



Agenda

City Council Formal Meeting

Wednesday, September 15, 2021

2:30 PM

phoenix.gov

*****REVISED Sept. 14, 2021*****
Item to be Withdrawn: 48

OPTIONS TO ACCESS THIS MEETING

Request to speak at a meeting:

- **Register online** by visiting the City Council Meetings page on phoenix.gov at least 1 hour prior to the start of this meeting. Then, click on this link at the time of the meeting and join the Webex to speak: <https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=e43fdf5714f00827edf260bcf7e948278>

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

At the time of the meeting:

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

- **Call-in** to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 2553 010 7843# (for English) or 2550 133 5285# (for Spanish). Press # again when prompted for attendee ID.

Para nuestros residentes de habla hispana:

- **Para registrarse para hablar en español**, llame al 602-262-6001 al menos 1 hora antes del inicio de esta reunión e indique el número del tema. El día de la reunión, llame al 602-666-0783 e ingrese el número de identificación de la reunión 2550 133 5285#. El intérprete le indicará cuando sea su turno de hablar.

- **Para solamente escuchar la reunión en español**, llame a este mismo número el día de la reunión (602-666-0783; ingrese el número de identificación de la reunión 2550 133 5285#). Se proporciona interpretación simultánea para nuestros residentes durante todas las reuniones.

CALL TO ORDER AND ROLL CALL**MINUTES OF MEETINGS**

- 1 **For Approval or Correction, the Minutes of the Formal Meeting on May 20, 2020** Page 9

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| 3 | Liquor License - MBS Fuel 17 | District 1 - Page 15 |
| 4 | Liquor License - Patio 54 Fusion Kitchen | District 2 - Page 20 |
| 5 | Liquor License - Special Event - Orgazac Inc | District 4 - Page 24 |
| 6 | Liquor License - Special Event - Orgazac Inc | District 4 - Page 25 |
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| 10 | Liquor License - That One Mini Mart | District 4 - Page 33 |
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| 61 | Modification of Stipulation Request for Ratification of Aug. 18, 2021 Planning Hearing Officer Action - PHO-2-21--Z-63-05-8 - Approximately 820 Feet East of the Northeast Corner of 24th Street and Baseline Road | District 8 - Page 139 |
| 62 | Amend City Code - Ordinance Adoption - Rezoning Application PHO-2-21--Z-105-07-1 - Approximately 300 Feet South of the Southeast Corner of 43rd Avenue and Old West Trail (Ordinance G-6892) | District 1 - Page 143 |
| 63 | Amend City Code - Ordinance Adoption - Rezoning Application PHO-2-21--Z-59-08-3 - Northeast Corner of 19th Avenue and Cactus Road (Ordinance G-6893) | District 3 - Page 151 |
| 64 | Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-8-20-5 - Approximately 220 Feet North of the Northeast Corner of 23rd Avenue and West Royal Palm Road (Ordinance G-6895) | District 5 - Page 159 |
| 65 | Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-55-13-5 - Southeast Corner of 23rd Avenue and El Caminito Drive (Ordinance G-6894) | District 5 - Page 170 |
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| 68 | Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-59-18-8 - Approximately 615 Feet North of the Northwest Corner of 25th Street and Baseline Road (Ordinance G-6898) | District 8 - Page 193 |

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

000 CITIZEN COMMENTS

ADJOURN



For Approval or Correction, the Minutes of the Formal Meeting on May 20, 2020

Summary

This item transmits the minutes of the Formal Meeting of May 20, 2020, for review, correction and/or approval by the City Council.

The minutes are available for review in the City Clerk Department, 200 W. Washington St., 15th Floor.

Responsible Department

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



Liquor License - Little Asia

Request for a liquor license. Arizona State License Application 155643.

Summary

Applicant

Tun Tun Naing, Agent

License Type

Series 12 - Restaurant

Location

4212 W. Cactus Road, Ste. 1107-1108

Zoning Classification: C-1

Council District: 1

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow sales of alcoholic beverages as an accessory to a restaurant.

The 60-day limit for processing this application is Sept. 20, 2021.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Since June 2019, I currently operate an Asian food restaurant and have experience in in this type of business. This location will serve beer, wine and liquor drinks to customers who desire an alcohol beverage with their meals. I will get training in the Arizona liquor laws."

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

"Some patrons of the restaurant will want to buy an alcohol beverage with their meals. The issuance of a liquor license will allow the business to accommodate those patrons."

Staff Recommendation

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

Attachments

Liquor License Data - Little Asia

Liquor License Map - Little Asia

Responsible Department

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

Liquor License Data: LITTLE ASIA

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	46.14	49.57	69.10
Violent Crimes	8.58	8.49	11.78

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

Property Violation Data

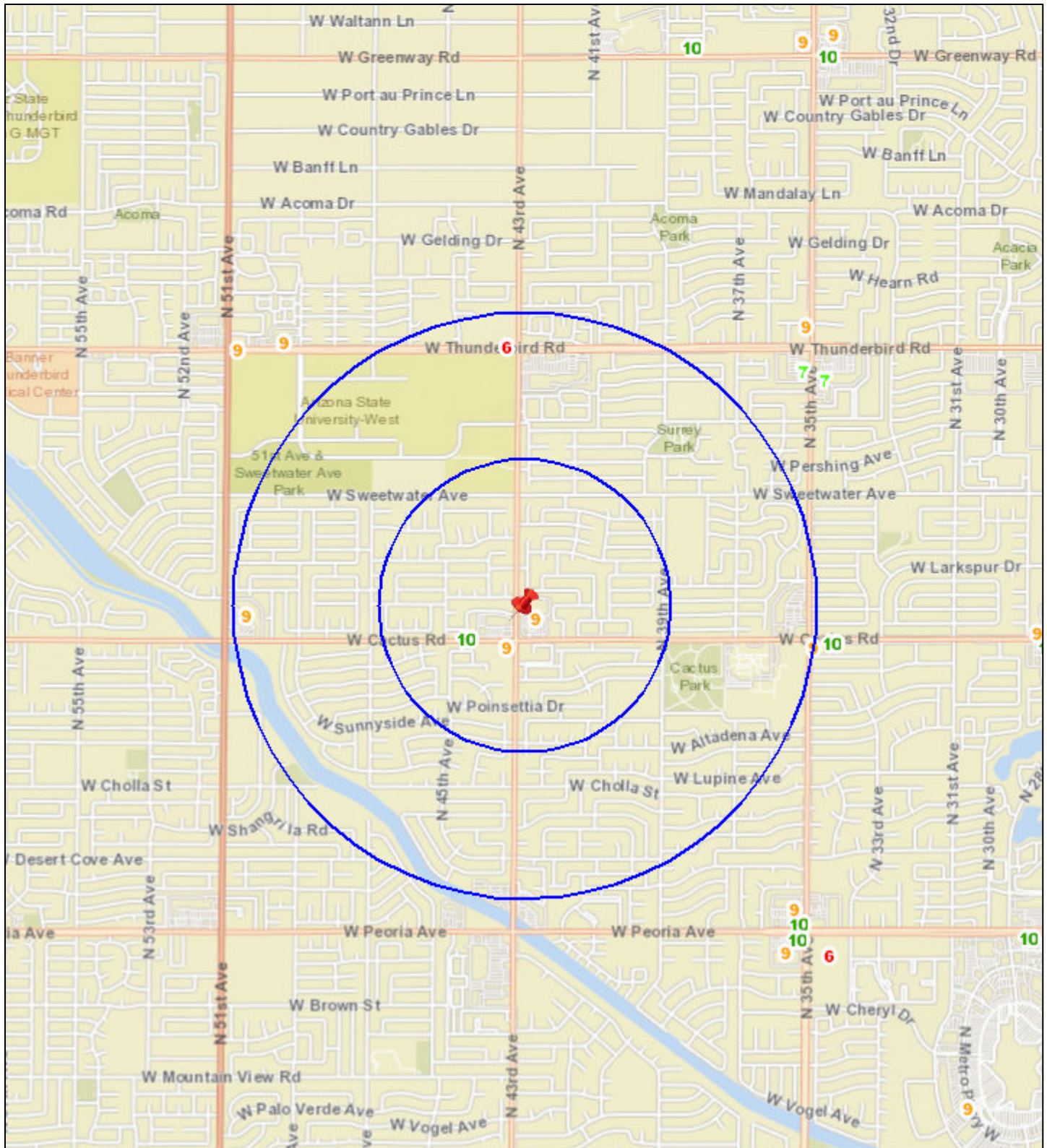
Description	Average	1/2 Mile Average
Parcels w/Violations	55	99
Total Violations	89	165

