018

Suspension of the rules and changing the order of business of the Formal City Council meeting was required by Rule 7(b) of the Rules of Council Proceedings.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Item 1 be approved. **MOTION CARRIED UNANIMOUSLY.**

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Mayor Stanton noted a speaker comment card was submitted by Pat Vint, who indicated he would like the opportunity to meet each of the judges.

Mayor Stanton administered the oath of office to Chief Presiding Judge Roxanne K. Song Ong and the nine Municipal Court Judges listed above.

The Council members joined Mayor Stanton in congratulating the judges.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, to suspend the rules, change the order of business, and take Items 102 and 105 out of agenda order. **MOTION CARRIED UNANIMOUSLY.**

ITEM 102

DISTRICT 6

**PUBLIC HEARING -
ORDINANCE G-5753 -
Z-24-12-6 -
HISTORIC OVERLAY OF
FRANK LLOYD WRIGHT
HOUSE**

Continued from November 7 and December 5, 2012, and January 16, May 1, and November 6 2013 - The Council heard request to hold a public hearing and approve the rezoning for the following item by adopting the Planning Commission's recommendation and the related ordinance.

Application: Z-24-12-6 - Appealed by Opposition
From: RE-35 ACSPD
To: RE-35 HP-L ACSPD
Acreage: 2.45
Location: Approximately 310 feet north of the northeast corner of Exeter Boulevard and Rubicon Avenue
Proposal: Historic Preservation-Landmark Overlay Zoning for the David and Gladys Wright House.
3/4 Vote Required: Yes
Applicant: City of Phoenix Planning Commission
Owner: 8081 Meridian, LLC
Representative: Kevin Weight
Staff: Approved.
HPC Action: September 17, 2012 - Approved. Vote 7-0
VPC Action: Camelback East - October 2, 2012 - Approved with the condition that the City should make efforts to find an equitable and permanent solution. Vote 9-5
PC Action: October 9, 2012 - Approved. Vote 7-1

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MOTION was made by Mr. DiCiccio, **SECONDED** by Mr. Gates, that Item 102 be continued to the formal meeting on December 17, 2014.

Mayor Stanton confirmed with Historic Preservation Officer Michelle Dodds that the continuance did not present any issues for staff.

Mr. Paul Gilbert, representing the property owner of the David and Gladys Wright House, said he had recently been retained and requested the continuance. The goal was to focus on preserving the Wright House. However, he and his client needed time to work with staff and process either a PUD (Planned Unit Development) or special permit, so the historic preservation designation and the special permit or PUD zoning could be heard simultaneously.

Mr. Gilbert acknowledged the question of whether he needed a nine-month continuance. He believed it would take that much time to bring everything together and have it in a posture where it could be heard. In the meantime, no one should worry because the Wright House was not going to be destroyed or torn down. It would remain unchanged until the City process was completed.

Mr. Paul Barnes referenced a March 17, 2014, article in *The Arizona Republic* discussing the possibility that a zoning attorney replacing Grady Gammage, Jr. on this project, Paul Gilbert, could push the PUD option rather than the special permit option, for tying in with the historic landmark designation to be granted on the property.

Mr. Barnes shared that Mr. Gammage had worked diligently with the neighbors regarding the Wright House. His passion for historic preservation, as well as the preservation of development in stable neighborhoods, was well-known. He had a clear understanding that the neighbors did not want the Wright House turned into a venue where large public crowds frequently gathered or where activities that potentially more closely matched commercial undertakings than residential uses, would take place.

Very early in this case, Mr. Barnes recalled those working with Mr. Gammage and the City on the project made it very clear that they did not wish this site to be affected with a PUD rezoning. There was mutual understanding and agreement on this. Last year, neighbors helped Text Amendment TA-3-13 pass unanimously, or by overwhelming votes, by the Camelback East Village Planning Committee, Text Advisory Committee, Phoenix Historic Preservation Commission, the Planning Commission, and the City Council. That text amendment was crafted specifically for the Wright House.

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Mr. Barnes stressed the historic landmark should be pursued, but not with a PUD. Also, the neighborhood felt the nine months was excessive, and did not support the continuance. In the alternative, they suggested a 75-day continuance for the sole purpose of bringing Paul Gilbert and the owner into sync with what was originally envisioned and crafted, which was a special permit, not a PUD.

Mr. Richard Rea expressed concern from the neighborhood in opposition to the PUD application. They wanted to work with the property owner, Zach Rawling, and believed the property should be reserved and preserved. They did not, however, believe the PUD was the way to do it. They preferred to retain the special use permit because that would give the neighbors most directly affected an additional opportunity to know what was going on.

Mr. Rea stated that PUDs could be very specific, but they could also be revised. Therefore, their concern was that an unforeseen revision could occur later; for example, if Mr. Gilbert decided to represent Justin Bieber and start holding his concerts at the Wright House. If that change was made, the neighbors could not control it. Hence their desire to retain the special permit option. Nonetheless, he and the neighbors were happy to work with Mr. Gilbert and Mr. Rawling to achieve an effective use.

Ms. Greta Rogers noted she did not live in the Arcadia neighborhood, but was very familiar with it and had been for over 40 years, and she stood with Mr. Barnes and Mr. Rea in total support of their comments. She did not understand Mr. Rawling's reason for changing attorneys, from a highly respected land use attorney to Mr. Gilbert, whom she considered to be the king of manipulation and did not trust. Therefore, she warned the Council to be very cautious of Mr. Gilbert's involvement and the request for an extended period of time to address this issue.

Mr. Pat Vint said he was fortunate to have worked on homes that Frank Lloyd Wright built and designed, along with the electrical engineers and architects, and recalled the challenges they faced.

Mr. Vint expressed concern about the attorneys, the request for another delay, and the millions of dollars spent for attorneys. He believed the matter should have been left up to the property owners, as the home did not belong to the City or its staff.

In response to Mayor Stanton, Mr. Vint confirmed his opposition to the continuance.

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Although this matter had been continued previously, Mr. DiCiccio thought the parties needed the additional time requested to resolve what was going to happen to the Wright House and the neighborhood. The important objective of preserving the Wright House for historical purposes was in place, and the neighborhood protections were critical as well. He was confident both issues could be resolved.

Mayor Stanton recognized the issue was about the continuance, but this community owed a huge thank you to the property owner who came forward and purchased the Wright House with the intent of preserving it. Gratitude was also owed to key neighborhood leaders, such as Paul Barnes and Richard Rea, because the community rallied behind the property owner, and supported the purchase of the property and moving forward with the historic designation.

Mayor Stanton agreed the Council was going to be supportive of obtaining the proper historical designation to ensure confidence, for decades to come, that this gem of an architecturally important building, not just to the city of Phoenix and the country, but internationally, would be preserved forever. He was confident this would be achieved in a way that preserved the neighborhood interests as well. He believed these interests had more in common, rather than divergent, and the continuance would provide time to achieve the right balance of those very important interests.

MOTION CARRIED UNANIMOUSLY.

ITEM 105

DISTRICT 6

**PUBLIC HEARING -
ORDINANCE G-5905 -
Z-56-13-6 - 7TH STREET AND
OCOTILLO ROAD**

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

Application: Z-56-13-6 – Appealed by Opposition
From: R1-6
To: R-O
Acreage: 0.96
Location: Approximately 305 feet north of the northeast corner of
7th Street and Ocotillo Road
Proposal: Psychologist Office
3/4 Vote Required: Yes
Applicant: Mr. Ken and Dr. Jen Gatt

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Owner: Mr. Ken and Dr. Jen Gatt
Representative: Jason P. Allen – Skyline Consultants
Staff: Approved, subject to stipulations.
VPC Action: Camelback East – February 4, 2013 – Approved, subject to staff stipulations. Vote 12-0
PC Action: February 11, 2014 – Approved per the memo from Tricia Gomes dated February 11, 2014, with one additional stipulation limiting the height of development to 15 feet and one story. Vote 7-0

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

Stipulations

1. The development shall be in general conformance with the site plan date stamped ~~January 9, 2014~~ FEBRUARY 11, 2014, except as modified by the following stipulations and approved by the Planning and Development Department.
2. The property owner shall provide a minimum 20-foot landscape setback with a minimum 3-inch caliper trees to be placed 20-feet on center or in equivalent groupings along the east property line, as approved by the Planning and Development Department, WITH SPECIFIC REGARD TO THE 11 TREES ALONG THE SOUTH AND EAST PROPERTY LINES AS DEPICTED ON THE SITE PLAN DATE STAMPED FEBRUARY 11, 2014.
3. The property owner shall provide a minimum 20-foot landscape setback with a minimum 3-inch caliper trees to be placed 20-feet on center or in equivalent groupings along the south property line, as approved by the Planning and Development Department.
4. The property owner shall maintain a minimum of three trees in the front yard setback.
5. The maximum number of parking spaces allowed shall not exceed 125 percent of the City requirement.
6. The trash enclosure shall be located no closer to the street than the main building, as approved by the Planning and Development Department.
7. The property owner shall dedicate a 10-foot-wide sidewalk easement along the east side of 7th street, as approved by the Planning and Development Department.

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8. THAT PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.
9. THE BUILDING HEIGHT BE LIMITED TO ONE STORY AND 15 FEET.

For the purpose of allowing the neighbors and developer an opportunity to reach a compromise, **MOTION** was made by Mr. DiCiccio, **SECONDED** by Mrs. Williams, that Item 105 be continued to the formal meeting on April 2, 2014.

Ms. Mary Ann Guerra, who opposed the substantive item, said she appreciated the opportunity to negotiate with not only Mr. DiCiccio's office but also the property owner, and if they were unsuccessful, the opportunity to come back and state the case before the Council.

Ms. Melinda Thiaman, also opposed to the proposal, concurred with other neighbors and the continuance, and looked forward to negotiating and returning to the Council if unsuccessful.

Mayor Stanton noted speaker comment cards were submitted in opposition to Item 105 by Catherine Balzano and Tim Thiaman, both echoing the comments made by Ms. Guerra and Ms. Thiaman.

MOTION CARRIED UNANIMOUSLY.

LIQUOR LICENSE APPLICATIONS

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Items 2 through 26 be recommended for approval; excepting Items 9, 10, 21, and 24.

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

- Items 4 and 5 - Lindsey Friend (applicant)
- Item 6 - Jolene Newman (applicant)
- Item 13 - Daikran R. Dikran (applicant) and Theresa J. Morse
- Item 26 - Sheryl Brady (applicant)

MOTION CARRIED UNANIMOUSLY.

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ITEM 2 **DISTRICT 2** **LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - THE ETHIOPIA
PROJECT**

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>
2	Andrew Buswell The Ethiopia Project 17580 NW Springville Road, #2 (Community Group Run)	<u>Event Location:</u> 7077 East Mayo Boulevard <u>Day/Date/Time:</u> Thursday, April 3, 2014 6:30 p.m. to 8:00 p.m. <u>Total Expected Attendance:</u> 300

Staff Recommendation
Staff recommended approval of this application.

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

ITEM 3 **DISTRICT 2** **LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - THE ETHIOPIA
PROJECT**

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>
2	Andrew Buswell The Ethiopia Project 17580 NW Springville Road, #2 (Community Group Run)	<u>Event Location:</u> 7077 East Mayo Boulevard <u>Day/Date/Time:</u> Thursday, May 6, 2014 6:30 p.m. to 8:00 p.m. <u>Total Expected Attendance:</u> 300

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Staff Recommendation

Staff recommended approval of this application.

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

ITEM 4

DISTRICT 2

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - THE SCOTTSDALE
LEAGUE FOR THE ARTS**

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>
2	Lindsey Friend The Scottsdale League for the Arts 7309 East Evans Road (Food and Wine Tasting)	<u>Event Location:</u> 4725 East Mayo Boulevard <u>Day/Date/Time:</u> Wednesday, April 9, 2014 7:00 p.m. to 10:00 p.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 5

DISTRICT 2

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - THE SCOTTSDALE
LEAGUE FOR THE ARTS**

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>
2	Lindsey Friend The Scottsdale League for the Arts 7309 East Evans Road (Food and Wine Tasting)	<u>Event Location:</u> 6902 East Greenway Parkway <u>Day/Date/Time:</u> Saturday, April 12, 2014 7:00 p.m. to 10:00 p.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 6 DISTRICT 2 LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - WILDFIRE
ELEMENTARY SCHOOL
P.T.O., 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>
2	Jolene Newman Wildfire Elementary School P.T.O., Inc. 22404 North 39th Terrace (Silent Auction)	<u>Event Location:</u> 22500 North Aviano Way <u>Day/Date/Time:</u> Saturday, May 3, 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.

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ITEM 7

DISTRICT 3

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - PHOENIX
HARLEY OWNERS
GROUP CHARITIES, 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>
3	Allen Bryan Phoenix Harley Owners Group Charities, Inc. 2445 East Blanche Drive (Community Event)	<u>Event Location:</u> 13850 North Cave Creek Road <u>Day/Date/Time:</u> Saturday, March 29, 2014 12 noon to 7:30 p.m. <u>Total Expected Attendance:</u> 6,000

Staff Recommendation

Staff recommended approval of this application.

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

ITEM 8

DISTRICT 4

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - WINDSOR SQUARE
SPECIAL PLANNING DISTRICT**

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	Ken Mosesian Windsor Square Special Planning District 345 East Medlock Drive (Home and Garden Tour)	<u>Event Location:</u> 220 East Orange Drive <u>Day/Date/Time:</u> Sunday, March 30, 2014 11:00 a.m. to 5:30 p.m. <u>Total Expected Attendance:</u> 1,500

Staff Recommendation

Staff recommended approval of this application.

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

ITEM 11 **DISTRICT 4** **LIQUOR LICENSE APPLICATION - EZ GROCERIES LLC**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned C-2. Arizona State Application 10076494.

Applicant: Jose Rivera, Agent
 EZ Groceries LLC
 3440 West Thomas Road, #2

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 previously licensed for liquor sales as 3 Hermanos Carniceria-Convenience 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):

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- I have the capability, reliability, and qualifications to hold a liquor license because: “I have been in business for over 35 yrs.”

Staff Recommendation

Staff recommended approval of this application.

ITEM 12

DISTRICT 4

**LIQUOR LICENSE
APPLICATION -
LAS PUERTAS SPORTS GRILL**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079788.

Applicant: Raul Laitano Espinoza
Las Puertas Sports Grill
2030 West Camelback Road

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

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales as Sabor Cubano and was operating with an interim permit. The operation plan filed with the application showed the restaurant area seated 120 and the bar area seated 7. This business would have outdoor dining and outdoor alcohol sales, which 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):

- I have the capability, reliability, and qualifications to hold a liquor license because: “I consider myself a responsible person in the sense that I know how liquor regulations work, that I always stick to what the law establishes and its requirements.”

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Staff Recommendation

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

ITEM 13

DISTRICT 4

**LIQUOR LICENSE
APPLICATION -
SPICE TIMES SMOKE SHOP**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned C-2. Arizona State Application 10076493.

Applicant: Daikran Dikran
Spice Times Smoke Shop
2530 North 7th Street, Suite 101

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. This location required a Use Permit to allow packaged liquor sales within 300 feet of a residentially-zoned property.

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 am an organized and hard working individual. I have a bachelor's degree in Chemistry educationally. I have with my family operated a successful smoke shop business in the area. I know individuals who own liquor stores and have been consulting with them for past year in matters related to running a liquor store. I do understand the risks involved, but I also believe that I can be a successful in running such a business. Financially, I am well to get into this type of business. I also have strong family support in everyway (financially, morally and as help to run the business)."

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- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “I have considered the important of this type of business upon the community. The site is not in the neighborhood of school or vicinity of place of worship. I am personally ordained deacon at my church (I am at church every Sunday) I plan to be stringent and vigilant when it comes to client (minors and students). I will ensure that all my employees are promptly applying the laws and regulations with no exception. I plan to hire a number of people (preferably from the nearby community) bearing in mind that will help in job creation in the area, I will benefit too since they will be close to work. Finally, my business should succeed will create revenue for to the City of Phoenix in the form of taxes, license fees etc.”

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 continue operations without a liquor license and the previous owner would not resume ownership.

<u>ITEM 14</u>	DISTRICT 5	<u>LIQUOR LICENSE APPLICATION - SPECIAL EVENT - BALLET FOLKLORICO TAPATIO, INCORPORATED</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>
5	Eduardo Baca Ballet Folklorico Tapatio, Incorporated 2100 South 4th Avenue (Concert)	<u>Event Location:</u> 4344 West Indian School Road, Suite 100 <u>Day/Date/Time:</u> Saturday, April 26, 2014 8:00 p.m. to 1:30 a.m. <u>Total Expected Attendance:</u> 800

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Staff Recommendation

Staff recommended approval of this application.

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

ITEM 15 **DISTRICT 6** **LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ST. BENEDICT
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.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
6	Marie Axman St. Benedict Roman Catholic Parish Phoenix 16035 South 48th Street (Dinner/Silent Auction)	<u>Event Location:</u> 16035 South 48th Street <u>Day/Date/Time:</u> Saturday, May 10, 2014 6:00 p.m. to 10:30 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.

ITEM 16 **DISTRICT 6** **LIQUOR LICENSE
APPLICATION -
PUBLIC HOUSE GARAGE**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-1. Arizona State Application 12078648.

Applicant: Randy Nations, Agent
Public House Garage
4855 East Warner Road, #A31

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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 204 and the bar area seated 48.

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 will make sure all of my employees attend the liquor law training classes."

Staff Recommendation

Staff recommended approval of this application.

ITEM 17

DISTRICT 6

LIQUOR LICENSE APPLICATION - URBAN TACO

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-1. Arizona State Application 12079786.

Applicant: Tim Perkins, Agent
Urban Taco
6522 North 16th Street, #1

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 42 and the bar area seated 17.

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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: "35 yrs as a food + beverage director, owner or manager of restaurants, private clubs + hotel food dept."

- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "Urban Taco will be a good member of the community by running a quality, operation that seeks the support of the neighborhood + surrounding community. One of our goals is to have one night a month where 10% of the revenue generated that evening will be donated to Madison Heights School PTO."

Staff Recommendation

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

**ITEM 18 DISTRICT 7 LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ARIZONA SCHOOL
FOR THE ARTS**

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>
7	Jerome Doris Arizona School for the Arts 4242 North 35th Street (Carnival)	<u>Event Location:</u> 1410 North 3rd Street <u>Day/Date/Time:</u> Friday, April 4, 2014 5:00 p.m. to 8:00 p.m. <u>Total Expected Attendance:</u> 500

March 19, 2014

Staff Recommendation

Staff recommended approval of this application.