Census 2010 Data 1/2 Mile Radius

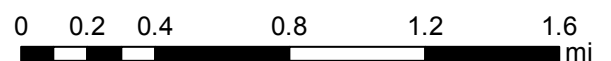
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1042031	1599	79 %	7 %	10 %
1042035	1364	69 %	4 %	3 %
1042041	1932	95 %	5 %	11 %
1042042	1745	92 %	0 %	7 %
1042122	1606	75 %	22 %	4 %
1042123	1683	79 %	0 %	10 %
1042124	2501	80 %	3 %	5 %
1042191	1602	85 %	0 %	13 %
Average		61 %	13 %	19 %

Liquor License Map: LITTLE ASIA

4212 W CACTUS RD



Date: 7/26/2021



City Clerk Department



Liquor License - MBS Fuel 17

Request for a liquor license. Arizona State License Application 153278.

Summary

Applicant

Amy Nations, Agent

License Type

Series 10 - Beer and Wine Store

Location

2710 W. Dunlap Ave.

Zoning Classification: C-2

Council District: 1

This request is for a new liquor license for a convenience store that sells gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application was Aug. 21, 2021. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The new owner of this convenience store / gas station operates other successful businesses in California. He is knowledgeable and understands how to operate these kind of businesses."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location has been a convenience store and gas station since with a liquor license since at least 1986. The store is on a very busy intersection at I-17 and Dunlap Ave. The location is always busy with customers from the neighborhood and travelers off the interstate. We would like to continue selling items that are popular with our customers."

Staff Recommendation

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

Attachments

Liquor License Data - MBS Fuel 17

Liquor License Map - MBS Fuel 17

Responsible Department

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

Liquor License Data: MBS FUEL 17

Liquor License

Description	Series	1 Mile	1/2 Mile
Government	5	1	0
Bar	6	4	3
Beer and Wine Bar	7	2	0
Liquor Store	9	2	1
Beer and Wine Store	10	9	2
Hotel	11	2	1
Restaurant	12	19	2

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	46.78	210.69	219.32
Violent Crimes	8.73	40.23	29.61

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

Property Violation Data

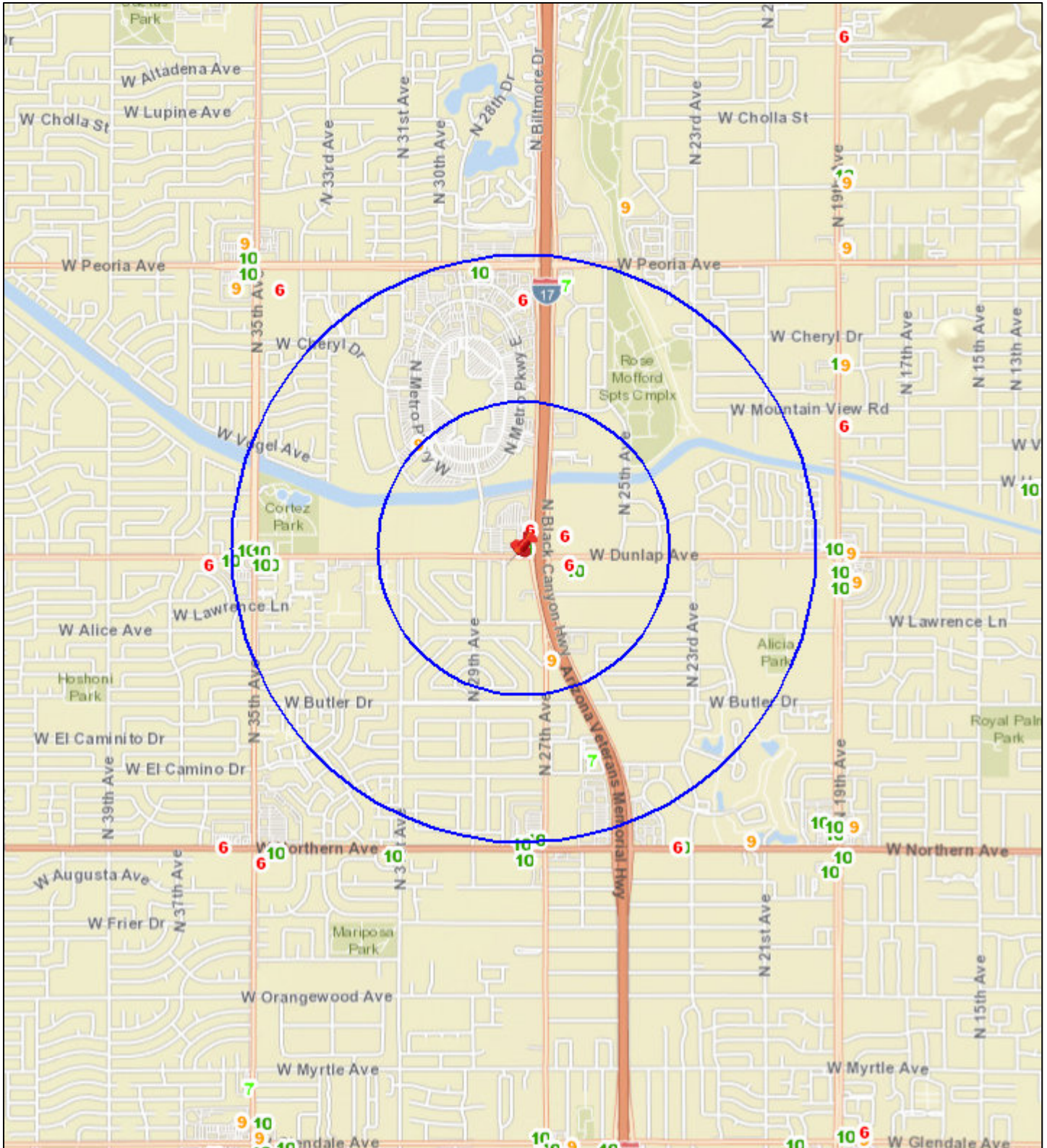
Description	Average	1/2 Mile Average
Parcels w/Violations	56	54
Total Violations	90	84

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1042054	1577	5 %	21 %	30 %
1044021	2555	24 %	18 %	15 %
1055011	1055	38 %	6 %	59 %
1055012	1442	0 %	11 %	38 %
1056011	2072	66 %	5 %	23 %
1056022	2457	38 %	23 %	34 %
Average		61 %	13 %	19 %

Liquor License Map: MBS FUEL 17

2710 W DUNLAP AVE



Date: 8/12/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department



Liquor License - Patio 54 Fusion Kitchen

Request for a liquor license. Arizona State License Application 07070363.

Summary

Applicant

Noah Pak, Agent

License Type

Series 7 - Beer and Wine Bar

Location

5415 E. High St., Ste.101

Zoning Classification: C-2

Council District: 2

This request is for an ownership and location transfer of a liquor license for a bar. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption.

The 60-day limit for processing this application is Oct. 4, 2021.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I'm a responsible individule who previously owned a restaurant with a Liquor License. I successfully operated restaurants without any issues in the past and I will continue to do so moving forward."

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

"Our restaurant is located in the area where there are numerous known restaurants serving alcohol. We will add value to customers in the area with more options when visiting this area."