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

ITEM 19

DISTRICT 7

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - KAET-TV**

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>
7	Kelly McCullough KAET-TV 555 North Central Avenue (Silent Auction)	<u>Event Location:</u> 1 East Washington Street <u>Day/Date/Time:</u> Sunday, March 30, 2014 11:00 a.m. to 3:00 p.m. <u>Total Expected Attendance:</u> 2,000

Staff Recommendation

Staff recommended approval of this application.

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

ITEM 20

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.

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<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
8	Dana Johnson Alwun House Foundation 1204 East Roosevelt Street (Art Show/Dance Performance)	<u>Event Location:</u> 1204 East Roosevelt Street <u>Day/Date/Time:</u> Friday, March 21, 2014 7:00 p.m. to 12:30 a.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 22 DISTRICT 8 LIQUOR LICENSE APPLICATION - US AIRWAYS, INC.

The Council heard request for a Series 8, Conveyance License-Sale of all Liquor on Board Planes and Trains, liquor license in an area zoned A-1. Arizona State Application 08070006.

Applicant: Stephen Kingsley, Agent
 US Airways, Inc.
 3200 East Sky Harbor Boulevard, T4

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

Application Description

This request was for an acquisition of control of a Series 8 liquor license for an airline. This location was licensed for liquor sales.

Public Opinion

No petitions or protests were received.

Applicant's Statement

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

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- I have the capability, reliability, and qualifications to hold a liquor license because: “US Airways is committed to upholding the highest standards for alcohol sales and service; flight attendants are trained in the techniques of legal and responsible sales and service to passengers.”

Staff Recommendation

Staff recommended approval of this application.

ITEM 23

DISTRICT 8

**LIQUOR LICENSE
APPLICATION -
US AIRWAYS, INC.**

The Council heard request for a Series 14, Clubs-All Liquor on Premises, liquor license in an area zoned A-1. Arizona State Application 14071020.

Applicant: Kurt Holdren, Agent
US Airways, Inc.
3800 East Sky Harbor Boulevard, T4

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

Application Description

This request was for an acquisition of control of a Series 14 liquor license for a private club. This location was licensed for liquor sales.

Public Opinion

No petitions or protests were received.

Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: “US Airways is committed to upholding the highest standards for alcohol sales and service; managers and staff are trained in the techniques of legal and responsible sales and service.”

Staff Recommendation

Staff recommended approval of this application.

March 19, 2014

ITEM 25

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - V A MARKET**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned C-1. Arizona State Application 10076491.

Applicant: Samir Zuraikat
V A Market
907 North 32nd Street

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 licensed for liquor sales with a Series 9, Off Sale-All Liquor, liquor license 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):

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "I have owned and operated the business for over 25 years, with beer sales during the entire time."
- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "We currently have a #9 license and are applying to convert to a #10."

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 continue operations with the current Series 9, Off Sale-All Liquor, liquor license.

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ITEM 26

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - WINGSTOP**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079791.

Applicant: Morgan Higgins, Agent
Wingstop
5130 West Baseline Road, Suite 106

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 40 and there was no bar area.

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: "Since February 2009, I have managed all Wingstop restaurants owned by San Antonio Wings (SAW) within the state of Arizona. I will be physically present and operating the licensed premises as I currently adhere to with all locations throughout the state of Arizona. I have attended and completed all state approved Liquor Law training courses within the past 5 years. Being a resident of the state of Arizona, I have been the responsible party for all liquor licenses issued to SAW throughout the state of Arizona."

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- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “Wingstop is a restaurant serving made to order chicken wings and other poultry products. The chicken wings are offered in a variety of sauces and tossed to order. No other restaurant in the immediate area provides such a unique experience and a similar concept to Wingstop. Many of our guests find beer and wine to be a perfect complement to an order of hot wings. The beer and wine will represent approx. 2% of our overall sales, which is not much of a factor in our sales mix and will not pose any additional safety or security risks.”

Staff Recommendation

Staff recommended approval of this application.

ITEM 9

DISTRICT 4

**LIQUOR LICENSE
APPLICATION -
BOTTOM'S UP
GENTLEMEN CLUB**

The Council heard request for a Series 6, On Sale-All Liquor, liquor license in an area zoned C-2. Arizona State Application 06070799.

Applicant: Samir Yono, Agent
Bottom's Up Gentlemen Club
4516 North 19th Avenue

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

Application Description

This request was for an ownership transfer of a Series 6 liquor license from The Doukas Corporation to Pizza Crazy, LLC for a topless bar. This location was previously licensed for liquor sales and was operating with an interim permit.

Public Opinion

Two hundred and five letters protesting the issuance of this license were received and on file in the office of the City Clerk.

The letters were from local residents concerned with the location. They felt this establishment had been a blight in the neighborhood and had ongoing issues related to noise, crime, drug use, and violence. They also felt this establishment had reduced neighboring property values and this type of establishment did not fit into the surrounding neighborhood.

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Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I held multiple licenses before and operated multiple locations."

Staff Recommendation

Staff gave careful consideration to the protest letters received. However, after reviewing the application in its entirety, staff recommended approval of this application.

Management Assistant II Denise Archibald presented this request for an ownership transfer of a Series 6 license from the Doukas Corporation to Pizza Crazy, LLC for a topless bar. She advised this location was previously licensed for liquor sales and was operating with an interim permit. Two hundred and five letters protesting the issuance of this license were received and on file in the Office of the City Clerk. The letters were from local residents concerned about this location. However, consideration could be given only to the applicant's personal qualifications and not to the location; therefore, staff recommended approval of this application.

Mayor Stanton clarified that despite the huge amount of neighborhood opposition to this proposed liquor license transfer, staff did not have legal issues with it.

Ms. Pastor acknowledged this was an ownership transfer. However, she knew this area very well, as there was great concern for it. Furthermore, with 205 letters of protest regarding this license related to noise, blight, and location, she could not, in good conscience, support it.

MOTION was made by Ms. Pastor, **SECONDED** by Mrs. Gallego, that Item 9 be recommended for disapproval.

Mr. Devesh Agnihotri agreed with Ms. Pastor's opposition to the requested liquor license.

Mayor Stanton advised that the Council was a recommending body, but the State Liquor Board would make the final decision. Therefore, it was important to provide any reasons for opposition not stated by Ms. Pastor.

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Mr. Agnihotri indicated the approval of the liquor license correlated with the additional crime in the area, including several prostitution arrests in the past year. In 2012, reportedly crime was at the highest point when this club was in operation. In the 2013 report, during which time the establishment was not operating, the crime rate decreased. Considering the 205 objection letters and the neighborhood concerns, he did not believe the liquor license needed to be transferred to this location.

Mr. Randy Roberts conveyed his opposition stemmed from a presumption in the Arizona Revised Statutes that the liquor license was going to serve the same convenience and interest of the community that it did when originally issued in 1958. This location used to be a blues bar, which the neighborhood welcomed, but now it was a strip club. Basically, the public was being lied to under a veil of presumption when, in truth, the convenience and interest of the community was not being served. Mr. Roberts further noted this establishment was 25 feet from homes.

Mr. Jerry Neill spoke in representation of the Westwood Community and neighborhood activist Donna Neill. He said this bar had been a thorn in the neighborhood's side for many years. A homicide occurred there a couple of years ago and, generally, it had been a bad place for business and the neighborhood would like it to be cleaned up. He thanked Randy Roberts for doing a great job in spearheading this effort in Donna Neill's absence.

Mr. Richard Conaway said he moved into the neighborhood approximately eight months ago with his wife and 13-month-old daughter, and his reason for opposing this strip club in the neighborhood, was for his daughter.

Mr. Michael Ryan, a resident of the neighborhood, said it was important to note that this bar was right next door, perhaps 25 feet, to many people's homes. Also, this was a bar that, in the '50s, was authorized because it was a small, sedate, jazz or blues bar, that had morphed into a topless bar that was attracting all kinds of problems.

Mr. Ryan further conveyed that Mr. Roberts worked with the surrounding community on this issue, including a day-care center directly across the street. Unfortunately, it was difficult to get their corporate representatives to attend this Council meeting, but they did express concern with the erotic signage displayed in view of the children, and the challenge that presented when new clients visited their site. It was also learned the nearby Circle K's business had increased when the bar closed. Mr. Ryan agreed the current use was not what it was originally intended to be, and it really should not be there.

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Mayor Stanton noted speaker comment cards were submitted in opposition to Item 9 by the following individuals who did not wish to speak: Dan Archibald, Paul Barnes, Chris Campabello, James Conway, Karlene K. Edwards, Michael A. Edwards, Gary Grainger, Jason Labarbera, Daniel Roberts, LuCarol Roberts, Jack Wick, Patti Wick, and Yoshi Yoshimoto.

The applicant, Mr. Samir Yono, explained he bought the bar with the shopping center next door, and he owned and successfully operated six other businesses. He understood there were concerns previously, but the future was under discussion now. He planned to remodel the property and give a face-lift to the bar and shopping center, and hoped to keep the bad crowd away. Having done his own investigation regarding the previous owners, he understood one of the concerns was noise due to the back door be kept open. Under his operation, this would not occur.

Mr. Yono explained his other businesses, other than bars, included restaurants, convenience stores, car washes, and senior citizen homes. However, this bar was just like any other business, and the main factor was controlling it, having the right management, and working with the community. If there were concerns, they had to work together to resolve them.

Ms. Pastor advised the neighborhood that the Council was the first step in the process, and the next was appearing before the State Liquor Board.

Concurring with Ms. Pastor, Mayor Stanton stressed the Council was a recommending body to the State Liquor Board, and they did not always take the Council's advice regarding liquor licenses. Therefore, if this vote was successful, the neighborhood would have the support of the Council in opposition to the liquor license. While that would be an important piece of information for the State Liquor Board, the neighborhood would have to attend in equal or larger numbers to be successful at the State Liquor Board.

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

MOTION CARRIED.

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ITEM 10

DISTRICT 4

**LIQUOR LICENSE
APPLICATION -
CHICAS CABARET**

The Council heard request for a Series 7, On Sale-Beer and Wine, liquor license in an area zoned A-1. Arizona State Application 07070127.

Applicant: Joyce Yarbrough Wallace, Agent
Chicas Cabaret
2802 North 35th Avenue

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

Application Description

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

Public Opinion

No petitions or protests were received.

Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I have years of experience managing bars in Arizona, had training in security for bars, worked as a DJ at bars, had alcohol and management training and have security training for working in bars."

Staff Recommendation

Staff recommended approval of this application.

Management Assistant II Denise Archibald advised this request was for an acquisition of control of an existing Series 7 liquor license for a topless bar doing business as Chicas Cabaret. Staff recommended approval of this application.

Mayor Stanton clarified that staff did not have legal issues with the requested liquor license.

Ms. Pastor noted there had been 17 police calls for service in the past 12 months at another establishment associated with the applicant. Previously, the applicant had an ownership interest and was now applying to be the owner.

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Ms. Archibald reported the applicant had been added to this particular ownership and, thereby, to the corporation or LLC. Essentially, they were acquiring control of an existing LLC. Therefore, in this case, if the application was recommended for disapproval and ultimately denied, the license would still remain in the name of the original LLC, potentially without this person.

MOTION was made by Ms. Pastor, **SECONDED** by Mrs. Williams, that Item 10 be forwarded to the State with no recommendation.

Mr. Christian Nava Cruz stated he was a resident of Arizona, attended Central High School and Phoenix College, was president of his neighborhood association (Campbell Neighborhood Association), and had been in the liquor business for 12 years. He was acquiring control of the subject business and would be the one controlling the business.

Mr. Cruz relayed that he had successfully run bars in the past, and realized that was a concern raised by the police. However, since he had similar businesses, they gave their approval. He would, 100 percent, be taking care of the business to the letter, so there should not be any issues. The prior owner lived in Prescott and neglected the business, and the poor management was why the problems were not being properly taken care of.

Ms. Pastor thought she recalled hearing that if the Council recommended disapproval, the ownership would stay with the original applicant, but now it seemed as though the applicant would be added onto the license and he was taking 100 percent ownership.

Mr. Cruz confirmed he would be the controlling interest.

Ms. Archibald clarified the corporation or LLC could be composed of several members and one or more of them could operate the location itself. In this case, Mr. Cruz was being added to the corporation. If he was removed, that corporation legally still owned the license, and unless they sold the license or withdrew the application, they could potentially continue to operate.

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

MOTION CARRIED.

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Mr. Valenzuela declared a potential conflict of interest and withdrew from the voting body on Item 21.

ITEM 21 **DISTRICT 8** **LIQUOR LICENSE APPLICATION - SPECIAL EVENT - PHOENIX DAY**

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	Sean Carroll Phoenix Day 2123 East State Avenue (Recognition Ceremony/Silent Auction)	<u>Event Location:</u> 215 East Grant Street <u>Day/Date/Time:</u> Friday, April 4, 2014 6:00 p.m. to 8:30 p.m. <u>Total Expected Attendance:</u> 300

Staff Recommendation
Staff recommended approval of this application.

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

MOTION was made by Mrs. Gallego, **SECONDED** by Mrs. Williams, that Item 21 be recommended for approval.

Mayor Stanton noted the Phoenix Day organization was presenting Mr. Valenzuela with an award.

MOTION CARRIED UNANIMOUSLY.

Mr. Valenzuela returned to the voting body.

March 19, 2014

ITEM 24

DISTRICT 8

**LIQUOR LICENSE
APPLICATION -
CHI CHIS SHOWCLUB**

The Council heard request for a Series 7, On Sale-Beer and Wine, liquor license in an area zoned C-2. Arizona State Application 07070780.

Applicant: Francis Zanzucchi, Agent
Chi Chis Showclub
2438 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 7 liquor license from Gilbert for a topless bar. This location was not previously licensed for liquor sales and did not have an interim permit. This location was licensed as an Adult Cabaret, with no alcohol sales.

Public Opinion

No petitions or protests were received.

Applicant's Statement

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

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "I've managed liquor as an owner and a manager for 30+ years in Arizona I also am a certified trainer for ABC liquor training and I'm on the ALBA (AZ Liquor Bev Assc.) Board of Directors."

- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "With this new addition of a liquor license will draw new business to the local business in the area. We painted the building and will restripe the parking lines. We will have security on duty everyday we are open. We will provide stability to this property by staying in business."

Staff Recommendation

Staff recommended approval of this application.

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MOTION was made by Mrs. Gallego, **SECONDED** by Mrs. Williams, that Item 24 be continued to the formal meeting on April 2, 2014.

Mayor Stanton noted a speaker comment card was submitted in opposition to Item 24 by Josefina Valenzuela, but she concurred with the continuance and did not wish to speak. Christian Nava Cruz also submitted a card in favor, but did not wish to speak

MOTION CARRIED UNANIMOUSLY.

ITEM 27

DISTRICT 2

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

The Council heard request for a Series 6, On Sale-All Liquor, liquor license in an area zoned C-2. Arizona State Application 06070194.

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

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

Application Description

This request was for an ownership and location transfer of a Series 6 liquor license from 4622 North 7th Street for a bar. This location was operating with an interim permit for a Series 12, Restaurant-All Liquor on Premises, liquor license.

Public Opinion

No petitions or protests were received.

Applicant's Statement

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

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

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- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “We would like the ability to offer patrons drinks with their meals if they choose to have one.”

Staff Recommendation

Staff recommended disapproval of this application based on concerns with the applicant’s history of liquor license violations.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Item 27 be continued to the formal meeting on April 2, 2014. **MOTION CARRIED UNANIMOUSLY.**

ITEM 28

DISTRICT 8

**LIQUOR LICENSE
APPLICATION -
48TH ST MARKET**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned C-2. Arizona State Application 10076492.

Applicant: Mohammed Abdul Kareem, Agent
48th St Market
320 North 48th Street

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. This location required a Use Permit to allow packaged liquor sales within 300 feet of a residentially zoned property.

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: "I have been managing this nature of business for many years and I am a man of good moral conduct and integrity. I have with merits demonstrated to be an upstanding citizen and good member of society."
- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "I will provide an immediate availability of products and services to the local community that is very requested and will provide employment that will assist the local residents and create and generate tax revenue for the city."

Staff Recommendation

Staff recommended disapproval of this application based on a Police Department recommendation for disapproval due to concerns with the applicant's failure to disclose criminal history and past incidents involving liquor law violations for a business the applicant managed. The applicant had not demonstrated that he was capable, reliable, and qualified to hold and control a liquor license.

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

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

MOTION was made by Mrs. Gallego, **SECONDED** by Mr. Gates, that Item 28 be recommended for disapproval.

Police Officer Mario Ancich from the Central City Precinct addressed the Council on behalf of Officer Armida Gonzales regarding the 48th St Market and the applicant, Mohammed Abdul Kareem. He reported the Police Department recommended disapproval of this liquor license application for the reasons detailed below.

- Mr. Kareem failed to provide information on the Arizona Department of Liquor Licenses and Control questionnaire related to Question 15.

On August 17, 2013, Mr. Kareem was arrested for selling liquor without a license and knowingly allowing an underage individual to drink. This complaint was subsequently dismissed in court on August 26, 2013. However, there was a pending case regarding the arrest and allowing unlicensed liquor consumption.

March 19, 2014

On October 3, 2009, Mr. Kareem was arrested for loitering in a park after hours in the city of Phoenix. The complaint was dismissed by the court on October 14, 2009.

- It was confirmed that Mr. Kareem had a pending case related to the August 17, 2013 arrest. However, he failed to provide information on the Arizona Department of Liquor License and Control questionnaire related to Question 16.
- Mr. Kareem filed this application as a controlling person. He provided information on the Arizona Department of Liquor License questionnaire related to Question 12, as being the manager from February 2008 to present at the Chevron located at 1901 West Bethany Home Road. At this establishment, there were compliance actions for several liquor violations. The establishment had compliance actions and paid a fine in April 2012 for violating Arizona Revised Statutes 4-241.A, failure to request identification from an underage buyer, and Arizona Revised Statutes 4-244.9, for selling, giving, or furnishing an underage person with alcohol.

This business also had a compliance action on November 2013 and paid a fine for the violation of Arizona Revised Statutes 4-202.C.

In January 2014, a fine was paid for violation of the Arizona Revised Statutes 4-244.14, for selling liquor to an intoxicated or a disorderly person.

- Mr. Kareem additionally failed to provide information on Question 17.

Officer Ancich relayed that due to these incidents, Officer Gonzales interviewed Mr. Kareem and verified the discrepancies. As a result, these actions showed a cause of concern for the applicant's ability to responsibly control a liquor license. In summary, the applicant failed to demonstrate reliability, capability, and qualification for issuance of a liquor license as required by Arizona Revised Statutes 4-203.A.

Mr. Waring temporarily left the voting body.

The applicant, Mr. Mohammed Abdul Kareem said he tried to help the community by doing what was right. Regarding the charges mentioned by Officer Ancich, two had already been dismissed, and one he was going to school for.

March 19, 2014

Noting this establishment was located in District 8, Mr. Jadid King requested the Council stop bringing undesirable projects to the community. They wanted to improve this community for those who lived there, and would like for Mrs. Gallego to do more to help them in their diligent efforts.

Mayor Stanton pointed out the recommendation from Mrs. Gallego was to oppose the liquor license based on the reasons stated by Officer Ancich.

Mrs. Gallego added her opposition was based on the applicant's history and the issues with liquor licenses in the past which were well-documented, and she thanked the Police Department.

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

MOTION CARRIED.

Mr. Waring returned to the voting body.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to suspend the rules, change the order of business, and take Item 104 out of agenda order. **MOTION CARRIED UNANIMOUSLY.**

<u>ITEM 104</u>	DISTRICT 3	PUBLIC HEARING - ORDINANCE G-5891 - Z-24-13-3 - TATUM BOULEVARD AND SHEA BOULEVARD
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Continued from February 5 and 19, 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-24-13-3 – Appealed by Opposition
From:	CO/GO
To:	C-1
Acreage:	3.52
Location:	Approximately 750 feet west of the southwest corner of Tatum Boulevard and Shea Boulevard
Proposal:	Day Care Facility

March 19, 2014

3/4 Vote Required: Yes
Applicant: Robert Brooks Ministries, Inc.
Owner: Robert Brooks Ministries, Inc.
Representative: Robert Brooks Ministries, Inc.
Staff: Approved, subject to stipulations.
VPC Action: Paradise Valley – September 9, 2013 – Denied. Vote 14-0
PC Action: January 14, 2014 – Approved per the staff Addendum A dated January 14, 2014. Vote 4-2

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

Stipulations

1. The development shall be in general conformance with the site plan date stamped ~~July 18, 2013~~ JANUARY 10, 2014, as approved by the Planning and Development Department.
2. A MINIMUM 50% 2-INCH CALIPER TREES AND 50% 3-INCH CALIPER TREES SHALL BE PLANTED 20 FEET ON CENTER WITHIN THE REQUIRED LANDSCAPE SETBACK ALONG THE SOUTH PROPERTY LINE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. NO DUMPSTER SHALL BE LOCATED WITHIN 100 FEET OF THE SOUTHERN PROPERTY LINE.

Mayor Stanton declared the public hearing open.

Mr. Pat Vint stated he was in favor of this proposal as long as it was going to help a business person, and the City was not going to destroy the person.

Mr. Lawrence Rosenfeld noted he was one of the signatories to the written protest filed on January 17, 2014. Since that time, there had been diligent, good-faith efforts by the applicant, several homeowners, and two homeowner associations to reach an agreement in this matter, and he was happy to report they had entered into an agreement with the applicant, which included a series of detailed deed restrictions. These would be recorded in the Maricopa County Recorder's Office tomorrow, assuming this item was approved by the Council.

As a result of that, on behalf of all the signatories to the written protest, Mr. Rosenfeld was pleased to inform the Council that they were withdrawing the protest, and based upon the applicant's promises and assurances, they could now support the application.

March 19, 2014

Mr. Rosenfeld extended his gratitude to all those at the City who helped them achieve this result, especially Mr. Gates and Ms. Etter (from District 3 Council Office), who brought the parties together for a productive, in person, mediation-type meeting.

Mayor Stanton noted a speaker comment card was submitted in favor of Item 104 by Robert Brooks, who did not wish to speak on this matter.

There being no one else wishing to speak, Mayor Stanton declared the public hearing closed.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 104 be granted per the memo from Alan Stephenson dated March 17, 2014, and adopt the related ordinance, subject to the following revised stipulations:

1. The development shall be in general conformance with the site plan date stamped January 10, 2014, as approved by the Planning and Development Department.
2. A minimum 24-inch box, canopy type trees with a minimum 4-inch caliper spaced no more than 20 feet apart shall be planted along the southern boundary wall, as approved by the Planning and Development Department.
3. No dumpster shall be located within 100 feet of the southern property line.
4. The applicant shall pursue a use permit to extend the wall along the southern property line to a height of 12 feet, as approved by the Planning and Development Department.

Mr. Gates thanked Pastor Brooks, Mr. Rosenfeld, and other neighborhood representatives for working through the issues that needed to be addressed in the best interests of the neighborhood, as well as Pastor Brooks' desire to further his ministry through activities that would lead to further economic development in District 3. He appreciated their patience with him, and the spirit of cooperation exhibited. Furthermore, he looked forward to great further development at the very important intersection of Shea and Tatum Boulevards in District 3.

Mayor Stanton congratulated Mr. Gates on the successful resolution reached on this case. He pointed out that the City would not be a party to any formal legal agreement between the parties, as that would not be appropriate. The Council's responsibility was to consider the zoning issues involved. However, if private parties got together and worked out their disagreements in a legal way that helped the process, that was great. That was exactly what should happen, and did happen on occasion, to get difficult cases resolved.

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

MOTION CARRIED.

PETITIONS, COMMUNICATIONS, AND PUBLIC HEARINGS

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Items 29A-C be granted as recommend (see individual items listed below for specific action). **MOTION CARRIED UNANIMOUSLY.**

<u>ITEM 29</u>	DISTRICTS 2, 5, AND 8	<u>MODIFICATION OF STIPULATION REQUESTS FOR RATIFICATION OF PLANNING HEARING OFFICER ACTION</u>
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The Council heard request to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on February 19, 2014.

DISTRICT 2
 38TH STREET AND BELL
 ROAD
 APPLICANT: SIGNS PLUS
 OWNER: TUCK BETTIN
 REPRESENTATIVE: CHRIS
 TOTTON

- A. Application: Z-29-96-2
- Existing Zoning: C-2
- Acreage: 2.7
- Location: Southwest corner of 38th Street and Bell Road
- Proposal: Deletion of Stipulation 2 regarding height of freestanding signs.

The Planning Hearing Officer recommended approval.

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

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Stipulations

1. That a 40-foot landscape setback be provided along Bell Road consistent with the Bell Road Design Standards.
- ~~2. That freestanding signs be limited to a maximum height of ten (10) feet.~~
- ~~3.-2.~~ 2. That there shall be one driveway access on Bell Road and one driveway access on 38th Street.
- ~~4.-3.~~ 3. That the landscaping consists of 'non lawn desert style' vegetation.

DISTRICT 5
27TH AVENUE AND
GLENDALE AVENUE
APPLICANT: C. MARK
BERGQUIST
OWNER: O'REILLY
AUTOMOTIVE STORES, INC.
REPRESENTATIVE: C. MARK
BERGQUIST

- B. Application: Z-81-06-5
Existing Zoning: C-2
Acreage: 0.06
Location: Approximately 330 feet west and 153 feet north of the northwest corner of 27th Avenue and Glendale Avenue
Proposal: 1) Deletion of Stipulation 1 regarding 10-foot landscape buffer.
2) Deletion of Stipulation 2 regarding location of drive aisle.

The Planning Hearing Officer took the case under advisement on February 19, 2014. On February 20, 2014, the case was taken out from under advisement and approved as filed.

The Alhambra Village Planning Committee did not review this request.

Stipulations

- ~~1. That the 10-foot landscaped buffer, provided on the north and west property line, shall include three-inch caliper non-deciduous trees placed 20 feet on center in a staggered double row or in equivalent groupings, as approved by the Development Services Department.~~

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2. ~~That a drive aisle shall be located adjacent to the landscaped setback along the north and west property line.~~
- 3-1. That the C-2 portion of the site, planned for later development, shall require Planning Hearing Officer approval prior to preliminary site plan approval.
- 4-2. That the following people and organizations shall be notified of the Planning Hearing Office hearing for development of the C-2 portion of the property:
- Frank Beaudrot, 7016 North 27th Avenue Phoenix, Arizona 85051
 - North Glen Square Neighborhood Association, P.O. Box 39485, Phoenix, Arizona 85069
 - Lawrence Wing and Gerry Batt Camden Court Development, 7115 North 27th Lane, Phoenix, Arizona 85051
 - Diane Piergallini, 2297 West Keim Drive, Phoenix, Arizona 85015

DISTRICT 8
24TH STREET AND
BASELINE ROAD
APPLICANT: K. HOVANIAN
HOMES
OWNER: TRIYAR CAITAL,
LLC
REPRESENTATIVE: NICK
WOOD, ESQ. - SNELL AND
WILMER, LLP

- C. Application: Z-12-06-8
Existing Zoning: R1-8 BAO
Acreage: 40.97
Location: Approximately 328 feet west of the southwest corner of 24th Street and Baseline Road
Proposal: 1) Modification of Stipulation 1 regarding general conformance with the site plan date stamped March 29, 2006.
2) Modification of Stipulation 2 regarding elevations.
3) Deletion of Stipulation 3 regarding single-story limitations.
4) Deletion of Stipulation 4 regarding alternative garage locations.
5) Modification of Stipulation 5 regarding the multi-use trail on the west side of 24th Street.

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- 6) Modification of Stipulation 8 regarding perimeter walls constructed along the Highline Canal.
- 7) Deletion of Stipulation 10 regarding open space areas of the west parcel.
- 8) Modification of Stipulation 11 regarding open space areas and amenities.
- 9) Deletion of Stipulation 15 regarding single-story home on Lot 44.
- 10) Deletion of Stipulation 16 regarding Lots 33, 34, 36, and 37 of the site's west parcel.
- 11) Modification of Stipulation 17 regarding walls at the northwest corner of the site's west parcel.
- 12) Modification of Stipulation 18 regarding a 6-foot wall along the west property line of the site's west parcel.
- 13) Technical corrections to Stipulations 6, 7, 9, and 14.

The Planning Hearing Officer recommended denial as filed and approval with modifications.

The South Mountain Village Planning Committee did not review this request.

Stipulations

SITE PLAN AND ELEVATIONS

1. ~~That the development shall be in general conformance with the site plan date stamped March 29, 2006, and elevations date stamped March 8, 2006,~~ DECEMBER 19, 2013, as modified by the following stipulations and approved by the PLANNING AND Development ~~Services~~ Department.
2. ~~That the elevations shall incorporate four-sided enhanced architecture, such as exterior accent materials (e.g. brick, stone, veneer), exterior detailing (e.g. stucco recesses, pop outs or other window treatments), and decorative garage doors that convey a sense of continuity throughout the development~~ BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED DECEMBER 19, 2013, as approved by the PLANNING AND Development ~~Services~~ Department.

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SUBDIVISION DESIGN

3. ~~That a minimum of 50 percent of all homes constructed on lots adjacent to the Highline Canal shall be one-story (maximum 15 feet). That homes constructed on lot 22, of the west parcel and Lots 8, 12, 13, and 17, of the east parcel, as illustrated on the site plan date stamped March 29, 2006, shall be one-story (maximum 15 feet) to provide view corridors throughout the site, as approved by the Development Services Department.~~
4. ~~That a minimum of 30 percent of all homes constructed shall provide an alternative garage location (e.g. side entry), as approved by the Development Services Department.~~

MULTI-USE TRAIL

- 5-3. ~~That a~~ A 10-foot-wide multi-use trail shall be constructed within a 30-foot multi-use trail easement on the ~~west~~ EAST side of 24th Street, as approved by the Parks and Recreation Department. That any proposed reductions in trail easement width shall be approved by the Parks and Recreation Department.

PERIMETER WALLS

- 6-4. ~~That the~~ perimeter wall constructed along the 50-foot landscaped setback area to be provided along Baseline Road shall be a view wall. That the view wall may be comprised of the following combination of wrought iron and decorative block wall, as demonstrated in the residential development fencing figure on Page 25 of the Baseline Area Master Plan and as approved by the PLANNING AND Development Services Department:
 - Minimum four feet wrought iron - 90 percent minimum of entire wall length; and
 - Decorative block wall - 10 percent maximum of entire wall length.
- 7-5. ~~That p~~Perimeter walls shall not be constructed between lots backing onto 24th Street and the public right-of-way, as approved by the PLANNING AND Development Services Department.

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- ~~8-6.~~ That ~~p~~Perimeter walls constructed along the Highline Canal shall be view walls. That the view walls shall be comprised of ~~a maximum of four feet decorative block wall and that the remaining portion of the walls shall be wrought iron WITH COLUMNS,~~ as approved by the PLANNING AND Development Services Department.

ENTRY FEATURES

- ~~9-7.~~ That ~~e~~Citrus trees shall be incorporated into all of the site's entrances. Required landscape materials shall include a minimum of three-inch caliper trees and shall be planted in rows or equivalent groupings to mimic plant nurseries, as approved by the PLANNING AND Development Services Department.

OPEN SPACE

- ~~10.~~ That ~~the open space areas of the west parcel, as illustrated on the site plan date stamped March 29, 2006,~~ shall have a combined minimum of five amenities, which may include but are not limited to the following: ~~tot lot, large shaded seating area, barbeque area, tennis court, basketball court, or swimming pool, as approved by the Development Services Department~~
- ~~11-8.~~ That the open space areas, as illustrated on the site plan date stamped ~~March 29, 2006~~ DECEMBER 19, 2013, shall have a combined minimum of ~~four~~ FIVE amenities, which may include but are not limited to the following, as approved by the PLANNING AND Development Services Department: ~~tot lot, large shaded seating area, barbeque area,~~ RAMADAS, tennis court, basketball court, or swimming pool.

AVIATION

- ~~12-9.~~ That the property owner shall record documents that disclose the existence and operational characteristics of Sky Harbor International Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.

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STREETS AND RIGHT-OF-WAY

- ~~13-10.~~ That right-of-way totaling 40 feet shall be dedicated for the west half of 24th Street.
- ~~14-11.~~ That the developer shall construct all streets within and adjacent to the development, with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.
- ~~15.~~ That the home constructed on Lot 44 of the site's west parcel, as illustrated on the site plan date stamped March 29, 2006, shall be one story (maximum 15 feet).
- ~~16.~~ That homes constructed on Lots 33, 34, 36, and 37 of the site's west parcel, as illustrated on the site plan date stamped March 29, 2006, shall be one story (maximum 15 feet).
- ~~17-12.~~ That A SIX-FOOT-TALL FENCE SHALL BE CONSTRUCTED ALONG THE EAST AND SOUTH PROPERTY LINES OF THE EXCEPTION PARCEL LOCATED AT THE NORTHWEST CORNER OF THE SITE'S WEST PARCEL, IDENTIFIED AS APN 301-30-003C, YOWELL KIRBY, ON THE SITE PLAN DATE STAMPED DECEMBER 19, 2013. THE FENCE SHALL BE A MAXIMUM OF FOUR FEET OF BLOCK; THE REMAINING HEIGHT SHALL BE VIEW FENCING. ~~Walls SHALL BE constructed along the east, AND south, and west property lines of the exception parcels located near AT the northwest corner of the site's west parcel shall be six-foot view walls. That the view walls shall be comprised of a minimum of two feet wrought iron.~~
- ~~18-13.~~ THAT GROUNDCOVER, BUSHES, AND OTHER SIMILAR PLANTS THAT ARE LOCATED WITHIN 50 FEET OF THE WALL DESCRIBED IN STIPULATION 12 BE TRIMMED AND MAINTAINED BY THE FUTURE HOMEOWNER'S ASSOCIATION AND SHALL NOT EXCEED THE MAXIMUM HEIGHT OF THE BLOCK PORTION OF THE AFOREMENTIONED WALL. ~~That the developer shall make improvements RETAIN THE EXISTING WALL along the west property line of the site's west parcel to provide a six-foot wall.~~

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OLD BUSINESS

ITEM 30

DISTRICT 2

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

Continued from December 4, 2013, January 15, 2014, and February 19, 2014 - The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079678.

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

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

Application Description

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

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: "We train all of our employees in responsible liquor service and they go through regular audits to ensure they comply."

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Staff Recommendation

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

MOTION was made by Mr. Waring, **SECONDED** by Mrs. Williams, that Item 30 be continued to the formal meeting on April 2, 2014. **MOTION CARRIED UNANIMOUSLY.**

ORDINANCES AND RESOLUTIONS

ITEM 31

CITYWIDE

**ORDINANCE G-5898 -
AMEND CITY CODE -
2012 INTERNATIONAL
FIRE CODE**

The Council heard request to adopt amendments to the 2012 International Fire Code. The highlights of the proposed amendments to the code included:

- Additional requirement for special equipment and/or material(s) to ensure rapid response and timely emergency abatement for active mulch fires.
- Modification for standby fire personnel to be present at events with large gatherings of people.
- Modification for the requirement of an inspection of fire apparatus access roads, and the responsibility of the owner for any repairs needed to bring the road up to design standards.
- Inclusion of requirement of an active automatic fire sprinkler system prior to the issuance of a Temporary Certificate of Occupancy.
- Modification to prohibit stopping or parking in fire apparatus access roads.
- Additional requirement for Directed Care (R-3 and R-4 occupancies) facilities to have locking devices that can be opened from the inside.
- A requirement for smoke alarms that are solely battery-operated to be replaced with an Underwriters Laboratory listed smoke alarm with a sealed 10-year battery.

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

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

MOTION CARRIED.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Items 32 through 92 be adopted; excepting Items 35, 38g, 38j, 38r, 38v, 38w, 40, 41, 54, 61, 65, 66, 68, 71, 72, 76, 78, 88, and 90; and noting Items 67 and 92 were adopted as corrected (see item for specific detail).

Mr. Pat Vint cited the total dollar amount for Item 38 (\$4,173,173.44), and wondered if the Council expected citizens to believe the validity of this expenditure.

Regarding Items 38d and 38i, Ms. Dianne Barker indicated they were City File items, and this was a good process she approved of. By law, a claim was filed with the City of Phoenix, Risk Management Division, and then the City either accepted it or not, and then went to court. However, not everyone could afford an attorney, but they should have justice, due process, and be heard.