Staff Recommendation

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

Attachments

Liquor License Data - Patio 54 Fusion Kitchen

Liquor License Map - Patio 54 Fusion Kitchen

Responsible Department

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

Liquor License Data: PATIO 54 FUSION KITCHEN

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	9	7
Beer and Wine Bar	7	4	3
Liquor Store	9	3	3
Beer and Wine Store	10	4	2
Restaurant	12	27	23

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	46.78	31.82	22.71
Violent Crimes	8.73	1.96	1.48

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

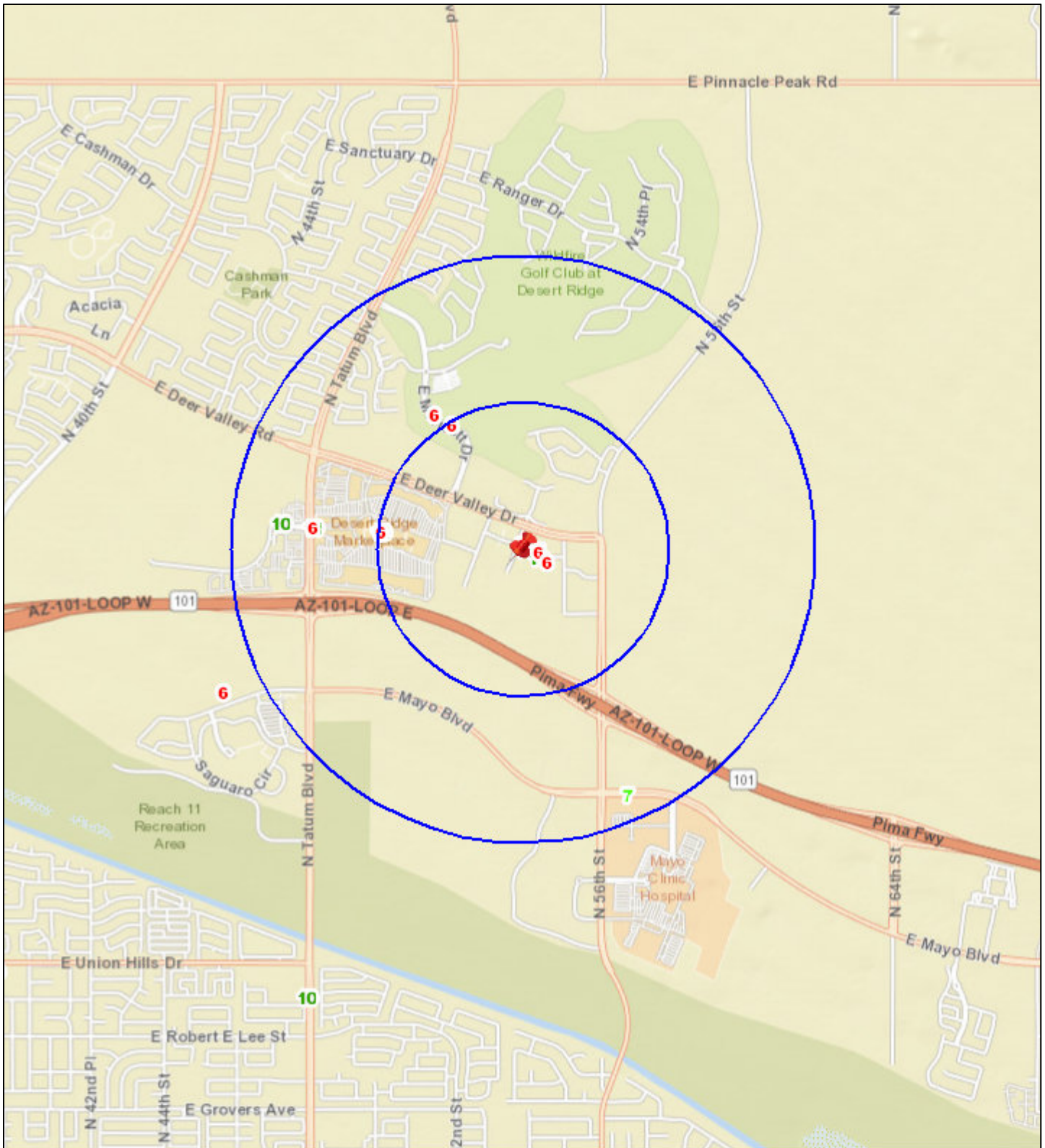
Description	Average	1/2 Mile Average
Parcels w/Violations	55	1
Total Violations	89	1

Census 2010 Data 1/2 Mile Radius

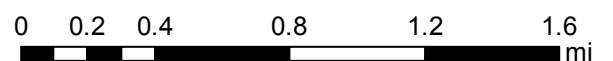
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
6152001	1993	8 %	29 %	12 %
6152002	2127	70 %	10 %	4 %
Average		61 %	13 %	19 %

Liquor License Map: PATIO 54 FUSION KITCHEN

5415 E HIGH ST



Date: 8/10/2021



City Clerk Department



Liquor License - Special Event - Orgazac Inc

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Jesus Barraza Rodriguez

Location

4231 W. Thomas Road
Council District: 4

Function

Dance

Date(s) - Time(s) / Expected Attendance

Oct. 2, 2021 - 8 p.m. to 2 a.m. / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Liquor License - Special Event - Orgazac Inc

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Jesus Barraza Rodriguez

Location

4231 W. Thomas Road
Council District: 4

Function

Dance

Date(s) - Time(s) / Expected Attendance

Oct. 30, 2021 - 8 p.m. to 2 a.m. / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Liquor License - Special Event - Orgazac Inc

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Jesus Barraza Rodriguez

Location

4231 W. Thomas Road
Council District: 4

Function

Dance

Date(s) - Time(s) / Expected Attendance

Nov. 20, 2021 - 8 p.m. to 2 a.m. / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Liquor License - Special Event - Smiles Beyond the Bars Inc

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Mark Johnson

Location

360 E. Coronado Road

Council District: 4

Function

Networking Event

Date(s) - Time(s) / Expected Attendance

Oct. 1, 2021 - 5:30 p.m. to 7:30 p.m. / 60 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Liquor License - Camelback Market

Request for a liquor license. Arizona State License Application 156590.

Summary

Applicant

Mustafa Manassra, Agent

License Type

Series 10 - Beer and Wine Store

Location

4805 N. 27th Ave.

Zoning Classification: C-2

Council District: 4

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

The 60-day limit for processing this application is Oct. 3, 2021.

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

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Community Zone Market (Series 10)

66 S. Mesa Drive, Mesa

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have over 16 years of experience."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Going to create more jobs."

Staff Recommendation

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

Attachments

Liquor License Data - Camelback Market

Liquor License Map - Camelback Market

Responsible Department

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

Liquor License Data: CAMELBACK MARKET

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	2	1
Beer and Wine Bar	7	1	0
Liquor Store	9	7	2
Beer and Wine Store	10	15	5
Hotel	11	1	1
Restaurant	12	7	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	46.78	163.93	171.97
Violent Crimes	8.73	59.89	59.12