With the City File process, Ms. Barker believed the claim was not filed in the court, and she approved of the City using cost saving methods. She would like the City to evaluate how much was saved on claims resolved prior to going to court. Also, she reminded the Council that sometimes it was not about the money; it was the change of policy and an apology.

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

MOTION CARRIED. Item 38 was adopted in part.

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ITEM 32

DISTRICT 6

**ORDINANCE G-5899 -
AMEND CITY CODE -
REZONING
APPLICATION Z-53-13-6**

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-53-13-6 for the R-O (Residential Office-Restricted Commercial) zoning district located approximately 300 feet west of the northwest corner of 16th Street and Maryland Avenue to allow residential office.

ITEM 33

DISTRICT 7

**ORDINANCE G-5900 -
AMEND CITY CODE -
MODIFICATION OF
STIPULATIONS FOR
REZONING
APPLICATION Z-35-08-7
ADOPTED BY
ORDINANCE G-5256**

The Council heard request to amend the stipulations applicable to Rezoning Application Z-35-08-7 previously approved by Ordinance G-5256 for the R1-10 (Single-Family Residence) zoning district located approximately 2,700 feet south of the southeast corner of 107th Avenue and Broadway Road. This request would allow a development of single-family residential development in compliance with the R1-10 (Single-Family Residence) zoning district.

ITEM 34

DISTRICT 7

**ORDINANCE G-5901 -
AMEND CITY CODE -
MODIFICATION OF
STIPULATIONS FOR
REZONING
APPLICATION Z-16-09-7
ADOPTED BY
ORDINANCE G-5384**

The Council heard request to amend the stipulations applicable to Rezoning Application Z-16-09-7 previously approved by Ordinance G-5384 for the C-2 H-R (Intermediate Commercial High Rise and High Density) zoning district located approximately 275 feet east of the northeast corner of the 63rd Avenue alignment and Dobbins Road. This request established the timeline for development to occur.

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ITEM 36 **DISTRICT 7** **ORDINANCE G-5903 -
AMEND CITY CODE -
REZONING
APPLICATION Z-46-12-7**

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-46-12-7 for the PUD (Planned Unit Development) zoning district located at the southeast corner of 75th Avenue and Broadway Road to allow single-family residential and commercial.

ITEM 37 **DISTRICT 8** **ORDINANCE G-5904 -
AMEND CITY CODE -
REZONING
APPLICATION Z-SP-10-13-8**

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-10-13-8 for the A-2 SP RSIO (Industrial Special Permit Rio Salado Interim Overlay) zoning district located at the northwest corner of 28th Street and Elwood Street to allow an equipment storage yard and all underlying A-2 uses.

ITEM 38 **CITYWIDE** **ORDINANCE S-40619 -
PAYMENT ORDINANCE**

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed \$4,173,173.44 for the purpose of paying vendors, contractors, claimants, and others; and providing additional payment authority under certain existing City contracts.

ITEM 39 **DISTRICT 8** **ORDINANCE S-40620 -
NEW EXECUTIVE HANGAR
LEASES AT SKY HARBOR
AIRPORT**

The Council heard request to authorize the City Manager, or his designee, to negotiate and execute new executive hangar lease agreements with the following five existing executive hangar tenants at Phoenix Sky Harbor International Airport (PHX): Empire Airlines, Inc.; Pacific Simon, LLC; Papa Sierra, LLC; DP64, LLC; and Tube Specialties, Inc. (Tenants).

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The executive hangars at PHX ranged in size from approximately 3,776 to 5,450 square feet and were used to store lessee-owned or exclusively leased aircraft.

The Tenants agreed to continue their tenancies under the new leases based upon the following terms and conditions:

1. Lease term was five years.
2. Rent for the first three years of the lease would be:

Hangar Size Square Feet	Per Square-Foot Rate Lease Year 1 (2014)	Per Square-Foot Rate Lease Year 2 (2015)	Per Square-Foot Rate Lease Year 3 (2016)
3,776	\$3.64	\$4.82	\$6
3,936	\$3.58	\$4.79	\$6
4,212	\$3.94	\$4.97	\$6
5,450	\$4.42	\$5.21	\$6

3. Rent for Lease Years 4 and 5 would be adjusted annually according to the Consumer Price Index.
4. The City would be responsible for the costs to maintain and repair the foundation; roof; exterior walls and doors; and the mechanical, plumbing, HVAC, and electrical systems, including the fire suppression system.
5. The new leases could contain other terms and conditions deemed necessary or appropriate by the City Manager or the Aviation Director.

ITEM 42

OUT OF CITY

**ORDINANCE S-40623 -
GOODYEAR FIXED BASE
OPERATOR LEASE
ASSIGNMENT AND
AMENDMENT OF BUSINESS
TERMS AT GOODYEAR
AIRPORT**

The Council heard request to authorize the City Manager, or his designee, to approve a lease assignment from Sun Western Flyers, Inc. to DBRT Goodyear FBO, LLC, a Delaware limited liability company, and amend business terms to enter into a new Fixed Base Operator (FBO) unsubordinated ground lease with DBRT Goodyear FBO, LLC at Phoenix Goodyear Airport.

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DBRT Goodyear FBO, LLC, a wholly-owned subsidiary of DBRT, LLC, was prepared to take assignment of the FBO lease, enter into the 25-year unsubordinated ground lease, and develop the full service FBO facilities at Phoenix Goodyear Airport.

The lease included the following terms and conditions:

1. The term would be for 25 years.
2. Lessee would lease up to 9.9 acres of land and the 33,600-square-foot existing fuel facility.
3. Rent would be the greater of a Minimum Annual Guarantee (MAG) rent of \$50,000 or two percent of gross sales beginning on the commencement date. The MAG for each succeeding year would be the greater of 85 percent of the prior year's annual rent payment or 100 percent of the first year's MAG rent.
4. Lessee could receive rental credit reimbursement for up to \$250,000 in eligible utility relocation costs. Annual rent credits would not exceed 50 percent of annual rent. Work was required to be publicly bid to receive rental credits and reimbursement was based upon the Aviation Department's receipt of actual invoices and payments made by lessee no later than 90 days after the date of substantial completion of the work.
5. The agreement could contain other terms and conditions as deemed necessary or appropriate by the Aviation Director.

ITEM 43

DISTRICT 7

**ORDINANCE S-40624 -
PROPOSED DUNCAN
ANNEXATION**

The Council heard request to extend and increase the corporate limits of the city of Phoenix, Arizona, pursuant to the provisions of Arizona Revised Statutes, Section 9-471, by annexing thereto a certain tract of land contiguous to and not embraced within the present limits of the city of Phoenix, designated as the Duncan Annexation. The ordinance also authorized current county zoning to continue in effect until municipal zoning was applied to the annexed territory, but not longer than six months after this annexation.

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This annexation was requested by the property owner to obtain City services and conformed to City policies regarding annexation of property prior to extension of City services. Annexing this property represented infill and reduced a County Island, which resulted in property tax revenue to the City of Phoenix. The proposed annexation area included 14 acres (0.022 square miles) and the population was estimated to be 0. The properties being annexed were Parcel Numbers 104-83-002U, 104-83-003C, and 104-83-003E, located at the southwest corner of Southern Avenue and the alignment of 72nd Avenue.

ITEM 44

DISTRICT 7

**ORDINANCE S-40625 -
PROPOSED TATUM
ANNEXATION**

The Council heard request to extend and increase the corporate limits of the City of Phoenix, Arizona, pursuant to the provisions of Arizona Revised Statutes, Section 9-471, by annexing thereto a certain tract of land contiguous to and not embraced within the present limits of the city of Phoenix, designated as the Tatum Annexation. The ordinance also authorized current county zoning to continue in effect until municipal zoning was applied to the annexed territory, but not longer than six months after this annexation.

This annexation was requested by the property owner to obtain City services and conformed to City policies regarding annexation of property prior to extension of City services. Annexing this property represented infill and reduced a County Island, which resulted in property tax revenue to the City of Phoenix. The proposed annexation area included 9.55 acres (0.015 square miles) and the population was estimated to be 0. The property being annexed was Parcel Number 104-83-933, located at the southwest corner of Southern Avenue and the alignment of 71st Avenue.

ITEM 45

CITYWIDE

**ORDINANCE S-40626 -
GILA RIVER INDIAN
COMMUNITY GAMING GRANTS**

The Council heard request to authorize the City Manager, or his designee, to apply for and accept up to \$250,000 in new funding from the Gila River Indian Community (GRIC). These monies would be applied, as directed by GRIC, towards the following:

- The Phoenix Zoo: \$250,000 for infrastructure to complete the Doornobs Volunteer and Administrative Center as well as the Sumatran Tiger Experience and for general operations.

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This further authorized the City Controller to disburse funds as directed by the Gila River Indian Community in connection with this grant.

ITEM 46 **CITYWIDE** **ORDINANCE S-40627 -
PERFORM IMPLEMENTATION
SERVICES FOR SAP PUBLIC
BUDGET FORMULATION**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Optimal Solutions Integration, Inc. (Optimal Solutions) to provide SAP Public Budget Formulation implementation services for the City of Phoenix. The term of the agreement would be from May 2014 through December 2015 with two unilateral options to extend. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$1.7 million.

ITEM 47 **CITYWIDE** **ORDINANCE S-40628 -
IFB 13-134A - PAPER
PRODUCTS - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to add additional expenditures to Contract 136316 with Spicer's Paper in the amount of \$55,440 annually for the remaining four years of the contract term. This further authorized the City Controller to disburse these additional funds in an amount not to exceed \$221,760 over the remaining life of the contract.

The contract provided paper products for the City Clerk Department, Printing Services operation. The additional amounts were necessary to cover the addition of paper needed for the printing of the water bills, which was not included in the original solicitation due to possible outsourcing of the printing of the water bills.

ITEM 48 **CITYWIDE** **ORDINANCE S-40629 -
IFB 14-031 - PUMPS (NEW,
REPAIR, PARTS, AND
ACCESSORIES) -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into agreements with Clearwater Engineering, LLC; Hennessy Mechanical Sales, LLC; James, Cooke & Hobson, Inc.; Phoenix Pumps, Inc.; Pump Systems, Inc.; Quadna A DXP Company; The Pump Company; and West Coast Rotor, Inc. on an as-needed basis during a three-year contract period

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beginning on or about April 1, 2014 and ending March 31 2017. This further authorized the City Controller to disburse funds over the life of the contracts in an amount not to exceed \$8,000,000, with an estimated annual expenditure of \$1,600,000.

Eight bids were received on December 6, 2013, to replace obsolete and non-repairable pumps in the Wastewater Treatment, Wastewater Collection, and Water Production Divisions. Following is a tabulation of the lowest offers received:

<u>Bidder</u>	<u>Total Bid Prices</u>
Clearwater Engineering, LLC*	Percentage Discounts: 5 - 10% Onsite Labor Rates: \$80.00 Shop Labor Rates: \$80.00 Manufacturer: Clearwater
Hennesy Mechanical Sales, LLC*	Percentage Discounts: Net - 52% Onsite Labor Rates: \$65.00 - \$130.00 Shop Labor Rates: \$40.00 - \$130.00 Manufacturers: AMT Pumps, Fairbanks Nijhuis, KSB, LMI Milton Roy, MWI, Meyers, Mono, Moyno, Neptune, Verder, Vogsang, Wemco
James, Cooke & Hobson, Inc.*	Percentage Discounts: Net - 16% Onsite Labor Rates: \$65.00 - \$130.00 Shop Labor Rates: \$65.00 - \$130.00 Manufacturers: Flygt, Pulsafeeder, Aurora, Netzch
Phoenix Pumps, Inc.*	Percentage Discounts: Net - 25% Onsite Labor Rates: \$65.00 - \$187.50 Shop Labor Rates: \$65.00 - \$130.00 Manufacturers: Price Pump, ABS, AES Seal, Allis Chalmer, Aro, Baldor, Blackmer, Blachoh, CAT Pumps, Chemstar, Dean, Ebara, Federal Pump, Filter Specialist, Finish Thompson, Floway, Fybroc, Garlock, Grundfos/Aldos, Gusher, Homa, Hydromatic, Ingersoll Rand, Iwaki, JWC, Liberty Pro, LobePro, Master Pneumatic, Masterflex, National Pump, Neptune, Nidec/US Electric, OTS, Primax, Rain-Flo, Ramparts, Sertifco, Sethco, Stenner, Tarby,

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<u>Bidder</u>	<u>Total Bid Prices</u>
	Thermofisher, Versamatic, Viking, Warren Rupp, Weg, Weir/Wemco, Wilden, Yamada
Pump Systems, Inc.*	Percentage Discounts: Net - 25% Onsite Labor Rates: \$65.00 - \$130.00 Shop Labor Rates: \$40.00 - \$130.00 Manufacturers: AMT, Barnes, Berkeley, Chesterton, Deming, Goulds, John Crane, MTH, Patterson, Pulsafeeder, Rainsflow, SIHI, Simflo, Sta-Rite, Vanton, Vaughn, Warren Rupp, Weinman
Quadna, A DXP Company*	Percentage Discounts: 10 - 40% Onsite Labor Rates: \$65.00 - \$130.00 Shop Labor Rates: \$65.00 - \$130.00 Manufacturers: BJM Pump, Boerger Pumps, Crane Pump, Fluid Dynamics, John Crane, Liquiflo, LMI, Tranvaini Pump, Vertiflo Pump, Warren Rupp, Xylem-Goulds Water Technology, ITT Goulds Pumps, Quadna, Seepex, Xylem - AC
The Pump Company*	Percentage Discounts: 20% Onsite Labor Rates: \$65.00 - \$130.00 Shop Labor Rates: \$65.00 - \$130.00 Manufacturers: Goulds, National Pump/Gorman Rupp
Westcoast Rotor, Inc.*	Percentage Discounts: 0% Manufacturer: Westcoast Rotor

It was recommended by the Deputy Finance Director that Clearwater Engineering, LLC; Hennessy Mechanical Sales, LLC; James, Cooke & Hobson, Inc.; Phoenix Pumps, Inc.; Pump Systems, Inc.; Quadna, A DXP Company; The Pump Company; West Coast Rotor, Inc., as asterisked, be accepted as the lowest responsive and responsible bidders.

Multiple awards were recommended based on percentage discounts and manufacturers as the City required the services of these contractors to meet the volume and variety of needs outlined in the contract. Staff would use the most cost effective contract to meet needs whenever possible.

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

ITEM 49 **CITYWIDE** **ORDINANCE S-40630 -**
IFB 14-034 - FIRE HYDRANT
(NEW AND PARTS) -
REQUIREMENTS CONTRACT

The Council heard request to authorize the City Manager, or his designee, to enter into agreements with Clow Valve Company, Dana Kepner Co., HD Supply Waterworks, and Peoria Winnelson on an as-needed basis during a three-year period beginning on or about March 1, 2014 and ending February 28, 2017. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$6,877,500, with an estimated annual expenditure of \$1,375,500.

Eight bids were received on December 6, 2013, to replace obsolete and non-repairable fire hydrants in the water distribution systems. Following is a tabulation of the lowest bids received:

Group I - Fire Hydrant (New)

<u>Bidders</u>	<u>Total Bid Prices</u>
Clow Valve Company*	\$1,339,000
Kennedy Valve	\$1,340,300
Peoria Winnelson	\$1,341,548
Mueller Co., LLC	\$1,476,800
Ferguson Enterprises	\$1,792,609
Fullerson Systems	\$1,846,000
HD Supply Waterworks	\$1,872,312
Dana Kepner Co.	\$2,445,950

Group II - Percentage Discount for Parts/
Accessories by Manufacturer

<u>Bidders</u>	<u>Discount off List Price</u>
AMERICAN DARLING	
Dana Kepner Co.*	26%
Fuller Systems	6%
CLOW VALVE	
HD Supply Waterworks*	44%
Clow Valve Company	20%

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Group II - Percentage Discount for Parts/
Accessories by Manufacturer

<u>Bidders</u>	<u>Discount off List Price</u>
EAST JORDAN IRON WORKS Peoria Winnelson*	0.00856%
KENNEDY VALVE Dana Kepner Co.* Kennedy Valve	37% 20%
MUELLER COMPANY HD Supply Waterworks*	52%
WATEROUS Dana Kepner Co.*	30%

It was recommended by the Deputy Finance Director that the bids submitted by Clow Valve Company, Dana Kepner Co., HD Supply Waterworks, and Peoria Winnelson, as asterisked, be accepted as the lowest responsive and responsible bidders.

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

**ITEM 50 CITYWIDE ORDINANCE S-40631 -
IFB 14-035 - PRODUCTION
WELL AND RELATED
EQUIPMENT - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Weber Water Resources, Layne Christensen, and The Pump Company for services and/or repair of City-owned production wells and the purchase of accessory equipment on an as-needed basis during a one-year contract period beginning on or about March 19, 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 \$1,400,000, with an estimated expenditure of \$800,000 in the first year and \$150,000 for each optional year, if exercised.

Four bids were received on December 20, 2013. Following is a tabulation of the responsive and responsible bids received:

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<u>Contractor</u>	<u>Bid Price</u>
Weber Water Resources	\$2,135.00*
Layne Christensen	\$3,605.00*
The Pump Company	\$4,664.24*
Southwest Waterworks	\$4,822.00

It was recommended by the Deputy Finance Director that Weber Water Resources, Layne Christensen, and The Pump Company, as asterisked, be accepted as the lowest responsive and responsible bidders.

Multiple awards were recommended to meet the high operational volume and wide variety of needs outlined in the solicitation. Staff would select the most cost effective contractor available at the time of services needed.

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 51 **CITYWIDE** **ORDINANCE S-40632 -
IFB 14-049 - DUEL µECD GAS
CHROMATOGRAPH (WITH
PARTS, SUPPLIES, REPAIRS,
AND MAINTENANCE) -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Agilent Technologies, Inc. during a three-year contract period beginning April 1, 2014 and ending March 31, 2017. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$102,327.88.

The estimated amount for the first year was \$57,781.28 which included the equipment purchase and annual consumable supplies. Subsequent annual expenditures would range from \$6,469.70 in Year 2 to \$15,801.50 in Year 5 for annual consumable supplies and maintenance.

One bid was received by the Procurement Division on November 15, 2013, to provide the Water Services Department with a Duel µECD Gas Chromatograph and ongoing consumable supplies and annual maintenance. This equipment allowed Lab Services to analyze Haloacetic acids in drinking water to maintain regulatory requirements. The existing chromatograph had reached the end of its useful life and needed to be replaced. Following is tabulation of the only responsive and responsible offer received:

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<u>Description</u>	<u>Bid Price</u>
Agilent 7890B Gas Chromatograph with required options	\$54,423.78
Consumable Supplies (per year)	\$ 3,357.50
Annual Maintenance Agreement - Year 2	\$ 3,112.20
Annual Maintenance Agreement - Year 3	\$ 6,224.40
Annual Maintenance Agreement - Year 4	\$ 9,336.00
Annual Maintenance Agreement - Year 5	\$12,444.00

It was recommended by the Deputy Finance Director that Agilent Technologies, Inc. be accepted as the only responsive and responsible bidder.

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

ITEM 52

CITYWIDE

**ORDINANCE S-40633 -
IFB 14-065 - ION
CHROMATOGRAPH SYSTEM
(WITH PARTS, SUPPLIES,
REPAIRS, AND
MAINTENANCE) -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Thermo Electron North America, LLC for a three-year contract period beginning March 19, 2014 and ending April 30, 2017. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$70,145.83.

The estimated amount for the first year was \$52,057.25 which included the equipment purchase and annual consumable supplies. Subsequent year expenditures would range from \$6,590.58 in Year 2 to \$5,749 in Years 3 and 4 for annual consumable supplies and maintenance.

One bid was received by the Procurement Division on November 15, 2013, to provide the Water Services Department with an Ion Chromatography System and ongoing consumable supplies and maintenance. The system replaced an existing chromatography system that had reached the end of its useful life and was used to analyze the common anions and inorganic disinfection-by-products in water samples. Following is a tabulation of the only responsive and responsible offer received:

March 19, 2014

Description	Bid Price
ICS-4000 Integrated HPIC System with required options and training	\$48,837.25
Consumable Supplies (price per year over 4 years)	\$ 3,220.00
Annual Maintenance Agreement - Year 2	\$ 3,370.58
Annual Maintenance Agreement - Year 3	\$ 2,529.00
Annual Maintenance Agreement - Year 4	\$ 2,529.00

It was recommended by the Deputy Finance Director that bid of Thermo Electron North America, LLC be accepted as the only responsive and responsible bidder.

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

ITEM 53 **CITYWIDE** **ORDINANCE S-40634 -
IFB 14-077 - EMS IMMOBILIZER
TRANSPORTATION
PRODUCTS - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Spectrum Products USA, Inc. for the purchase of EMS immobilizer transportation products for the Fire Department on an as-needed basis during a one-year contract period beginning on or about April 1, 2014 and ending March 31, 2015. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$522,500, with an estimated annual expenditure of \$104,500.

Three bids were received on December 20, 2013. Group II would not be awarded at this time. The specifications would be reviewed, revised, and re-bid in the near future. Following is a tabulation of the lowest bids received:

Description	Annual Estimated Quantity	Spectrum Products USA, Inc.	Clean Scene AZ, LLC
Group I - Immobilizer Head Block System	10,000	\$7.25*	\$8.25
Group III - Restraint Straps (1")	15,000	\$1.20*	\$2.20

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Description	Annual Estimated Quantity	Spectrum Products USA, Inc.	Clean Scene AZ, LLC
Group III - Restraint Straps (2")	8,000	\$1.75*	\$2.75

It was recommended by the Deputy Finance Director that Spectrum Products USA, Inc., as asterisked, be accepted as the lowest 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 by staff if considered in the City's best interest to do so.

ITEM 55 **CITYWIDE** **ORDINANCE S-40636 -
IFB 14-098 - PETROLEUM
PRODUCTS II -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Pioneer Distributing Co., Inc.; Canyon State Oil; Senergy Petroleum; and North American Lubricants for the purchase of petroleum products on an as-needed basis during a one-year contract period beginning on or about April 1, 2014 and ending March 31, 2015. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$1,500,000, with an annual expenditure of \$300,000.

Four bids were received on January 3, 2014. Following is a tabulation of the responsive and responsible bids received:

Groups	Pioneer Distributing Co. Inc.	Canyon State Oil	North American Lubricants	Senergy Petroleum
Group A - Re- Refined Diesel Engine Motor Oils	\$121,800.00*	\$125,125.00*	\$129,500.00	\$130,200.00

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<u>Groups</u>	<u>Pioneer Distributing Co. Inc.</u>	<u>Canyon State Oil</u>	<u>North American Lubricants</u>	<u>Senergy Petroleum</u>
Group B - Engine Oil for Natural Gas and Synthetic Fuel Powered Engines	\$ 14,556.60*	No Bid	No Bid	No Bid
Group C - Re- Refined Hydraulic Fluid	\$ 78,820.00*	\$ 81,480.00*	\$ 84,700.00	\$ 89,740.00
Group D - Grease	\$ 41,581.93	\$ 42,984.00	\$ 34,644.51*	\$ 36,854.34*

It was recommended by the Deputy Finance Director that Pioneer Distributing Co., Inc.; Canyon State Oil; Senergy Petroleum; and North American Lubricants, as asterisked, be accepted as the lowest responsive and responsible bidders.

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

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 56

CITYWIDE

**ORDINANCE S-40637 -
IFB 14-101 - PACKER BODY
AND ARTICULATED LOADER
LUBRICATION SERVICES -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Truck Repair Phx, LLC for packer body and articulated loader lubrication services on an as-needed basis during a one-year

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contract period beginning on or about April 1, 2014 and ending March 31, 2015. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$1,075,000, with an estimated annual expenditure of \$215,000.

Three bids were received on January 31, 2014. Following is a tabulation of the lowest bids received:

<u>Description</u>	<u>Truck Repair Phx, LLC (extended weekly price for all units)</u>	<u>Pacific Consolidated of AZ, Inc. (extended weekly price for all units)</u>
Labor and Parts	\$4,098.10*	\$6,904.50

It was recommended by the Deputy Finance Director that the bid of Truck Repair Phx, LLC, as asterisked, be accepted as the lowest priced 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 57 **CITYWIDE** **ORDINANCE S-40638 -
RFA 12-010A - HACH
LABORATORY PRODUCTS -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to authorize additional expenditures on Contract 132636 with Hach Company for the supply of various water testing and monitoring laboratory products for the Water Services Department. This further authorized the City Controller to disburse the additional funds over the life of the contract in an amount not to exceed \$1,011,000, with an estimated annual expenditure of \$337,000.

ITEM 58 **CITYWIDE** **ORDINANCE S-40639 -
RFA 14-035 - RISK
MANAGEMENT INFORMATION
SYSTEM AND ANCILLARY
SERVICES - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with CS Stars, LLC to provide a web-based risk management information system and ancillary services for the Risk Management

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Division on an as-needed basis beginning on or about March 30, 2014 and ending on March 29, 2017. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$625,000, with an estimated annual expenditure of \$125,000.

In the negotiations between the City and CS Stars, LLC, the vendor requested exceptions to the City's standard terms and conditions. The Law Department and Risk Management Division recommended accepting those changes.

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

ITEM 59 **CITYWIDE** **ORDINANCE S-40640 -
RFA 14-039 - PORTABLE
MONITOR DEFIBRILLATORS -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Philips Healthcare for the purchase of portable monitor defibrillators for the Fire Department for a one-year contract period beginning on or about April 1, 2014 and ending on March 31, 2015. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$1,500,000, with an annual expenditure of \$300,000.

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

ITEM 60 **CITYWIDE** **ORDINANCE S-40641 -
RFA 14-043 - CATERPILLAR
MEDIUM FRONT END LOADER**

The Council heard request to authorize the City Manager, or his designee, to make purchases against the National Intergovernmental Purchasing Alliance (IPA) contract with Empire Machinery established by the City of Tucson resulting from Solicitation RFP 120377. This further authorized the City Controller to disburse funds for the purchase in an amount not to exceed \$315,743.

This action authorized the purchase of a front loader to supplement the mulching program and help with the processing of green organics material at the 27th Avenue Transfer Station.

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ITEM 62 **CITYWIDE** **ORDINANCE S-40643 -
RFP 12-001A - SECURITY
GUARD SERVICES
(AVIATION) - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to amend Contract 133343 with HSS, Inc. to authorize additional expenditures in the amount of \$480,000 annually for the remaining three years for the Aviation Department. This further authorized the City Controller to disburse the additional funds in an amount not to exceed \$1,440,000 over the remaining life of the contract, thus revising the aggregate value to \$17,095,000, with a new estimated annual expenditure of \$3,611,000.

The contract was for security guard services at Phoenix Sky Harbor International Airport. The additional funds were necessary to cover increased security guard services to meet federal security requirements related to airfield access for various Airport capital construction projects.

ITEM 63 **CITYWIDE** **ORDINANCE S-40644 -
RFP 14-011 - COMMERCIAL/
HOUSING FLOORING
PRODUCTS AND SERVICES -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into agreements with Diversified Flooring Services-Phoenix, LLC; The Floor Studio, Inc.; and Continental Flooring Company for flooring supplies and services during the contract period beginning on or about March 19, 2014 and ending February 28, 2015. This further authorized the City Controller to disburse funds for the life of the contracts in an amount not exceed \$1,745,897, with an annual expenditure of \$349,179.

Three proposals were received by the Procurement Division on January 3, 2014. Following is a tabulation of the scored proposals:

<u>Proposer</u>	<u>Total Proposer Score</u>
Diversified Flooring Services-Phoenix, LLC	920
The Floor Studio, Inc.	913
Continental Flooring Company	920

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It was recommended by the Deputy Finance Director that all offers be accepted to ensure adequate coverage for the wide variety and large volume of commercial and residential projects required by the departments. City departments would make the most economical decision at the time of purchase.

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

ITEM 64

CITYWIDE

**ORDINANCE S-40645 -
RFP 14-013 - USE-OF-FORCE
TRAINING SIMULATOR
SYSTEMS - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a one-year contract with Ti Training Corp. for Use-Of-Force Training Simulator Systems beginning March 20, 2014 and ending March 19, 2015. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$56,650 (including tax) during the life of the contract. The initial year purchase was \$43,450 and \$3,300 for each subsequent year for the hardware and software maintenance agreement.

Report of two proposals received on December 13, 2013, to provide the Police Department with Use-Of-Force Training Simulator Systems. The current training systems were outdated and had reached the end of their useful life. The old hardware could not support the latest video capture and editing technologies. Following is a tabulation of the scored proposals:

<u>Proposer</u>	<u>Proposer Score</u>
Ti Training Corp.*	879
IES Interactive Training	733

It was recommended by the Deputy Finance Director that the bid of Ti Training Corp., as asterisked, be accepted as the highest scored proposer.

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

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ITEM 67

DISTRICT 5

**ORDINANCE S-40648 -
LEASE CITY-OWNED
PROPERTY AT 1957 WEST
DUNLAP AVENUE, SUITE 11,
TO MASTAN SHAIK**

The Council heard request to authorize the City Manager, or his designee, to enter into a lease with Mastan Shaik for City-owned property at 1957 West Dunlap Avenue, Suite 11, known as the Village Shopping Center. Mastan Shaik would lease a 1,400-square-foot suite for the operation of an Indian Restaurant.

The lease was subject to the following terms and conditions:

1. Lease Term: 66 Months
2. Options: None
3. Lease Rate: Year 1: \$10.18 per square-foot per year (\$1,105.00 per month), increasing three percent per year over the term beginning the second year. As consideration for tenant improvements being made by the tenant, rent would be abated for the first six months. This was within the range of market rents as determined by the Real Estate Division.
4. Signage: Tenant could display monument and business signs, as approved by the Planning and Development Department.
5. Building Maintenance: All exterior maintenance and fire alarm system and monitoring would be facilitated by the City, the proportionate cost of which would be included in Tenant's Common Area Maintenance (CAM) charges.

Interior maintenance, including, without limitation, glass, ceiling, walls, floors, locks, windows, plumbing, electrical, switches, fixtures, signs, equipment, and heating and cooling systems would be the responsibility of the tenant.
6. Cancellation: Arizona Revised Statutes 38-511, or upon 90 days advance notice by Landlord.

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- 7. Insurance and Indemnity: Lease would contain insurance and indemnity provisions acceptable to the City's Risk Management Division and the City Attorney.
- 8. Other: This lease could contain other terms and conditions deemed necessary or appropriate.

This further authorized the City Treasurer to accept all necessary funds for rents and CAM charges during the term of this lease.

**ITEM 69 CITYWIDE ORDINANCE S-40650 -
EXTEND LEASE WITH
2346 LLC DURING
RELOCATION OF CHILD
VICTIM SERVICES**

The Council heard request to authorize the City Manager, or his designee, to amend Contract 135651 with 2346 LLC, an Arizona limited liability company (Landlord), to extend the term of occupancy for property located at 2346 North Central Avenue, through April 7, 2014, to avoid any interruption in child victim advocacy services during the relocation of these operations.

The City of Phoenix Police Department, Phoenix Children's Hospital, Child Protective Services, the Maricopa County Attorney's Office, and Childhelp, Inc. worked cooperatively at 2346 North Central to provide a broad range of victim advocacy services for abused children. These operations would be moved to the City-owned Family Advocacy Center at 2120 North Central Avenue upon the completion of renovations March 31, 2014.

This further authorized the City Controller to disburse funds for the extension of the lease term for seven days. Rent would be pro-rated at the current monthly rate (\$4,706.33 for the seven-day period); any holdover beyond April 7, 2014, would trigger substantial penalties.

**ITEM 70 CITYWIDE ORDINANCE S-40651 -
LICENSE AGREEMENT WITH
CHILDHHELP, INC. FOR THE
OCCUPANCY OF SPACE AT
2120 NORTH CENTRAL
AVENUE**

The Council heard request to authorize the City Manager, or his designee, to enter into a license agreement with Childhelp, Inc. (Childhelp) to occupy

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approximately 7,710 square feet of space in the City's Family Advocacy Center located at 2120 North Central Avenue.

Child victim advocacy services provided by Childhelp, the City of Phoenix Police Department, Phoenix Children's Hospital, Child Protective Services, and the Maricopa County Attorney's Office were housed in leased space at 2346 North Central Avenue. These operations would move to the City of Phoenix Family Advocacy Center effective April 7, 2014. In accordance with separate service agreements, Childhelp would provide program coordination, staffing, and professional counseling services for these operations.

The term of the license would be five years, cancelable by either party upon thirty days' notice; consideration would be Childhelp's performance under the services agreements; and Childhelp would provide insurance and indemnification acceptable to the City's Risk Management Division and the Law Department.

ITEM 73

CITYWIDE

**ORDINANCE S-40654 -
AMEND MCREL CONTRACT TO
INCREASE CEILING**

The Council heard request to authorize the City Manager, or his designee, to amend the Education Division contract with Mid-Continent Research for Education and Learning (McREL) to increase the ceiling by \$50,000 for the period of March 24, 2014 through June 30, 2014, increasing the total contract to \$238,515. The contract provided training and technical assistance services related to continuous program improvement. This further authorized the City Controller to disburse all funds for payment of services performed under this contract.

ITEM 74

CITYWIDE

**ORDINANCE S-40655 -
RFP ITS-14-002 - UNIFIED
COMMUNICATIONS
MODERNIZATION PROJECT
PROFESSIONAL SERVICES
CONTRACT AWARD**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with COMgroup, Inc. to provide professional services for the Unified Communications Modernization project, which would upgrade the City's existing data/computer network and replace the existing telephone system. COMgroup, Inc. would perform services in support of the project, including development of business requirements and of product Request for Proposals (RFP). This request would not exceed \$275,000. This further authorized the City Controller to disburse funds over the life of the agreement.

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Nine proposals were received. Based upon the results of an evaluation and interview process, the evaluation panel recommended a contract be awarded to COMgroup, Inc. as the most responsive and responsible offeror.

ITEM 75 **DISTRICTS 7 AND 8** **ORDINANCE S-40656 -
FABRICATION AND
CONSTRUCTION OVERSIGHT
CONTRACT FOR THE
ROOSEVELT STREET
IMPROVEMENTS PROJECT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with the Massachusetts Artist Meejin Yoon, doing business as Howeler & Yoon Architecture, LLP, for an amount not to exceed \$375,000 to work with the Street Transportation Department to fabricate and oversee construction and installation of sculptural shade structures and seating as part of the Roosevelt Street Improvements Public Art project. This further authorized the City Controller to disburse the funds over the life of the contract.

ITEM 77 **CITYWIDE** **ORDINANCE S-40658 -
MEMORANDUM OF
UNDERSTANDING TO ACCEPT
TWO DUI PROCESSING VANS
FROM THE ARIZONA
GOVERNOR'S OFFICE OF
HIGHWAY SAFETY**

The Council heard request to authorize the City Manager, or his designee, to enter into a Memorandum of Understanding with the Arizona Governor's Office of Highway Safety to accept the donation of two Driving Under the Influence (DUI) processing vans, total value of \$170,031. This further authorized the City Controller to receive and disburse funds.

ITEM 79 **DISTRICT 3** **ORDINANCE S-40660 -
IGA WITH FCDMC FOR
CENTRAL AVENUE AND
FOOTHILL DRIVE STORM
DRAIN PROJECT**

The Council heard request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Flood Control District of Maricopa County (FCDMC) for the construction, operation, and maintenance of the Central Avenue and Foothill Drive Storm Drain project. This

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agreement allowed the FCDMC to disburse up to \$250,000 to the City. This further authorized the City Controller to accept and disburse funds.

As part of the IGA, the City and FCDMC agreed to save and hold harmless, defend and indemnify each other from claims resulting from either's negligent or wrongful acts or omissions.

The total cost for construction of Central Avenue and Foothill Drive Storm Drain project (ST83140053) was estimated at \$615,000. The City's estimated share was \$365,000.

ITEM 80

DISTRICT 4

**ORDINANCE S-40661 -
IGA WITH FCDMC FOR
OSBORN ROAD AND
12TH PLACE STORM DRAIN
PROJECT**

The Council heard request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Flood Control District of Maricopa County (FCDMC) for the construction, operation, and maintenance of the Osborn Road and 12th Place Storm Drain project. This agreement allowed the FCDMC to disburse up to \$250,000 to the City. This further authorized the City Controller to accept and disburse funds.

As part of the IGA, the City and FCDMC agreed to save and hold harmless, defend and indemnify each other from claims resulting from either's negligent or wrongful acts or omissions.

The total cost for construction of the Osborn Road and 12th Place Storm Drain project (ST83140043) was estimated at \$350,000. The City's estimated share was \$100,000.