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

Property Violation Data

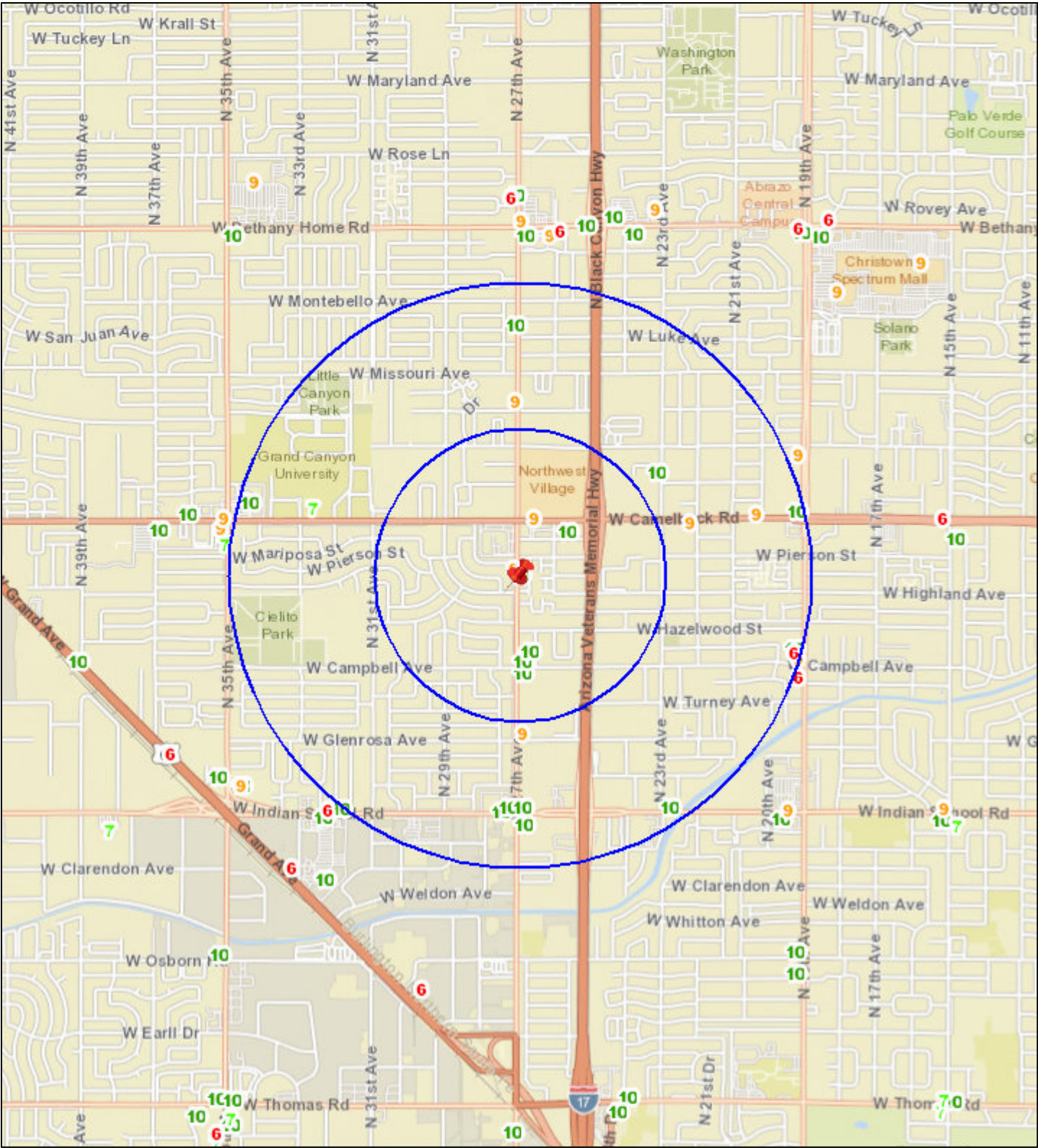
Description	Average	1/2 Mile Average
Parcels w/Violations	56	121
Total Violations	90	209

Census 2010 Data 1/2 Mile Radius

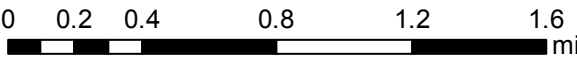
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1072011	2335	21 %	25 %	49 %
1072012	2127	13 %	9 %	63 %
1073003	737	75 %	37 %	24 %
1073004	2614	23 %	5 %	31 %
1090011	1552	19 %	22 %	42 %
1090012	3369	0 %	11 %	59 %
1090022	2291	15 %	18 %	63 %
1090033	1600	22 %	13 %	68 %
1091011	1722	69 %	0 %	34 %
1091012	2067	85 %	10 %	30 %
1091022	2966	78 %	14 %	50 %
Average		61 %	13 %	19 %

Liquor License Map: CAMELBACK MARKET

4805 N 27TH AVE



Date: 8/9/2021





Liquor License - That One Mini Mart

Request for a liquor license. Arizona State License Application 156055.

Summary

Applicant

Faik Ambari, Agent

License Type

Series 10 - Beer and Wine Store

Location

2720 W. Indian School Road

Zoning Classification: C-2

Council District: 4

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

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

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

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Turney Neighborhood Market (Series 10)

710 E. Turney Ave.

Calls for police service: 1

Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I hold a certificate for The Basic Liquor Law Training. This training provided me the opportunity of learning the importance and significance of obtaining a beer and wine license. I am assured to uphold the laws and regulations about beer and wine license. I have never been involved in any criminal activity, no record of getting in trouble with law and authorities."

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

"This store will provide a safe and secure place for the neighborhood to buy beer and wine. The location will be convenient for the people in neighborhood who may not have access to transportation. Adding the long time experience of the owner with running a store while upholding all the laws and regulations, the store will be a safe, secure and convenience place for the customers to purchase quality liquor."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - That One Mini Mart

Liquor License Map - That One Mini Mart

Responsible Department

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

Liquor License Data: THAT ONE MINI MART

Liquor License

Description	Series	1 Mile	1/2 Mile
Wholesaler	4	2	1
Bar	6	4	0
Liquor Store	9	4	1
Beer and Wine Store	10	16	5
Restaurant	12	4	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	46.78	163.58	189.38
Violent Crimes	8.73	60.19	83.43

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

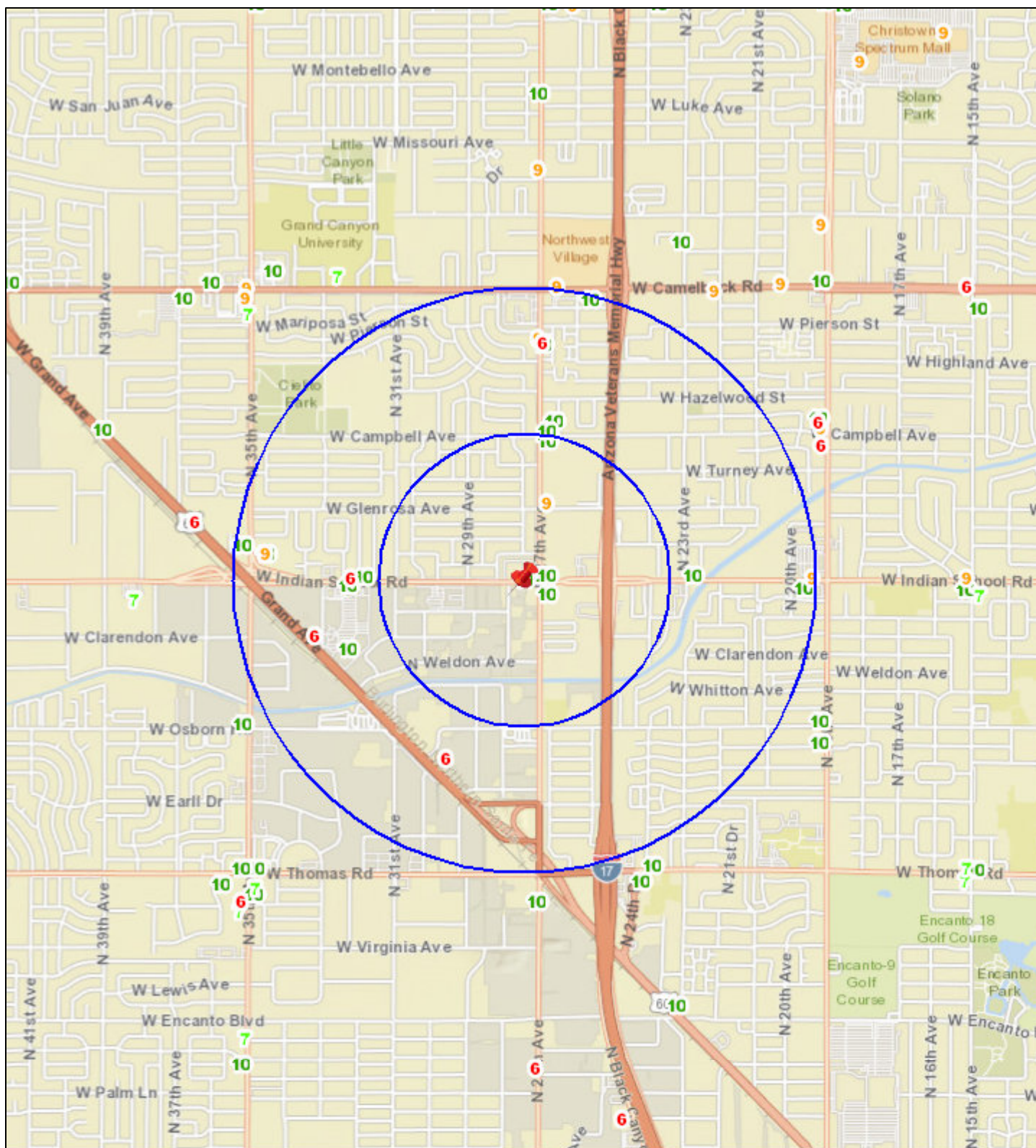
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	56	172
Total Violations	90	250

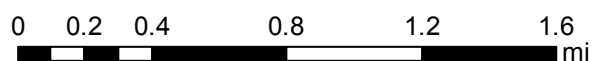
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1090011	1552	19 %	22 %	42 %
1090012	3369	0 %	11 %	59 %
1090033	1600	22 %	13 %	68 %
1090034	583	5 %	26 %	49 %
1091012	2067	85 %	10 %	30 %
1091022	2966	78 %	14 %	50 %
1091023	1085	28 %	19 %	21 %
1169001	2535	66 %	12 %	50 %
1170002	1845	32 %	9 %	34 %
Average		61 %	13 %	19 %

2720 W INDIAN SCHOOL RD



Date: 7/30/2021





Liquor License - Special Event - Arizona Educational Foundation Inc

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Kimberly Graham

Location

5601 N. 16th St.
Council District: 6

Function

Award Ceremony

Date(s) - Time(s) / Expected Attendance

Oct. 16, 2021 - 3:30 p.m. to 8:30 p.m. / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Liquor License - Special Event - Madison District Educational Foundation Inc

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Ari Levin

Location

5601 N. 16th St.

Council District: 6

Function

Performance

Date(s) - Time(s) / Expected Attendance

Oct. 28, 2021 - 6 p.m. to 8:10 p.m. / 904 attendees

Oct. 29, 2021 - 6 p.m. to 8:10 p.m. / 904 attendees

Oct. 30, 2021 - 6 p.m. to 8:10 p.m. / 904 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



**Liquor License - Special Event - Mount Claret Roman Catholic Retreat Center
Phoenix**

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Thomas McGuire

Location

4633 N. 54th St.

Council District: 6

Function

Dinner

Date(s) - Time(s) / Expected Attendance

Oct. 9, 2021 - 5 p.m. to 10 p.m. / 250 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Liquor License - Special Event - Phoenix Children's Hospital Foundation

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Alexandra Cebry

Location

800 E. Camelback Road

Council District: 6

Function

Concert

Date(s) - Time(s) / Expected Attendance

Nov. 24, 2021 - 7 p.m. to 11 p.m. / 550 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Agenda Date: 9/15/2021, Item No. 15

**Liquor License - Special Event - St. Thomas the Apostle Roman Catholic Parish
Phoenix**

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Steven Kunkel

Location

2312 E. Campbell Ave.

Council District: 6

Function

Cornhole Tournament

Date(s) - Time(s) / Expected Attendance

Oct. 2, 2021 - 5 p.m. to 10 p.m. / 200 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Liquor License - Arizona Anthem

Request for a liquor license. Arizona State License Application 06070554.

Summary

Applicant

Amy Nations, Agent

License Type

Series 6 - Bar

Location

903 N. 2nd St.

Zoning Classification: DTC-West Evans Churchill

Council District: 7

This request is for an ownership and location transfer of a liquor license for a bar. This location was previously licensed for liquor sales and may currently operate with an interim permit.

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

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Flagship Restaurant Group owns 18 restaurants throughout the Midwest and Texas. They operate several different successful restaurant concepts and are looking forward to opening this first concept here in Arizona. All their current restaurants have liquor licenses and they are experienced with liquor laws. All employees will attend state certified liquor law training classes."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We are foodies gone wild. Since 2002, our established concepts have centered around creative food and exceptional dining experiences. From full-service to fast-casual, we believe dining out-and doing business-should be fun."

Staff Recommendation

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

Attachments

Liquor License Data - Arizona Anthem

Liquor License Map - Arizona Anthem

Responsible Department

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

Liquor License Data: ARIZONA ANTHEM

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	3	1
Wholesaler	4	1	0
Government	5	8	5
Bar	6	45	13
Beer and Wine Bar	7	16	7
Liquor Store	9	4	0
Beer and Wine Store	10	9	4
Hotel	11	7	4
Restaurant	12	88	37
Club	14	2	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	46.78	161.88	206.68
Violent Crimes	8.73	40.10	46.81

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

Property Violation Data

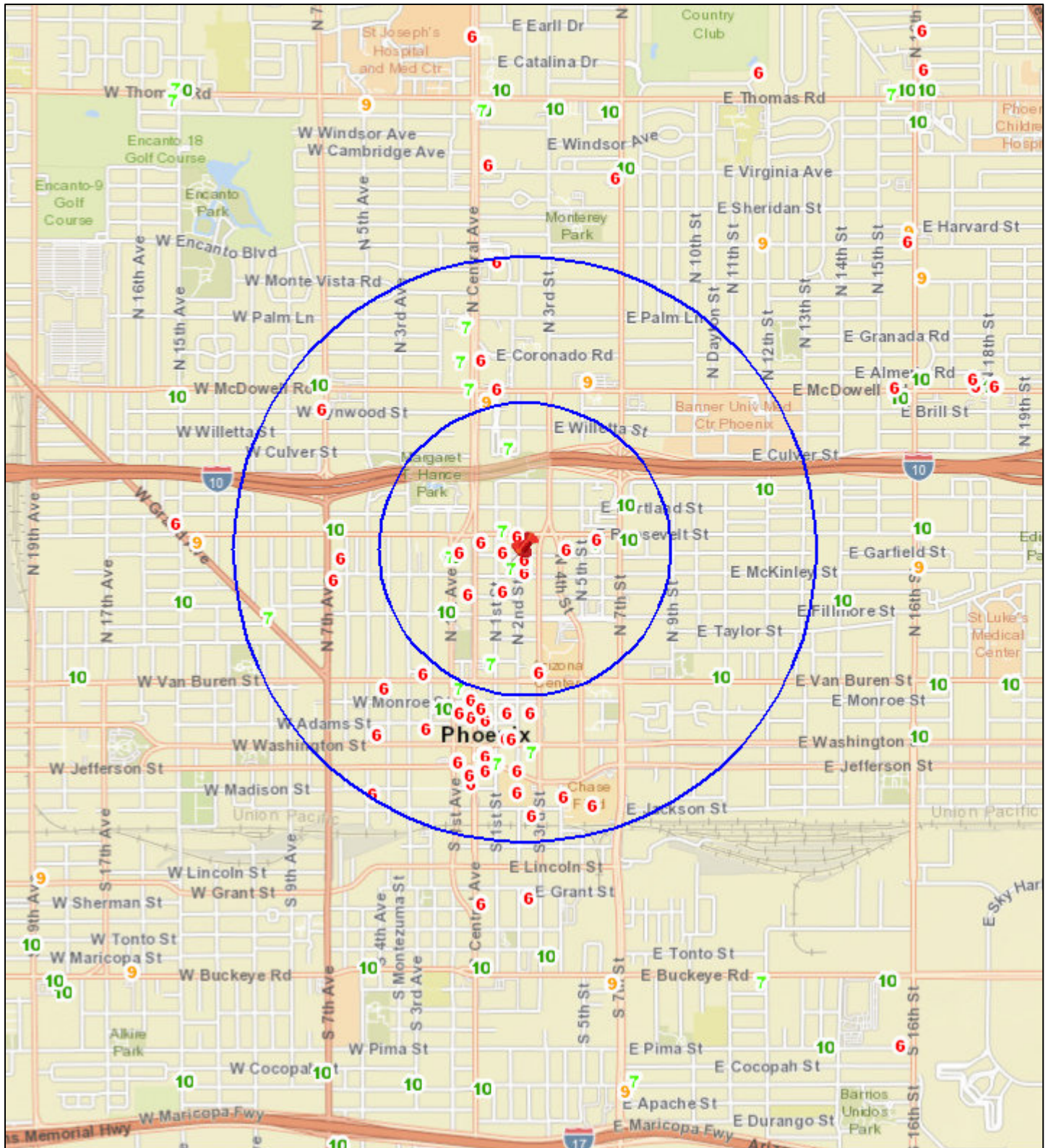
Description	Average	1/2 Mile Average
Parcels w/Violations	55	109
Total Violations	89	183