ITEM 81

DISTRICT 8

**ORDINANCE S-40662 -
IGA WITH FCDMC FOR
1745 EAST JACKSON STORM
DRAIN PROJECT**

The Council heard request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Flood Control District of Maricopa County (FCDMC) for the construction, operation, and maintenance of the 1745 East Jackson Street Storm Drain project. This agreement allowed the FCDMC to disburse up to \$250,000 to the City. This further authorized the City Controller to accept and disburse funds.

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As part of the IGA, the City and FCDMC agreed to save and hold harmless, defend and indemnify each other from claims resulting from either's negligent or wrongful acts or omissions.

The total cost for construction of the 1745 East Jackson Street Storm Drain project (ST83140060) was estimated at \$400,000. The City's estimated share was \$150,000.

ITEM 82 **DISTRICT 8** **ORDINANCE S-40663 -
IGA WITH FCDMC FOR
27TH STREET AND SOUTHERN
STORM DRAIN PROJECT**

The Council heard request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Flood Control District of Maricopa County (FCDMC) for the construction, operation, and maintenance of the 27th Street and Southern Avenue Storm Drain project. This agreement allowed the FCDMC to disburse up to \$250,000 to the City. This further authorized the City Controller to accept and disburse funds.

As part of the IGA, the City and FCDMC agreed to save and hold harmless, defend and indemnify each other from claims resulting from either's negligent or wrongful acts or omissions.

The total cost for construction 27th Street and Southern Avenue Storm Drain project (ST83140062) was estimated at \$730,000. The City's estimated share was \$480,000.

ITEM 83 **DISTRICT 8** **ORDINANCE S-40664 -
WS85509001-1 - WATERMAIN
REPLACEMENT - MARICOPA
FREEWAY TO BUCKEYE
ROAD, AND 7TH AVENUE TO
CENTRAL AVENUE - DESIGN
SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with GHD, Inc., Phoenix, Arizona, to provide detailed design plans and construction administration services for the construction of water main replacements on various streets within Quarter Section 8-27, in the area bounded by Maricopa Freeway and Buckeye Road, and 7th Avenue and Central Avenue. The estimated construction cost was \$3,304,906. This further authorized the City Controller to disburse funds for the purpose of this ordinance.

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The engineer's services included, but were not limited to: pre-design tasks; design services; project management services; development of topographic surveys; project close-out services; bid phase services; and post-design services. The engineer's fee would not exceed \$182,000, including all subconsultant and allowable costs.

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. 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.

ITEM 84

CITYWIDE

**ORDINANCE S-40665 -
PLANNING AND
DEVELOPMENT BUILDING
FIELD INSPECTIONS ON-CALL
SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into separate agreements with the five firms listed below to provide on-call building field inspection services. This further authorized the City Controller to disburse funds for the purpose of this ordinance

Services included conducting building field inspections for building projects submitted to the City by private property owners for permit issuance purposes. The contract would be utilized on an as-needed basis by the Planning and Development Department for a two-year period beginning May 1, 2014. The contract amount for each firm would be established at a not-to-exceed amount of \$500,000. The firms are as follows:

- Willdan Engineering, Inc.
- Bureau Veritas, Inc.
- Stantec, Inc.
- OnSite Engineering, Inc.
- Shums Coda Associates, Inc.

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ITEM 85

CITYWIDE

**ORDINANCE S-40666 -
PLANNING AND
DEVELOPMENT CIVIL
ENGINEERING FIELD
INSPECTIONS ON-CALL
SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into separate agreements with the four firms listed below to provide on-call civil engineering field inspection services. This further authorized the City Controller to disburse funds for the purpose of this ordinance.

Services included conducting civil engineering field inspections for projects submitted to the City by private property owners for permit issuance purposes. The contract would be utilized on an as-needed basis by the Planning and Development Department for a two-year period beginning May 1, 2014. The contract amount for each firm would be established at a not-to-exceed amount of \$500,000. The firms are as follows:

- Consultant Engineering, Inc.
- Tristar Engineering & Management, Inc.
- Wood, Patel & Associates, Inc.
- Oridian Construction Services, LLC

ITEM 86

CITYWIDE

**ORDINANCE S-40667 -
PLANNING AND
DEVELOPMENT ELEVATOR
INSPECTIONS ON-CALL
SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into separate agreements with the four firms listed below to provide on-call inspection services. This further authorized the City Controller to disburse funds for the purpose of this ordinance.

Services included conducting elevator inspections on traction elevators, hydraulic elevators, and dumbwaiters. The contract would be utilized on an as-needed basis for a two-year period beginning May 1, 2014. The contract amount for each firm would be established at a not-to-exceed amount of \$500,000. The firms are as follows:

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- VTX Vertical Transportation Excellence, Inc.
- Lerch Bates, Inc.
- Bureau Veritas, Inc.
- HKA Elevator Consulting, Inc.

ITEM 87

**DISTRICT 6 AND
OUT OF CITY**

**ORDINANCE S-40668 -
WS85100034, WS85100035 -
BOOSTER PUMP STATION
REPLACEMENT - CMAR -
CONSTRUCTION CONTRACT
AWARD**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with PCL Construction, Inc., Tempe, Arizona, to provide Construction Manager at Risk (CMAR) construction phase services for the replacement of existing Booster Pump Stations (BPS) 3B-B1 located at 6307 East Thomas Road (64th Street Reservoir Facility), and BPS 3B-B2 located at the 24th Street Water Treatment Plant. The CMAR's construction fee would not exceed \$13,200,000, which included all subconsultant, subcontractor, and reimbursable costs. This further authorized the City Controller to disburse funds for the purpose of this ordinance in an amount not to exceed \$13,200,000.

The existing booster pump stations were at the end of their useful life and needed complete replacement. The CMAR construction phase services included, but were not limited to: coordinating the removal of the existing booster pump stations, demolition, equipment decommissioning, earthwork, and pump and piping installation.

ITEM 89

CITYWIDE

**ORDINANCE S-40670 -
SUBMIT APPLICATION FOR AN
ALLOCATION OF POST-2017
HOOVER POWER**

The Council heard request to authorize the City Manager, or his designee, to submit an application for a Boulder Canyon project resource allocation from the Post-2017 Pool, as described below.

The Western Area Power Administration (WAPA) finalized marketing criteria, developed through a multi-year public process, to be used to allocate a Boulder Canyon project resource power pool to new allottees. This power pool, resulting from hydro-generation at Hoover Dam, would become available on October 1, 2017. This pool was often referred to as "Post-2017 Hoover Power." Entities applying for an allocation of power from this pool must submit a formal application to WAPA on or before March 31, 2014.

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The Water Services Department proposed submitting an application for an allocation of this power for use at the department's water and wastewater plants. The City spent more than \$20 million per year on commercial power for water and wastewater operations. Any allocation of Post-2017 Hoover Power received would offset the need to purchase commercial power, thereby reducing department power costs. Such cost reductions could then be reflected in the overall rates Phoenix customers paid for water and wastewater services in the future.

The magnitude of cost savings resulting from Post-2017 Hoover Power could not be known until WAPA made a recommended allocation. At that time, if Phoenix received a portion of the recommended allocation, staff would analyze the associated costs and benefits and report to the City Council prior to seeking approval to enter into a contract to purchase Hoover power.

ITEM 91 **DISTRICT 1** **RESOLUTION 21205 -
ABANDONMENT OF
RIGHT-OF-WAY - V-130029A**

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 Pathfinder TRF Six, LLC to abandon the east 10 feet of 39th Avenue right-of-way and the north 20 feet of Greenway Road right-of-way, both adjacent to the parcel addressed 3850 West Greenway Road, Assessor Parcel Number 207-15-034A.

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

ITEM 92 **DISTRICT 6** **RESOLUTION 21206 -
ABANDONMENT OF
EASEMENT - V-140001A**

The Council heard request to abandon the easement described below, as it was no longer needed.

On January 3, 2014, Mr. Brennan Ray of Burch & Cracchiolo, P.A., requested the abandonment of the 68.5-foot public utilities easement on the western end of the parcel addressed as 11 Biltmore Estates Drive (Assessor Parcel Number 164-12-818), Lot 52, per Maricopa County Recorder Book 212 of maps, Page 34 and Book 185, Page 33.

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Item 92 was corrected to remove the reference to a golf course easement, as originally reflected in the printed agenda.

ITEM 35

DISTRICT 7

**ORDINANCE G-5902 -
AMEND CITY CODE -
REZONING
APPLICATION Z-43-A-12-7**

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-43-A-12-7 for the PUD (Planned Unit Development) zoning district located at the northwest corner of 59th Avenue and Van Buren Street to allow expansion of Wentworth Planned Unit Development Boundary (Z-43-12-7) and change perimeter and retention basin landscape requirements.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Item 35 be adopted.

Ms. Rita Mizell spoke in opposition to this case because she and her neighbors did not want any more apartments in their community. The vicinity around 51st Avenue and freeway was reportedly a high crime rate area. Mail from her residence near 61st Avenue had been stolen and scattered in an apartment development on 59th Avenue. In addition, there was drug activity in the area and the constant sound of gun shots. These problems were the result of transient people that did not own property. Very few in her neighborhood owned property and they were inundated with apartments and trailer parks. Ms. Mizell recognized this was a poor neighborhood, but said the City needed to wake up and care about those who lived there.

Representing the applicant, Mr. Paul Gilbert clarified that the property was zoned for apartments; however, the proposed PUD removed the apartments and joined a small parcel with a commerce park development. He believed Ms. Mizell would support this case once she fully understood they were doing what she requested. The option for apartments would be eliminated and replaced with commerce park, which had been approved by staff, the Planning Commission, and Village Planning Committee.

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Acting Planning and Development Director Alan Stephenson confirmed that he had discussed this item with Mr. Nowakowski in the past and he was supportive of it.

Mayor Stanton stated the Council's Chief of Staff informed him that upon conferring with Mr. Nowakowski, he would like this item continued for two weeks so he could be present to address the concerns raised.

SUBSTITUTE MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Item 35 be continued to the formal meeting on April 2, 2014.

Mayor Stanton added the additional time would provide Mr. Gilbert an opportunity to meet with Ms. Mizell and Mr. Nowakowski to resolve any issues.

Mr. Gilbert confirmed his willingness to meet as suggested.

MOTION CARRIED UNANIMOUSLY.

ITEM 38g

CITYWIDE

**ORDINANCE S-40619 -
PAYMENT ORDINANCE**

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed \$4,173,173.44 for the purpose of paying vendors, contractors, claimants, and others; and providing additional payment authority under certain existing City contracts.

\$38,989.00 g) To Mannington Mill, Inc., for the purchase of 1,300 square yards of replacement carpet tiles utilized for emergency and planned repair work at various City facilities, for the Public Works Department.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 38g be adopted.

Mr. Gates said his comments related to Item 38g as well as Items 38v and 38w, as they all dealt with carpet, painting, and indoor sport courts. His concerns focused on the current environment and impending trial budget projecting a \$37.7 million deficit. For these reasons, the Council needed to look at these expenditures and ensure they were absolutely essential in this environment.

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- \$35,000 r) To Century Graphics, Inc., to provide election envelopes if needed, under Agreement MW14-00037, awarded by RFQ 14-037, through December 31, 2014, for the City Clerk Department.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 38r be adopted.

Mr. Pat Vint noted the request to expend \$35,000 to provide election envelopes if needed. He suggested the Council find out if they were needed before spending his money.

Mrs. Gallego inquired why the envelopes were necessary.

Deputy City Clerk Ben Lane replied the envelopes were used to mail out ballots to voters on the permanent early voting list, and the supply had been exhausted. Also, the envelopes needed to be redesigned to meet state statute requirements. He further advised that the envelopes would be purchased later in the year in anticipation of the August 2015 Mayor and Council election.

Mr. Gates stated he would be supporting this item. However, despite the City Clerk's wonderful performance with elections, based on the need to redesign the envelopes and the impending multi-million dollar budget deficit, he would like for the Council to revisit the possibility of the County handling elections for the City, and explore whether they could do it cheaper.

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

MOTION CARRIED. Item 38 was adopted in part.

Mr. DiCiccio temporarily left the voting body.

ITEM 38v

CITYWIDE

**ORDINANCE S-40619 -
PAYMENT ORDINANCE**

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed \$4,173,173.44 for the purpose of paying vendors, contractors, claimants, and others; and providing additional payment authority under certain existing City contracts.

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\$69,400 v) To El Sol Painting, LLC, to exercise an option to extend Agreement P-09312-13/130753 awarded by IFB 11-058, through June 30, 2014, to continue to provide painting services on an as-needed basis, for various City departments.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 38v be adopted.

Noting the request was for \$69,400, Mr. Pat Vint agreed with Mr. Gates earlier comments about being mindful of what the Council was authorizing when the City was facing a significant economic deficit. He suggested the Council find out if the painting services were truly needed. He also questioned how the exact dollar figure could be projected, and wondered if the City Attorney could answer that.

Mayor Stanton advised Mr. Vint he could ask a question of professional staff relative to the substance of an item. However, it was not appropriate for legal opinions to be given in public, as that was done in Executive Session.

Mr. Vint inquired how the Council knew whether the \$69,400 was a necessary expenditure, and he suggested they run a business and sign the front of check because then they would realize the importance of having employees who knew what they were doing.

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

MOTION CARRIED. Item 38 was adopted in part.

Mr. DiCiccio returned to the voting body.

ITEM 38w

CITYWIDE

**ORDINANCE S-40619 -
PAYMENT ORDINANCE**

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed \$4,173,173.44 for the purpose of paying vendors, contractors, claimants, and others; and providing additional payment authority under certain existing City contracts.

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\$51,000 w) To Enmar Hardwood Flooring, Inc., to exercise an option to extend Agreement P-09250-13/130368 awarded by IFB 11-080, through February 28, 2015, to provide indoor sport court floor resurfacing, for the Parks and Recreation Department.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 38w be adopted.

In response to Mayor Stanton, Mr. Vint said he was opposed to the proposed contract.

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

MOTION CARRIED. Item 38 was adopted in full.

ITEM 40

DISTRICT 8

**ORDINANCE S-40621 -
FACILITY LEASE WITH
ARIZONA HISPANIC CHAMBER
OF COMMERCE**

The Council heard request to authorize the City Manager, or his designee, to enter into a facility lease with the Arizona Hispanic Chamber of Commerce, an Arizona non-profit organization, at 1 South 24th Street in Phoenix, Arizona.

The property was an approximately 5,460-square-foot former bank branch building on approximately 1.55 acres of land located at the northeast corner of Washington Street and 24th Street.

The lease would include the following terms and conditions:

1. The term would be for 20 years.
2. Rental rate would be \$9.50 per building square-foot for the first two years.
3. Beginning in the third year, rent would be adjusted annually in accordance with Consumer Price Index or two percent, whichever was less. The adjusted rental rate would not be less than the prior lease year.

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4. In the 11th and 16th years, the rental rate would be adjusted in accordance with the lease terms or appraised market value of the premises, whichever was greater. The annual rental rate adjustment for the 11th and 16th years would be at least two percent but not more than five percent. Annual rental rates would be adjusted thereafter in accordance with the lease terms.
5. Lessee would be responsible for costs of any tenant improvements, maintenance of its improvements, normal wear and tear of the building, and custodial and janitorial services.
6. Lessee could receive rental credits for capital improvements to the property, pre-approved by lessor, in an amount not to exceed \$470,000.
7. Subject to approval from the Federal Aviation Administration, lessor would grant to lessee the right to purchase the premises at any time during the lease term at a purchase price of \$705,000, adjusted annually in accordance with the lease.
- 8 The lease could contain other terms and conditions as deemed necessary or appropriate by the Aviation Director.

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

Mr. Gates recalled recent discussions about the Council looking at the possibility of selling City-owned land, and agreed that made sense in many instances where there was not a use for the property, as this generated one-time revenue to the City. However, there were other instances where it was appropriate to lease City property to organizations, and the Arizona Hispanic Chamber of Commerce was a great example. They had been making great strides in the community that were exciting and pushing economic development forward. Therefore, he was happy the City was a part of it by moving forward with this lease.

Mrs. Gallego stated it was wonderful to have the Arizona Hispanic Chamber of Commerce at this facility in District 8. It was in an area near the airport where the City owned a lot of property and there were small businesses and partners who could benefit from working with the Hispanic Chamber. Council members were recently in Washington, D.C. meeting with the Federal Aviation Administration attempting to get more things like this, and she looked forward to doing so.

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Mayor Stanton thought the Hispanic Chamber was going to enjoy being near downtown, the airport, the heart of the city, and in the Discovery Triangle. They were going to be the City's best advocates for future development of the Discovery Triangle.

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

MOTION CARRIED.

ITEM 41

DISTRICT 8

**ORDINANCE S-40622 -
AWARD AGREEMENT TO THE
RIESTER CORPORATION FOR
GOVERNMENTAL AND
COMMUNITY INFORMATION
ASSISTANCE**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with The Riester Corporation to provide governmental and community information assistance to the Aviation Department. The agreement could contain other terms and conditions deemed necessary or appropriate by the City Manager or the Aviation Director.

This further authorized the City Controller to disburse the necessary funds in an amount not to exceed \$90,000 annually for a total of \$450,000 over the term of the agreement if all options were exercised.

The term of the agreement would be for one year, to begin on or about May 1, 2014. The agreement included four options to extend the term for one year each, which could be exercised at the sole discretion of the Aviation Director.

MOTION was made by Mrs. Gallego that Item 41 be adopted, but the motion died for lack of a second.

Mayor Stanton suggested this item be continued since he had not been fully briefed on this important matter, and would appreciate that opportunity over the next two-week period.

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MOTION was made by Mrs. Gallego, **SECONDED** by Ms. Pastor, that Item 41 be continued to formal meeting on April 2, 2014. **MOTION CARRIED UNANIMOUSLY.**

ITEM 54

CITYWIDE

**ORDINANCE S-40635 -
IFB 14-097 - HYDRAULIC HOSE
REPAIR AND REPLACEMENT -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Mobile Hose of Arizona, Inc. for hydraulic hose repair and replacement on an as-needed basis during a one-year contract period beginning on or about April 1, 2014 and ending March 31, 2015. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$750,000, with an estimated annual expenditure of \$150,000.