Census 2010 Data 1/2 Mile Radius

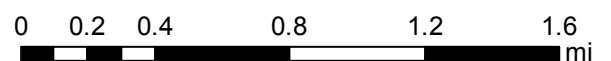
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1130001	1218	23 %	16 %	11 %
1130002	873	29 %	21 %	38 %
1131001	1015	7 %	8 %	28 %
1131002	1242	3 %	7 %	33 %
1132021	731	33 %	20 %	74 %
1132022	1257	47 %	29 %	55 %
1132031	1473	30 %	20 %	57 %
1132032	638	28 %	7 %	70 %
1141001	2299	16 %	37 %	44 %
Average		61 %	13 %	19 %

Liquor License Map: ARIZONA ANTHEM

903 N 2ND ST



Date: 8/4/2021



City Clerk Department



Liquor License - Special Event - Alwun House Foundation

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Dana Johnson

Location

1204 E. Roosevelt St.
Council District: 8

Function

Art Exhibit

Date(s) - Time(s) / Expected Attendance

Nov. 5, 2021 - 6 p.m. to 12:30 a.m. / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Liquor License - Special Event - Alwun House Foundation

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Dana Johnson

Location

1209 E. Diamond St.

Council District: 8

Function

Art Event

Date(s) - Time(s) / Expected Attendance

Dec. 3, 2021 - 6 p.m. to 10:30 p.m. / 400 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Liquor License - Special Event - Alwun House Foundation

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Dana Johnson

Location

1204 E. Roosevelt St.
Council District: 8

Function

Community Event

Date(s) - Time(s) / Expected Attendance

Dec. 31, 2021 - 8 p.m. to 1 a.m. / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Liquor License - Special Event - EENU-USA, Inc.

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Dana Raimondi

Location

22 E. Buchanan St.

Council District: 8

Function

Dinner

Date(s) - Time(s) / Expected Attendance

Oct. 2, 2021 - 5 p.m. to 11 p.m. / 270 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



(CONTINUED FROM SEPT. 8, 2021 - Amended Attachment) - Liquor License - D's Jerk Hut

Request for a liquor license. Arizona State License Application 153134.

Summary

Applicant

Celeste Reytor, Agent

License Type

Series 12 - Restaurant

Location

15220 N. Cave Creek Road

Zoning Classification: C-2

Council District: 3

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

The 60-day limit for processing this application was Aug. 18, 2021. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have attended multiple liquor law classes furthermore I currently run a successful cleaning business. I have ensured that all employees attend a certified liquor law course and will terminate employees who do not abide by the law. Additionally, I'm committed to upholding the highest standards for my business and maintaining compliance with applicable laws."

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

"I would like to offer our guests a drink with their meal if they choose. Our recipes and menus items are prepared with consideration to consumption of beer, wine, spirits."

Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on several items that were omitted by the applicant on the application and possible hidden ownership. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments

Liquor License Data - D's Jerk Hut

Liquor License Map - D's Jerk Hut

Liquor License Police Department Recommendation - D's Jerk Hut

Responsible Department

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

Liquor License Data: D'S JERK HUT

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	2	2
Liquor Store	9	3	1
Beer and Wine Store	10	6	5
Restaurant	12	4	2

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	45.54	51.40	72.18
Violent Crimes	8.44	11.43	16.13

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

Property Violation Data

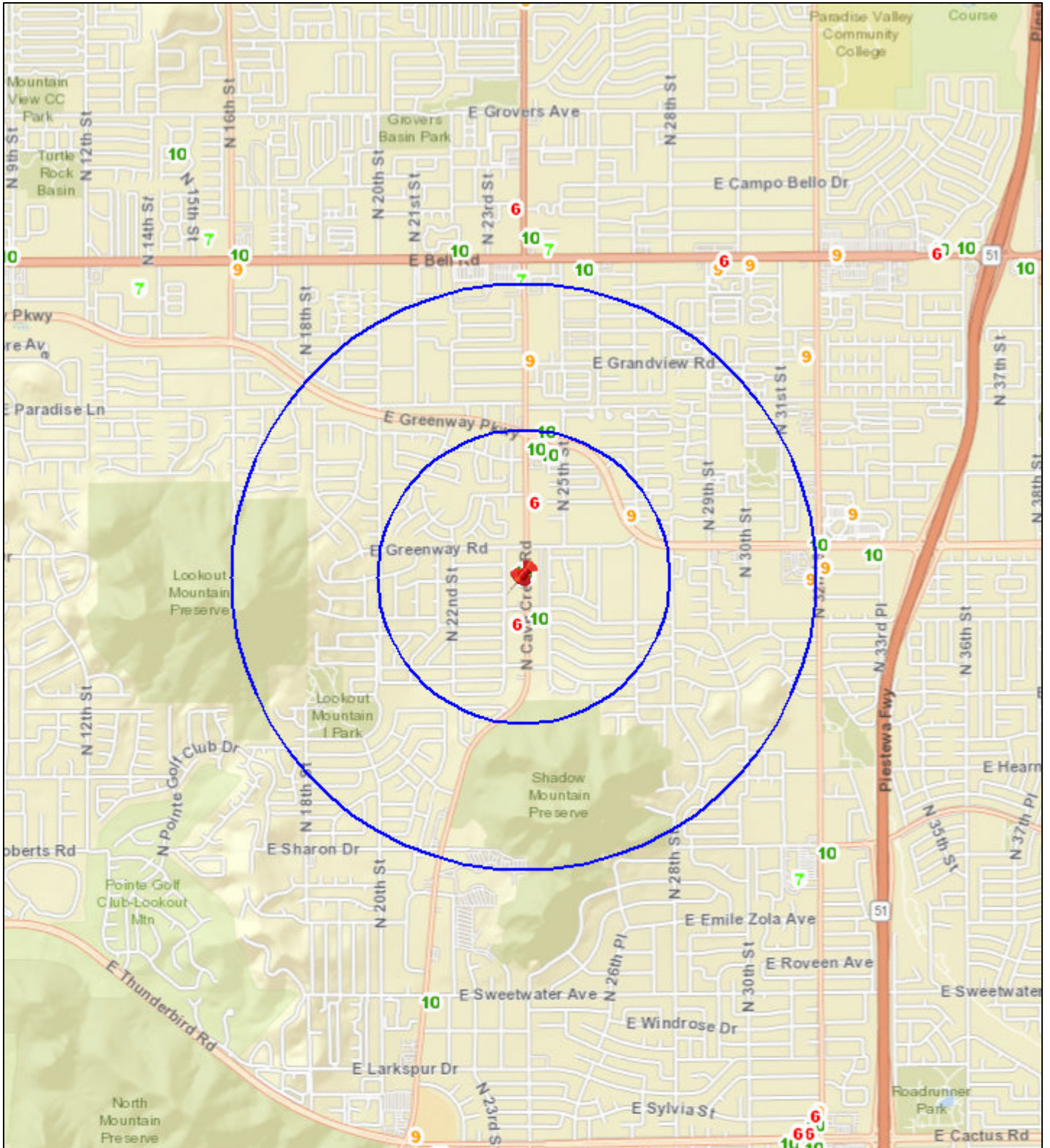
Description	Average	1/2 Mile Average
Parcels w/Violations	55	59
Total Violations	88	108

Census 2010 Data 1/2 Mile Radius

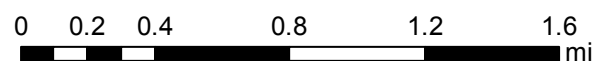
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1033061	921	18 %	28 %	32 %
1033062	2272	17 %	22 %	37 %
1035011	1381	67 %	5 %	23 %
1035012	999	80 %	8 %	26 %
1035024	884	66 %	13 %	5 %
1036061	1067	84 %	15 %	13 %
1036062	854	90 %	13 %	4 %
1036063	2174	78 %	13 %	25 %
1036071	1285	83 %	3 %	18 %
1036074	1299	89 %	0 %	3 %
Average		61 %	13 %	19 %

Liquor License Map: D'S JERK HUT

15220 N CAVE CREEK RD



Date: 6/24/2021



City Clerk Department

LIQUOR LICENSE DISAPPROVAL FORM

Police Department Liquor License Disapproval Recommendation**Application Information**

Business Name	D's Jerk Hut	District	3
Business Location	15220 N. Cave Creek Road		
Applicant Name	Celeste Reytor	Series Type	12

The Police Department recommends disapproval of this liquor license application for the following reasons:

A.R.S. 4-203.A states "A spirituous liquor license shall be issued only after satisfactory showing of the capability, qualification and reliability of the applicant"

Applicant Celeste Reytor applied for this license within the City of Phoenix. A review of the applicant and background revealed that she is not capable, qualified or reliable for the following reasons:

Upon receiving this application for review, Detective Hurt, on July 12, 2021, called D's Jerk Hut at the listed business phone number, 602-314-6817. This call was to set up an interview with applicant Ms. Reytor. A male subject answered the phone and said that Ms. Reytor was not there while stating "let me call her". Detective Hurt asked that the male give Ms. Reytor a message to call him. A short while later contact was made with Ms. Reytor via telephone. It was learned that she was not in town nor did she have a potential return date. Ms. Reytor admitted during the call that her husband was in fact at the business but stated "he only goes in and out". When asked who was running the business Ms. Reytor stated she was but also stated she was currently on the east coast. When questioned about doing an in-person interview, Ms. Reytor became defensive and asked if it was necessary. When told that it was, Ms. Reytor explained that she did not know when she would be back but then provided options for a possible one to two-week return. During this discussion she was advised that due to time limitations an interview needed to take place sooner rather than later as there were items within the application which may need to be addressed. Ms. Reytor was further advised that she could possibly get a time extension from licensing if she so requested. Ms. Reytor was given the city of Phoenix's licensing's contact number at that time as well to assist her.

While reviewing Ms. Reytor's application, the application provided D's Jerk Hut LLC as owner of the business while listing her as the manager/controlling person. According to the Arizona Corporation Commission Ms. Reytor is the only person listed on or within this LLC. An open source media search revealed, Nerron Duncan, date of birth 11/09/1982, who is listed as her husband on her application, as a listed member and manager for the LLC.

Ms. Reytor requested and received a time extension from the city License Services to address any issues with the application. After which Ms. Reytor called Detective Hurt to set a date for an interview. Due to scheduling conflicts the date Ms. Reytor requested could not be accommodated. Det. Hurt explained that he would re-contact her later to set another date. Det. Hurt later went to the location of the business, 15220 N. Cave Creek Road, to contact Ms. Reytor in person about an interview. She was not present at the business. Det. Hurt called the business back later that same day, again at the business contact number 602-314-6817. A male subject answered the phone and said that she was not there. Det Hurt asked that the male give her another message to call him.

As Det. Hurt was never contacted by Ms. Reytor after leaving the message, later on July 27, 2021 he again went to the business to contact her in person. Again, Ms. Reytor was not present. Det. Hurt spoke with her husband Nerron Duncan who was clearly running the business. Mr. Duncan called Ms. Reytor in Det. Hurt's presence via his cellular phone. Det. Hurt explained that he stopped in to

Police Department Liquor License Disapproval Recommendation

Application Information

Business Name	D's Jerk Hut	District	3
Business Location	15220 N. Cave Creek Road		
Applicant Name	Celeste Reytor	Series Type	12

talk with her, yet she was not there. Ms. Reytor stated, "I just stepped out" and that she had another appointment and could not be there. Det. Hurt explained that he would call again later to discuss the application.

After getting off the phone with Ms. Reytor, Det. Hurt asked to take a look around the business. Ms. Reytor's husband, Nerron Duncan, walked Det. Hurt around the business. Mr. Duncan first pointed out what appeared to be a beer tap where he stated the alcohol would be situated or sold from. Mr. Duncan opened the cabinet where the kegs would be located and they were empty, except for some tools which were there appearing to still be working on the item. The business was clearly still being remodeled or worked on as there were additional tools in at least two other locations within the business. Mr. Duncan opened the refrigerator where their food was supposedly kept, and it was mostly empty. While continuing to walk through the business, Mr. Duncan showed Det. Hurt what was marked as the manager's office on the business floorplan. The office had a tool kart with tools on it which Mr. Duncan had to walk around to get into. Mr. Duncan explained that the office was going to be the area where the liquor was secured indicating that they were planning on building or putting in a locker which was not yet there.

Det. Hurt and Mr. Duncan ended the business walk through back in the main entrance area. Mr. Duncan again went behind the counter where a female employee was also located and working. Det. Hurt asked Mr. Duncan if he was the manager of the business as he knew all the details and plans, locations of everything and was obviously in charge based on his interactions with the other employees on site. There was one cook, a handy-man, and the female who was in the cashier area behind the counter where he now stood. Mr. Duncan quickly stated "no, she is going to be the manager" while pointing to the female near the register. The female turned and looked surprised. Det. Hurt asked the female if she was going to be a manager, she stated "I guess so, just a minute ago I was just the food prepper" (laughing). Jokingly Det. Hurt said that it better come with a pay raise to which she smiled and excitedly said "Oh..I hope". Det. Hurt then left the business.

On August 2, Det. Hurt phoned the business at 602-314-6817, the listed business phone number. This was at approximately 1104 hours, after the business is said to be open, there was no answer. Det. Hurt again called the business at 1203 hours with no answer, this time leaving a message for Ms. Reytor to call him on the answering machine. Later, at approximately 1340 hours Det. Hurt called Ms. Reytor on her cellular phone. He immediately asked if she was at the business to which she replied "no, actually I stepped out". Det. Hurt asked when she would be back to the business to which she stated "hmmm...I wasn't gonna come back till late tonight...because I have stuff going". Ms. Reytor later contradicted this statement in the interview by saying that she would not be at the business until Wednesday.

Det. Hurt asked Ms. Reytor if she had any experience in operating a business which sold or sells liquor. She said that she did not. She also stated that she did not have any liquor training while adding "I'll be going to that soon". Det. Hurt asked how soon. Ms. Reytor replied, "I actually have to make an appointment to do the course". Det. Hurt asked Ms. Reytor if she had another job. She stated that she has several businesses, but she was "mostly there" (referring to D's Jerk Hut). She spoke about owning a cleaning business which she stated was in Florida. Having seen Reytor Cleaning on the application Det. Hurt asked about it. Ms. Reytor stated that it was in Florida not in

Police Department Liquor License Disapproval Recommendation

Application Information

Business Name	D's Jerk Hut	District	3
Business Location	15220 N. Cave Creek Road		
Applicant Name	Celeste Reytor	Series Type	12

Phoenix, yet she provided it on the DLLC application with the address of 2323 W. Dunlap Ave, Apt 244, Phx, AZ 85021. When questioned about this she said something to the fact of she must have missed it but reiterated that the Reytor Cleaning business was in the State of Florida and even provided the address of 2121 Collier Avenue #117, Fort Myers, Florida, 33901.

Det. Hurt inquired about how far Ms. Reytor lived from the business location. She said that it was about 30 minutes away and when asked how she got there she said in a car. Det. Hurt asked about her driving as she put on the application that she did not have a driver's license. Ms. Reytor admitted to only having an identification but then said that she has a Florida driver's license, something else omitted from the applications.

During the interview with Ms. Reytor, Det. Hurt brought up the fact that it appeared as though her husband was running the business. Ms. Reytor said no that he just helps her out when she needs stuff done. Det. Hurt asked if the D in the business name was for Duncan, her husband's last name. Ms. Reytor said that it was. Ms. Reytor then stated that her name was also Duncan. Something else she did not disclose or include anywhere in the DLLC or city applications. Ms. Reytor went on to state that it is only listed on her marriage license that she does not use it on any identifications or for other things. Det. Hurt inquired about the female subject who was at the business being a manager there as her husband Nerron Duncan stated. Ms. Reytor said that the female was only a cashier and would not be a manager or bartender because she was not licensed for that. Ms. Reytor stated, "Once I get the liquor license I will hire a bartender and make her the manager". Det. Hurt clarified this by asking if she was planning on operating the business as a bar, which she denied.

When questioned about not being at the business Ms. Reytor stated that the last time was because she had an appointment and the time prior "I had to run to my other business in Florida". This led to additional questioning about her having another job. Ms. Reytor stated she has "several businesses", but she only listed the Reytor Cleaning business, which again was confirmed at a different location than what she listed within the application.