Three bids were received on January 24, 2014. Following is a tabulation of the bids received:

<u>Description</u>	<u>Mobile Hose of Arizona, Inc.</u>	<u>Hose Power USA</u>	<u>Alternative Hose, Inc.</u>
Labor and Parts	\$270.07*	\$302.01	\$361.85

It was recommended by the Deputy Finance Director that the bid of Mobile Hose of Arizona, Inc., as asterisked, be accepted as the lowest priced responsive and responsible bidder.

The majority of repairs under this contract were anticipated for the Solid Waste fleet. These trucks used hydraulic systems to raise lift arms, compact garbage, etc.

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. Waring, **SECONDED** by Mr. Gates, that Item 54 be adopted.

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Regarding the contract award for hydraulic hose repair, Mr. Luis Schmidt informed the Council this work was traditionally done by City employees. However, the Fleet Division staff had found that work performed by the contractor was not of the utmost standard and best quality, and internal employees were having to redo the repairs.

Rather than award and re-award contracts, Mr. Schmidt suggested including more criteria in the bid process pertaining to accountability, because without that standard, the City was ultimately responsible for the repairs.

Noting Mr. Gates' concern about the budget and needing to save where possible, Mr. Schmidt recommended items such as this contract be discussed and consideration given to in-sourcing the tasks. Admittedly, that was not always the most efficient option, but it was important to have a discussion and require more accountability for the work being contracted out, otherwise it was a disservice to the citizens of Phoenix.

Mayor Stanton noted Dan Ramirez submitted a speaker comment card and yielded his time to Luis Schmidt.

Mr. Ryan McClure, a heavy equipment mechanic, said these hydraulic hoses were made in-house when allowed by supervision. Staff was forced to continue using the hose contract, despite the inadequate hoses built which were failing, and staff had to repair. City staff had the tooling and capabilities necessary to perform the task in-house and were fixing the contractor's problems, so Mr. McClure suggested letting the work just be done in house.

SUBSTITUTE MOTION was made by Ms. Pastor, **SECONDED** by Mrs. Gallego, that Item 54 be continued to the formal meeting on April 2, 2014.

Mayor Stanton commented that the City Manager indicated he would like an opportunity to meet with Mr. Schmidt and other labor representatives to discuss the concerns raised and ensure the Council was moving forward in the right way.

Mrs. Williams requested staff provide the Council with a report on the failure rate, quality, and what problems had surfaced; something that proved this was a faulty process.

Deputy City Manager Rick Naimark assured the Council a report on this item would be provided.

MOTION CARRIED UNANIMOUSLY.

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ITEM 61

CITYWIDE

**ORDINANCE S-40642 -
RFA 14-045 - CATERPILLAR
MACHINE MAINTENANCE -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Empire Machinery for the purchase of repair and maintenance service for Caterpillar equipment for the Public Works Department for a one-year contract period beginning on or about April 1, 2014 and ending on March 31, 2015. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$5,500,000, with an estimated annual expenditure of \$1,100,000.

This service would be used to maintain and repair heavy machinery in operation at the SR 85 Landfill and the 27th Avenue and North Gateway Transfer Stations.

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. Waring, **SECONDED** by Mr. Gates, that Item 61 be adopted.

Mr. Ryan McClure shared that since the SR85 Landfill opened, staff had never been given the opportunity take care of the equipment. The City was spending over \$21,000 every two weeks to have a person on site for repairs. However, the City had qualified, trained technicians that should be utilized to perform this work and save a lot of money. Recalling previous comments about the City having a talented, creative, social workforce, he pointed that they were those people.

Mr. Luis Schmidt submitted a hand-out to the Council that correlated with his comments, which he said contained 103 signatures from the mechanics who performed work on the Caterpillar contract. They opposed the approval of this contract and believed that in-sourcing the contract would create a savings in the City's budget and taxpayers' money by allowing skilled, trained City employees to provide quality service to perform these tasks, as well as the hydraulic hose repair discussed in Item 54.

Mr. Schmidt stated that the Caterpillar contract included a payout of \$21,400 every two weeks, which amounted to approximately \$500,000 per year; but the contract estimated an annual expenditure of over \$1 million. He wondered what that additional money was used for.

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Upon doing a comparison between the City employee's cost, Mr. Schmidt said it was much cheaper than what the contractor was charging at the rate of \$134 an hour. He concurred with Mrs. Williams that an accurate cost comparison should be done. This contract was awarded in 2009 and repeatedly extended. However, in light of the budget deficit the City was facing, opportunities to in-source had to be considered. He agreed there were situations where outsourcing was appropriate; noting the City outsourced over \$460 million annually. However, it was important to remain competitive and this contract was a potential for savings. Furthermore, the group he represented was willing to work with departments to look for opportunities.

Mr. Schmidt recalled the Council recently voting on a contract with Valley Towing. It was supposed to be an overflow contract for parts delivery. When he advised the department he was going to speak against it, they were very adamant in telling him it was only for overflow and likely would not be used, so the contract was in place just in case a need arose. However, once the Council approved the contract, the department started using the contract several times a week even though City employees were already performing the job.

Mr. Schmidt stressed that all the employees were asking for was transparency, accountability, and the opportunity to be competitive.

Mayor Stanton noted Dan Ramirez submitted a speaker comment card and yielded his time to Luis Schmidt.

Based on the comments heard, City Manager Ed Zuercher said staff would never turn down an opportunity to review for savings. Therefore, he suggested a two-week continuance to allow an opportunity to meet with the union on this item as well as Item 54, and return to the Council with a full report.

SUBSTITUTE MOTION was made by Mr. Waring, **SECONDED** by Ms. Pastor, that Item 61 be continued to the formal meeting on April 2, 2014.

Ms. Greta Rogers remarked this was a perfect example of financial reckless extravagance when there was no excess funds in the bank. She suggested the City would be lucky to pay the absolute demand bills by the end of this fiscal year; mainly salaries and contracts that must be honored. She opined that this type of action was sloppy, irresponsible, and incompetent. Furthermore, she doubted any of the Council members knew the particulars involved, and strongly recommended they act competently with knowledge.

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Ms. Rogers pointed out there were people in the Public Works Department who maintained heavy equipment on a regular basis and had the knowledge and experience required, so the City did not need to call upon Empire Machinery which was located in Mesa.

Mr. Leonard Clark observed this was an example of people listening when someone spoke, and he liked that. City employees could be competitive, as privatizing did not always work and sometimes backfired. He opposed the item, but supported the willingness to listen and work together.

Mayor Stanton noted a speaker comment card was submitted in opposition to Item 61 by Steven Carlson, who did not wish to speak regarding the continuance.

MOTION CARRIED UNANIMOUSLY.

ITEM 65

DISTRICT 4

**ORDINANCE S-40646 -
AMEND AND RESTATE
LEASES FOR TWO CBS
BILLBOARD SITES LOCATED
AT 703 AND 705 WEST
CAMELBACK**

The Council heard request to authorize the City Manager, or his designee, to amend and restate private leases with CBS for two billboard sites located at 703 and 705 West Camelback Road. The City assumed the billboard leases when the property was acquired for Light Rail. The leases would be amended to modify the term from an annual lease with automatic renewals to a month-to-month lease with a 30-day termination provision, and to incorporate standard City required provisions. This further authorized the City Treasurer to accept all necessary funds for rents during the term of this lease.

Monthly base rent for each billboard site would be \$167 per month, plus applicable taxes, which was within the range of market rents, as determined by the Real Estate Division. The current tenant was in good standing and had been a long-term tenant at this location.

All other terms and conditions of the existing lease remained the same.

MOTION was made by Ms. Pastor, **SECONDED** by Mrs. Gallego, that Item 65 be continued to the formal meeting on April 2, 2014. **MOTION CARRIED UNANIMOUSLY.**

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Mrs. Gallego declared a potential conflict of interest and withdrew from the voting body on Item 66.

ITEM 66 **DISTRICT 5** **ORDINANCE S-40647 -
GRANT OF ELECTRICAL
EASEMENT TO SALT RIVER
PROJECT - LIGHT RAIL
TRANSIT PARCELS NW.1241
AND NW.1436**

The Council heard request to authorize the City Manager, or his designee, to grant power underground distribution easements to Salt River Project (SRP) for consideration in the amount of one dollar. Light Rail Transit Parcel NW.1241 contained an easement area of approximately 151 square feet located at 6702 North 19th Avenue. Light Rail Transit Parcel NW.1436 contained an easement of approximately 88 square feet located adjacent to 7833 North 19th Avenue.

SRP required the easements to install new transformers in order to accommodate the Light Rail Transit project at each location.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Item 66 be adopted.

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

MOTION CARRIED.

Mrs. Gallego remained withdrawn from the voting body and declared a potential conflict of interest on Item 68.

ITEM 68 **DISTRICT 7** **ORDINANCE S-40649 -
GRANT OF IRRIGATION
EASEMENT TO SALT RIVER
PROJECT**

The Council heard request to authorize the City Manager, or his designee, to grant an irrigation easement to Salt River Project (SRP), for consideration of one dollar and/or other valuable consideration. The easement area contained

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approximately 3,013 square feet located within City of Phoenix right-of-way at 59th and South Mountain Avenues.

SRP required the easement to relocate an existing open irrigation distribution ditch to an underground distribution pipeline in order to accommodate the Street Transportation Department road improvement project at this location.

This further 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. SRP required an indemnification provision to be included in the instrument as a condition of the relocation.

MOTION was made by Mr. Waring, **SECONDED** by Ms. Pastor, that Item 68 be adopted.

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

MOTION CARRIED.

Mrs. Gallego returned to the voting body.

ITEM 71

CITYWIDE

**ORDINANCE S-40652 -
ACCEPT CITIES OF SERVICE
HANDS-ONLY CPR KIT GRANT**

The Council heard request for retroactive authorization for the City Manager, or his designee, to apply for and accept a grant award of 500 Hands-Only CPR kits from the Cities of Service. The retail value of these kits totaled \$17,475. The grant period was January 2014 through December 2014.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Item 71 be adopted.

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Mr. Leonard Clark spoke in support of this item because he thought there was a lot of confusion among citizens regarding proper CPR (cardio pulmonary resuscitation) techniques. He hoped the Fire and Police Departments would educate people in an effort to reduce the rising number of drownings each year in Arizona.

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

MOTION CARRIED.

ITEM 72

CITYWIDE

**ORDINANCE S-40653 -
APPLY FOR AND ACCEPT
HEAD START FUNDS AND
CONTRACT WITH DELEGATE
AGENCIES**

The Council heard request to authorize the City Manager, or his designee, to apply for and accept Fiscal Year 2014-2015 Head Start program grant funds from the U.S. Department of Health and Human Services for an amount up to \$27,614,128. This further authorized the City Controller to disburse all funds for payment of services performed under this contract.

In addition, this authorized contracts with delegate agencies for up to the amounts specified below to operate the Head Start program from July 1, 2014 through June 30, 2015. The total contract included the base amount, which covered personnel and operations costs, a 1.3 percent cost of living increase, and funds to provide training and technical assistance (T&TA) for staff and parents to maintain high quality services and programs.

<u>Delegate Agency</u>	<u>Base Amount</u>	<u>T&TA Amount</u>	<u>Total Contract</u>
Alhambra Elementary School District	\$ 2,069,329	\$21,500	\$ 2,090,829
Booker T. Washington Child Development Center	\$ 1,334,105	\$ 8,200	\$ 1,342,305
Deer Valley Unified School District	\$ 755,747	\$ 7,900	\$ 763,647
Fowler School District	\$ 679,033	\$ 6,000	\$ 685,033

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exceed \$18,200 to provide documentary services for the “Cultural Connection” Series of the Artists Initiative public art projects, funded through a National Endowment for the Arts (NEA) “Our Town” grant and the City’s Artists’ Initiative VI Temporary Public Art project. This further authorized the City Controller to disburse the funds over the life of the contract.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 76 be adopted.

As a native of Phoenix, Mr. Leonard Clark said he saw how much of the city had changed and how much had been torn down. While he understood progress, he thought it was necessary to document and respect the cultures of a huge city like Phoenix. Therefore, he strongly supported this request for documentary services.

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

MOTION CARRIED.

ITEM 78

CITYWIDE

**ORDINANCE S-40659 -
RFA 13-SWD-025 - DISPOSAL
OF NON-HAZARDOUS BRINE
WATER**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Southwest Regional Landfill for the disposal of brine water from the SR85 Landfill to the Southwest Regional Landfill. The aggregate contract value, including all option years, would not exceed \$240,000, with an estimated annual expenditure of \$48,000. This further authorized the City Controller to disburse funds over the life of the contract.

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

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Item 78 be adopted.

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Mr. Leonard Clark shared that he was a big advocate of clean water and, therefore, supported this item. He referenced a plume of capped wells around the Phoenix Zoo and McDowell Road, where the groundwater could not be used. High sodium content in the water caused some groundwater wells to become unusable, and he felt the citizens of Phoenix, especially children, deserved to have clean water.

As evidenced in West Virginia, Mr. Clark said a person could see the importance of not allowing the water system to be corrupted, and why private corporations should not be allowed to run amok and poison the water. He urged the Council to always put clean drinking water first and foremost.

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

MOTION CARRIED.

ITEM 88

DISTRICT 3

**ORDINANCE S-40669 -
AMEND ORDINANCE S-38975
FOR NON-POTABLE WATER
AGREEMENT WITH MOON
VALLEY COUNTRY CLUB AND
POINTE HILTON TAPATIO
CLIFFS**

The Council heard request to amend Ordinance S-38975 adopted June 13, 2012, which authorized executing a development agreement to construct a non-potable water supply pipeline and associated infrastructure to the privately-owned Moon Valley Country Club Golf Course (MV) and Pointe Tapatio Lookout Mountain Golf Course (LM) and a backup non-potable supply for the City-owned Cave Creek Golf Course.

This amendment provided a correction that after the Phase I infrastructure improvements were constructed, MV would be charged the City's untreated Central Arizona Project water rate per City Ordinance; and after the Phase II infrastructure improvements were constructed, MV and LM would be charged the City's untreated Central Arizona Project water rate per City Ordinance.

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MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 88 be adopted.

Mr. Gates explained that this item dealt with the challenges faced by golf courses in District 3 (Moon Valley Country Club and Pointe Tapatio), and the costs associated with water. The Moon Valley Country Club was facing bankruptcy, and the community came together and raised \$1.6 million in a very short period of time to keep the course open. This item was another piece of that partnership between the City and Moon Valley Country Club because this was an essential component of that neighborhood. As well, Pointe Tapatio brought a lot of tourism dollars into Phoenix and District 3, in particular. Therefore, he appreciated staff and all the work they did to bring this agreement together on this very important issue.

Mr. DiCiccio believed this case highlighted the impacts of raising water rates, and the amount of stress it put on property owners throughout Phoenix, including golf courses, homeowner associations, and individual families. He expressed appreciation for being able to keep the City's rates to zero in the last three years, because the water rates strongly impacted the community, economic development, and the quality of life in Phoenix.

Recognizing this issue had been going on a long time, Mayor Stanton congratulated Mr. Gates on achieving a successful outcome to provide the appropriate water supplies to the golf courses in lieu of using more expensive potable water; adding that non-potable water for golf courses made a lot of sense. He also believed it would be more financially viable for these amenities in the community.

Mayor Stanton noted a speaker comment card was submitted in favor of Item 88 by Billy Shields, who did not wish to speak on this matter.

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

MOTION CARRIED.

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ITEM 90

CITYWIDE

**RESOLUTION 21204 -
ISSUANCE OF ONE OR MORE
SERIES OF UP TO \$13,000,000
OF THE INDUSTRIAL
DEVELOPMENT AUTHORITY
OF THE CITY OF PHOENIX,
ARIZONA TAX-EXEMPT
AND/OR TAXABLE
EDUCATION FACILITY
REVENUE BONDS (ARIZONA
CHARTER ACADEMY
PROJECT) SERIES 2014**

The Council heard request by Success School, dba Arizona Charter Academy, (the "Applicant"), 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 \$13,000,000 of Education Facility Revenue Bonds (the "Revenue Bonds") to: a) refinance or finance the acquisition, construction, renovation, improvement, and equipping of a charter school facility (the "Project"), including the refunding of prior bonds issued to finance the Project; and b) to pay certain costs related to the issuance of the Revenue Bonds.

The Applicant stated the Project would serve grades K through 12 and included expansion to approximately 88,000 square feet of an existing approximately 60,000-square-foot building on approximately 5 acres located south of the southeast corner of Grand Avenue and Dysart Road.

Fees collected at closing and through ongoing assessment fees collected for the life of the bonds are available to invest in programs and initiatives that benefited Phoenix residents. Such investments included supporting small business loan programs aimed at retaining and creating jobs, and other community development programs.

MOTION was made by Mr. Valenzuela, **SECONDED** by Mr. DiCiccio, that Item 90 be adopted.

Mr. Leonard Clark said he realized the Council would likely unanimously approve this item. Nevertheless, he thought the citizens of Phoenix should know that when these sweetheart deals, tax-free incentives were approved, it led to charter schools destroying public education, such as was occurring in Surprise. Public schools had parentally-elected school boards, but charter schools did not and they answered to their own board of directors and served to make a profit.

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Mr. Clark opined that if parents knew they did not have the same input in a democratic process as they did with corporate charter schools, they would not support these measures. People in the public schools, this last great integration system of the American republic along with the armed forces that brought all segments of society together, had to stand by and watch as private charter schools were given tax-free incentive deals, and as a consequence, a noncompetitive environment. The perception that it was about competition was not fair. The public schools clearly had a disadvantage in comparison to charter schools.

Mr. Clark further expressed frustration with the Industrial Development Authority of Phoenix, which had doled out almost a quarter of a billion dollars. He wondered if people realized the public schools had to get hundreds of thousands of people to vote, rightly so according to the democratic process, to get that kind of money. Therefore, he strongly opposed this item.

Ms. Pastor noted the Industrial Development Authority (IDA) dealt with bond financing for educational facilities, and community and economic development projects. Base on her research, she learned the vast majority of IDA projects had been for charter schools, and she would like the IDA to diversify and consider different areas, such as industrial development, community development, multifamily and single-family housing, and mortgage credit certification programs.

Ms. Pastor also pointed out that in 2003, six of the IDA charter school projects closed. Therefore, she had great concerns on this subject, and welcomed meeting with staff and the IDA board to discuss it further.

Mrs. Gallego reported there were many charter schools in District 8, and many of them were in areas they might not traditionally be located if they were public schools, which had created traffic problems that could have been preventable. For these reasons, she wondered if the charter schools had addressed the possible problems created when schools were located in busy areas.

Deputy Finance Director Juan Salgado introduced Melissa Holdaway, Chief Operations Officer for the Arizona Charter Academy, to address Mrs. Gallego's questions in terms of the diligence.

Ms. Holdaway confirmed the Academy had addressed the issues with the Surprise Planning and Zoning Department. The school altered its schedules to reduce traffic in the neighborhood. She also said they were an established school and had been in the community since 2001, so this would be an expansion to their existing campus.

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In response to Mrs. Gallego, Ms. Holdaway confirmed this request was for one school.

Mr. DiCiccio commented that one of the best things the City could do in terms of education, was to help with their financing by funding these charter schools. Charter schools would not exist if kids did not want to go there. Financing assistance was just one small way the City could be a partner and help the charter school movement.

Mr. DiCiccio added he did not want the Council to restrict the IDA and did not believe it was necessary. He thought they were doing a great job. This request was only about the funding portion, and the City, historically, had been very supportive of advancing charter schools.

Ms. Pastor clarified she was simply requesting the IDA to diversify, as stated in their mission relative to who funding was given to, for the purpose of providing opportunities to other areas.

Mr. DiCiccio believed that giving that direction to the IDA was an indication to them to start looking at other areas and move away from the charter schools that had been funded for many years. He assured staff he was pleased with their current decisions and focus on charter schools. Philosophically, they could debate individual stances on charter schools, but realistically it was about the children and parents who made a decision to go to charter schools, and this was a small thing the City could do to help them through the IDA process. Therefore, he was content with what the IDA was doing now.

Mr. Salgado offered to meet with Ms. Pastor in regards to the IDA's activities.

Mayor Stanton thought it would be smart and productive for the IDA to fully update each Council member relative to investment decisions and the process followed in making these important decisions. He did not think the IDA made philosophical decisions, but rather made investment decisions which were judged by the marketplace in terms of the strategic nature of those funding decisions.

Mrs. Williams requested Mr. Salgado provide the Council with a list of failures, along with a profit and loss statement. She wanted to know, if the City was funding those and then they failed, what the loss was to the City. Additionally, she would like to know the range of companies or people who applied for this money. She wondered if the Council was only hearing about charter schools, but there were other people being denied.

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Mr. Salgado replied he would provide the information requested.

Mr. DiCiccio interjected that rather than only look at charter school failures funded by the IDA, staff should report all failures in a comprehensive list.

Mrs. Williams confirmed that was the intent of her request.

Mayor Stanton agreed that information would be appreciated. He also suggested adding to a future Policy agenda, a discussion about the IDA so the Council could be fully briefed about their decisions. They did not lend the money, but did help make a guided decision. It was private sector lending, through banks, and they were able to do so at a favorable condition that was good for the public, so it was not actually money lost by the IDA.

Mrs. Gallego inquired whether Mr. Salgado had acted as a conduit issuer for any entities that failed.

Mr. Salgado replied he was not aware of any failures since the IDA had been under his administration.

Ms. Pastor added she would like to see a holistic landscape for the past 10 years. Since the Council was making these decisions, it was important for them to be aware.

Ms. Pastor also stressed that she believed in education across the board, whether charter or public school. It was a parent's and student's choice where they wanted to attend school.

Mayor Stanton reiterated this was not a philosophical decision by the IDA board. They did not fund traditional public schools because they had a different financing mechanism. This was a unique financing mechanism available to charter schools that were investment worthy, to get favorable rates because they were investing in a public school of sorts.

Mayor Stanton restated his belief that it would be worthwhile to have a thorough vetting of the IDA, what they did or did not do and how they made decisions, at an upcoming Policy Session.

Mr. DiCiccio wanted to ensure he received a list of the failures in the past 10 years. He recognized it was impossible to be an investor in this economy and not have failures. He did not, however, believe charter schools were a part of that, and thought these measures had been a worthwhile investment for the taxpayers.

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Mayor Stanton acknowledged that anybody could get a briefing anytime, but as part of a Policy Session, they would discuss key investment decisions made by the IDA, which would be appropriate. He also thought the public would be interested in learning more about the IDA, as it was a hidden gem the City was lucky to have within the community.

Mr. DiCiccio said he did not want this matter buried. He reiterated his request for a report of investments in the past 10 years, including the failures, which possibly included charter schools. He further requested the information be provided to him in advance.

Mayor Stanton believed the IDA could provide the information Mr. DiCiccio desired.

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

MOTION CARRIED.

NEW BUSINESS

ITEM 93

DISTRICT 8

**MEMORANDUM OF
AGREEMENT REGARDING A
PARKING LOT EXPANSION AT
SKY HARBOR AIRPORT**

The Council heard request to authorize the City Manager, or his designee, to enter into a Memorandum of Agreement (MOA) between the Federal Aviation Administration, the Arizona State Historic Preservation Office, and various Native American communities with affinal ties to the local prehistoric culture regarding the PHX Sky Train Parking Lot Expansion Area at Phoenix Sky Harbor International Airport.

This MOA would identify the process the City of Phoenix would undertake to comply with requirements set forth by Section 106 of the National Historic Preservation Act. This MOA would ensure the City of Phoenix prepared the required Archaeological Treatment Plan to address and mitigate any potential adverse effects on archaeological or historic resources.

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This MOA would remain in effect until completion of the development of the PHX Sky Train Parking Lot Expansion Area and until approval by consulting parties to the MOA of the final technical report of data recovery investigations.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Item 93 be approved.

Ms. Dianne Barker agreed this employee parking was likely necessary at the airport. However, she thought the airport needed to be fully multi-modal and safe. Having ridden her bicycle within the airport, she suggested the City invest a small amount of money to paint a bicycle lane.

MOTION CARRIED UNANIMOUSLY.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Items 94 through 99 be approved, excepting Item 95. **MOTION CARRIED UNANIMOUSLY.**

ITEM 94

CITYWIDE

**IGA WITH THE CITY OF
AVONDALE FOR SHARING
TELECOMMUNICATIONS
FACILITIES**

The Council heard request to authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with the City of Avondale for the shared use of telecommunications facilities.

The scope of this IGA supported the shared ongoing use of communications sites then-owned and/or operated by the City of Avondale for a period of ten years with an option to extend for one additional ten-year period.

The City of Avondale, as a member of the Regional Wireless Cooperative (RWC), would be reimbursed for any rental, utility, or other related expenses for communication sites the City leased in support of the RWC. Reimbursements would occur through the terms of the RWC Amended and Restated IGA 124822 and as authorized by Ordinance S-35588 dated October 15, 2008.

ITEM 96

DISTRICT 7

**AMEND PARKING USE
AGREEMENT WITH THE
HYATT REGENCY PHOENIX**

The Council heard request to authorize the City Manager, or his designee, to amend the parking use agreement, Contract 120067, with the Hyatt Regency

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Phoenix to extend the contract term for up to an additional ten years and reduce the number of overnight valet parking spaces at a fixed cost per space per month. The contract went into effect July 1, 2006, and had one, two-year extension option remaining until June 30, 2016.

Upon review of the number of valet-parked vehicles, the Hyatt and Phoenix Convention Center Department determined the contracted number of 150 overnight valet parking spaces could be reduced to 90 spaces at a fixed cost of \$80 per space per month. The City would receive guaranteed revenues of \$7,200 per month.

In addition, the Hyatt desired an additional five-year contract extension with one, five-year extension option available to exercise by mutual agreement of the City and Hyatt. The extended contract term would assure the Hyatt that its ongoing parking needs would be met in close proximity of the hotel.

ITEM 97 **CITYWIDE** **AGREEMENT WITH
COMVERGE, INC. FOR APS
PEAK SOLUTIONS PROGRAM**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Comverge, Inc. (Comverge) and enroll in the Arizona Public Service (APS) Peak Solutions Program.

On July 21, 2011, the Water Services Department (WSD) entered into Agreement 131725 with Comverge to participate in the Peak Solutions Program. During the three-year contract period, WSD was paid a total of \$208,808 for responding to demand reduction events.

Under a new three-year agreement, WSD agreed to shed up to 700 kilowatts (kW) of power at seven booster stations and well sites if a demand reduction event was called. This would be accomplished by turning off motor-driven equipment. The program was strictly voluntary, and the department is under no obligation to shed demand if adversely impacts operations.

The City would incur no cost by entering into this agreement. Compensation would be based on the number of demand response events called as well as when they were called during the summer season (June 1 through September 30). Based on the new rules and load reduction goals, minimum compensation for calendar year 2014 was expected to be \$16,500, paid annually in December.

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ITEM 98

DISTRICT 4

**FINAL PLAT - 2985 OSBORN -
140003**

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 February 27, 2014:

Plat 140003
Project 14-70
Name of Plat: 2985 Osborn
A One-Lot Commercial Plat
Generally located at 2985 West Osborn Road

Owner(s): 8091, LLC.
Engineer(s): Jeff R. Cook, R.L.S.

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

ITEM 99

DISTRICT 5

**FINAL PLAT - WESTERN
SCHOOL OF SCIENCE &
TECHNOLOGY - 130063**

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 February 25, 2014:

Plat 130063
Project 09-1945
Name of Plat: Western School of Science & Technology
A One-Lot Commercial Plat
Generally located at the southwest corner of 64th Drive and Indian School Road

Owner(s): Challenge Foundation Properties of AZ-Maryvale, LLC
Engineer(s): Rick Engineering Co.

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

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Ms. Pastor declared a potential conflict of interest and withdrew from the voting body on Item 95.

ITEM 95

CITYWIDE

**IGA WITH MARICOPA COUNTY
COMMUNITY COLLEGE
DISTRICT FOR SHARING
TELECOMMUNICATIONS
FACILITIES**

The Council heard request to authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with Maricopa County Community College District for the shared use of telecommunications facilities.

The scope of the IGA supported the shared ongoing use of communications sites then-owned and/or operated by Maricopa County Community College District for a period of ten years with an option to extend for one additional ten-year period.

Maricopa County Community College District, as a member of the Regional Wireless Cooperative (RWC), would be reimbursed for any rental, utility, or other related expenses for communication sites the City leased in support of the RWC. Reimbursements would occur through the terms of the RWC Amended and Restated IGA 124822 and as authorized by Ordinance S-35588 dated October 15, 2008.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Item 95 be approved. **MOTION CARRIED UNANIMOUSLY.**

Ms. Pastor returned to the voting body.

PLANNING AND ZONING MATTERS

ITEM 100

DISTRICTS 1, 3, AND 5

**PUBLIC HEARING -
RESOLUTION 21207 -
NORTH MOUNTAIN
REDEVELOPMENT AREA
PLAN**

The Council heard request to hold a public hearing and adopt a resolution on the North Mountain Redevelopment Area Plan. The redevelopment area was generally bounded by 19th Avenue and 15th Avenue on the east; Cholla Street, Sahuaro, and Peoria Avenues on the north; 35th Avenue on the west; and Butler Drive, Alice Avenue, and the Arizona Canal on the south.

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Mayor Stanton declared the public hearing open.

Mayor Stanton noted speaker comment cards were submitted in favor of Item 100 by Paul Gilbert and Lou Snow, and they did not wish to speak on this matter.

Mr. Leonard Clark spoke in support of this item and hoped the neighborhoods would be worked with to preserve Phoenix' culture, as that would be important in retaining residents.

Mr. Pat Vint noted he lived in the North Mountain area and wanted to know what was happening with the proposed plan.

Acting Planning and Development Director Alan Stephenson explained the North Mountain Redevelopment Area Plan was an area generally bounded by 19th Avenue and 15th Avenue on the east; Cholla Street, Saguaro, and Peoria Avenue on the north; 35th Avenue on the west; and Butler Drive, Alice Avenue, and the Arizona Canal on the south.

Mr. Stephenson added that the redevelopment area plan established five components: economic development, connectivity, recreation, safety and code compliance, and community education and engagement. Over the next several years, community groups in that area, with assistance from the City, would work in those key component areas to help revitalize that area.

There being no one else wishing to speak, Mayor Stanton declared the public hearing closed.

Mrs. Williams advised that staff had done an exemplary job working on this plan for over a year; meeting with neighbors, businesses, and business alliances. This area covered portions of Districts 1, 3, and 5, in what was known as the Metrocenter area. Impressively, at a meeting with nearly 100 people in attendance, not one person objected to the proposal. The community had been totally supportive, and she thanked staff for all their efforts; recognizing this was an on-going project that still had to be implemented.

MOTION was made by Mrs. Williams, **SECONDED** by Mr. Gates, that Item 100 be granted as recommended by the Downtown, Aviation, and Redevelopment Subcommittee; and the related resolution adopted.

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Mr. Gates echoed Mrs. Williams' comments and extended his appreciation for her leadership, as well as Mr. Valenzuela's, on this important project. There had already been a lot of redevelopment that occurred thanks to Mrs. Williams around Metrocenter, and new life was coming back into this significant area of the city.

Agreeably, Mr. Gates said, the most exciting part of this project was the public input and the way the businesses and neighbors got involved. He extended kudos to the North Mountain Business Alliance and Marcia Veidmark for their involvement as well. He good-naturedly acknowledged Mayor Stanton's support since he used to hang out at Metrocenter as a kid. In closing, Mr. Gates thanked everyone for their diligent efforts, and said he looked forward to supporting this plan.

Mayor Stanton recognized the excellent work done by the Council members and staff. He expressed confidence that Metrocenter and the surrounding neighborhood were going to make a strong come back. This was his old stomping grounds, and it was important work being done today.

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

MOTION CARRIED.

ITEM 101

CITYWIDE

**PUBLIC HEARING -
RESOLUTION 21208 -
GPA-CTYW-1-13 -
STREET CLASSIFICATION
MAP AMENDMENTS**

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

Application:	GPA-CTYW-1-13
Request:	Street Classification - Map Amendment
Location:	Various
Proposal:	Amend the Street Classification Map to update changes in street classifications and additions of newly platted roadways.

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Applicant: Planning and Development Department
 Staff: Approved.
 VPC Action: Ahwatukee Foothills – December 16, 2013 – Approved.
 Vote 12-0
Alhambra – January 28, 2014 – Approved with comments.
 Vote 10-0
Camelback East – January 7, 2014 – Approved with
 modifications. Vote 14-0
Central City – January 13, 2014 – Approved with comments.
 Vote 14-0
Deer Valley – January 16, 2014 – No quorum present.
Desert View – January 7, 2014 – Approved with
 modifications. Vote 9-0
Estrella – January 21, 2014 – Approved. Vote 6-0
Laveen – January 13, 2014 – Approved. Vote: 6-0
Maryvale – January 8, 2014 – Approved. Vote 9-0
North Gateway – January 9, 2014 – No quorum present.
North Mountain – January 15, 2014 – Approved.
 Vote 10-0-1
Paradise Valley – January 13, 2014 – Withdrawn.
South Mountain – January 14, 2014 – Approved. Vote 11-0
 PC Action: February 11, 2014 – Approved, per staff Addendum A dated
 January 29, 2014. Vote 7-0

Mayor Stanton declared the public hearing open. There being no one present wishing to speak, he declared the public hearing closed.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Item 101 be granted as recommended by the Planning Commission; and the related resolution adopted.

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

MOTION CARRIED.

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ITEM 103

DISTRICT 4

**PUBLIC HEARING -
ORDINANCE G-5890 -
Z-47-13-4 -
3RD AVENUE AND
CAMELBACK ROAD**

Continued from February 5, 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 if approved.

Application: Z-47-13-4 – Appealed by Opposition
From: C-2 TOD-1 and C-2 SP TOD-1
To: R-5 TOD-1
Acreage: 1.14
Location: Approximately 115 feet east of the northeast corner of 3rd Avenue and Camelback Road
Proposal: Multifamily residential
3/4 Vote Required: Yes
Applicant: Larry Lazarus – Lazarus, Silvyn, and Bangs
Owner: Michael Stringfellow – Chasse Building Team
Representative: Larry Lazarus – Lazarus, Silvyn, and Bangs
Staff: Approved, subject to stipulations.
VPC Action: Alhambra – November 26, 2013 – No recommendation made. Motion to deny failed. Vote 6-6.
PC Action: January 14, 2014 – Approved per the memo from Tricia Gomes dated January 14, 2014. Vote 4-2

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

Stipulations

1. The development and elevations shall be in general conformance with the site ~~plan, elevations,~~ and landscape plan date stamped September 6, 2013, AND ELEVATIONS DATE STAMPED JANUARY 14, 2014, as approved by the Planning and Development Department.
2. The applicant shall update all existing off-site street improvements (sidewalks, curb ramps, and driveways) to meet current Americans with Disabilities Act guidelines.

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3. A MINIMUM BUILDING SETBACK OF 16 FEET SHALL BE REQUIRED ALONG THE NORTH PROPERTY LINE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. THE BUILDING HEIGHT SHALL NOT EXCEED 3 STORIES AND 38 FEET FROM 16 FEET TO 53 FEET FROM THE NORTH PROPERTY LINE. THE BUILDING HEIGHT SHALL NOT EXCEED 4 STORIES AND 48 FEET BEYOND 53 FEET OF THE NORTH PROPERTY LINE.
5. THE DEVELOPMENT SHALL NOT EXCEED 50 UNITS.

MOTION was made by Ms. Pastor, **SECONDED** by Mrs. Williams, that Item 103 be withdrawn as requested by the applicant.

Ms. Ellen Bilbrey praised the Planning and Development staff; adding that she hoped they would get more help. She relayed that the neighborhood had been working on this project for nine months. As originally presented, it was not compatible with the neighborhood; as evidenced by the 500 neighbors who signed a petition and sent emails and letters to the Council members. Nonetheless, the neighborhood had been enthusiastic about all the responsible developers coming into the neighborhood, and they wanted to support them and see them succeed.

Ms. Bilbrey said that next year a better project would likely be brought to the Council that was more compatible with the neighborhood, and they would be happy to support whoever brought that good project forward.

Mayor Stanton thanked Ms. Bilbrey for her effective advocacy during the process.

Mayor Stanton noted speaker comment cards were submitted by Paul Barnes and Barry Wong in opposition to Item 103, and confirmed they were supportive of the withdrawal.

Mayor Stanton commended Ms. Pastor for her excellent work and leadership in this difficult case.

MOTION CARRIED UNANIMOUSLY.

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ADJOURNMENT

There being no further business to come before the Council, Mayor Stanton declared the meeting adjourned at 5:30 p.m.

MAYOR

ATTEST:

CITY CLERK

0319min.doc/SD

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 19th day of March, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of April, 2014.

City Clerk