In the course of this investigation, on two in-person occasions, and no less than three different calls to the business Ms. Reytor was neither there nor could be contacted directly. This contradicts her answer to question #12 on the State's questionnaire wherein she indicated that she would be present and physically operating the business. Det. Hurt found while at the business, her husband obviously managing and operating the restaurant. That being the case further investigation was conducted into her husband Nerron Duncan. **AMENDED: Based on a criminal history check and documented evidence found in the investigation, he (Nerron Duncan) is neither employable or eligible to operate or apply for a liquor license.**

Furthermore, Ms. Reytor the applicant, omitted several items on the application which go directly towards her capability, credibility, and reliability. Ms. Reytor's driver's license status, location of her other job or business, the fact that she has "several businesses" yet only listed one, and that Ms. Reytor has no experience in operating a liquor establishment.

The applicant, Ms. Reytor has shown through the application review process that she lacks candor and attention to detail. Whether she purposely omitted information or not, it does not undermine or

Police Department Liquor License Disapproval Recommendation

Application Information

Business Name	D's Jerk Hut	District	3
Business Location	15220 N. Cave Creek Road		
Applicant Name	Celeste Reytor	Series Type	12

lessen the appearance or fact that this application looks to be filed for a hidden ownership. Based on the aforementioned information and the investigators experience, Det. Hurt believes Celeste Reytor to be incapable, unqualified and/or unreliable to operate a liquor establishment in the best interest of the Black Mountain Precinct or the City of Phoenix and is therefore requesting this application be denied.

This recommendation for disapproval is submitted by: Det. D. Hurt #7109

SIGNATURES	
Administrative Licensing Investigator	I Alonge A4289
Liquor Enforcement Detail Supervisor	Sgt. M. Walter 8360



City Council Formal Meeting

Agenda Date: 9/15/2021; Item Nos. 22-25

PAYMENT ORDINANCE (Ordinance S-47939) (Items 22-25)

Ordinance S-47939 is a request to authorize the City Controller to disburse funds, up to amounts indicated below, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requests continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code Section 42-13.

22 Healthy Outcomes, Inc. doing business as Engaged Public

For \$27,000.00 in additional payment authority for Balancing Act Software Tool for the Budget and Research Department. The software is an online budget balancing tool branded for the City of Phoenix as "FundPHX". FundPHX is designed to educate and engage the public in the City's annual budget development process. Comments on the budget received from the community via the tool are reported regularly to the City Council so it can be used to guide development of the annual General Fund operating budget. The City of Phoenix successfully deployed this tool in February 2020, and the engagement from the public doubled from 200 submissions in 2020 to over 400 submissions in 2021. The original funds requested only paid for one year of service. The additional funds will pay for the remaining two years of the commitment.

23 TrialNet, Inc.

For \$29,000.00 in payment authority to purchase Electronic Invoice Auditing for the Law Department. The Law Department utilizes an electronic invoice auditing e-billing service that allows upload electronic legal invoices to the website, pre-audit them using the City's billing guidelines, and transmit the invoices electronically for internal City users to review, edit, and approve invoice data for payment.

24 Sweep Inc

For \$16,531.00 in payment authority to purchase scooter retrieval services from Sweep for the Street Transportation Department. COVID-19 extended the contract termination date when the pilot program was put on hold due to the pandemic. Council approved the downtown shared electric scooter pilot program which includes approximately 400 designated parking locations throughout the pilot area.

25 B&F Contracting, Inc.

For \$1,286,325.00 in additional payment authority for Agreement 150128, for Change Order 1 Project WS90160095-1 for Sub-Regional Operating Group Salt River Outfall Interceptor Rehabilitation Project E for the Water Services Department. During construction the contractor encountered a junction structure that varied from the as-built drawings that required additional time and funds to repair located at Lower Buckeye Road and 27th Avenue. The work was not included as part of the original bid. The project will use funds from the Water Services Department's Capital Improvement budget; no General Funds are required.



Proposed 19th Avenue and Yearling Road Annexation - Public Hearing

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

Summary

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

Public Outreach

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

Location

The proposed annexation area includes parcels 210-11-003F and 210-11-003G, located at 19th Avenue and Yearling Road (**Attachment B**). The annexation area is approximately 2.02 acres (0.0032 sq. mi.) and the population estimate is zero individuals.

Council District: 1

Responsible Department

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

ATTACHMENT A

CITY COUNCIL REPORT

TO: Ginger Spencer
Deputy City Manager

FROM: Alan Stephenson
Planning and Development Department Director

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

This report recommends the **approval** of the proposed annexation of **2.02** acres located at **19th Avenue and Yearling Road, Parcels: APN # 210-11-003F and 210-11-003G**

THE REQUEST:

The applicant is requesting annexation to access city services and for a proposed rezoning to develop a single-family residential development.

OTHER INFORMATION:

Planning Village:	Deer Valley
General Plan Designation:	Traditional Lot, 3.5 to 5 dwelling units per acre
Current Zoning District:	RU-43
Equivalent Zoning District:	S-1
Current Conditions	
Current Land-Use:	Vacant
To the North:	Single-family dwelling, zoned RU-43, Maricopa County jurisdiction
To the South:	Vacant, zoned RU-43, Maricopa County jurisdiction
To the West:	Residential (Norterra), zoned Planned Unit Development (PUD), City of Phoenix jurisdiction
To the East:	Single-family dwelling, zoned RU-43, Maricopa County jurisdiction
Non-Conformities Present?	NONE PRESENT

PARCEL(S) HISTORY: None

ALTERNATIVES:

- Option A - Annex the land as requested:

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

- Option B - Deny the request for annexation:

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

RECOMMENDATION:

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

Approval of annexation does not constitute recommendation for future rezoning actions.

SUPPORTING INFORMATION:

I. Water and Sewer Service

The proposed parcel can likely be served by the City of Phoenix water and sewer system in the area pending capacity review and approval.

City map shows the closest water near the project site:

12-inch DIP water main within N 19th Avenue

54-inch PCCP water main within N 19th Avenue (Transmission main, Do Not Use)

City map shows the closest sewer near the project site:

24-inch DIP sewer Force main within N 19th Avenue (Do Not Use)

8-inch VCP sewer main within W Jomax Road, approximately 1800-feet north of project site

8-inch VCP sewer main within W Union Park Dr/W Parsons alignment, approximately 1200-feet south of project site.

Significant infrastructure improvements will be required in order to serve the proposed parcel City of Phoenix services. Design and construction of any infrastructure will be the responsibility of the developer. Specifics regarding potential main extension requirements would be discussed and determined at a pre-app meeting after annexation.

II. Fire Protection

Servicing Station:	Fire Station #55, 26700 N 27th Avenue
Station Capacity Level, Current:	Unknown
Station Capacity Level, After Annexation:	Unknown
Current Response Time:	2 Min. 20 Sec.
City Average Response Time:	5 Min. 2 Sec.
Difference From Typical Response Time:	2 Min.42 Sec.

Number of Service Calls Expected:	3
Average Cost Per Service Call:	<u>\$466</u>
Estimated Total Annual Fire Service Costs:	\$1,246

III. Police Protection

Servicing Station: Black Mountain Precinct, 33355 North Cave Creek Rd, Cave Creek, AZ 85331

Number Of New Officers Required:	0.03
Number Of New Patrol Cars Required:	<u>0.01</u>
Estimated Total Annual Police Service Costs:	\$3,649

IV. Refuse Collection

Number of New Containers Required:	0
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Note: Public refuse container costs not applicable for apartments and non-residential I uses as these require private refuse services or contractual agreements with the City that are not determined at this time.

Cost for Refuse Containers, Each:	\$43.05
Cost for Recycling Containers, Each:	<u>\$45.70</u>
Total Start-Up Costs For Refuse Collection:	\$0

V. Street Maintenance

Average Cost Per Acre For Street Maintenance:	<u>\$85</u>
Estimated Total Annual Street Maintenance Costs:	\$172

VI. Public Transit

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

VII. Parks and Recreation

Neighborhood Park Demand In Acres:	0.10
Community Park Demand In Acres:	0.06
District Park Demand In Acres:	0.06
Total Park Demand In Acres:	0.22
Cost Per Acre, Annual Maintenance:	<u>\$11,000</u>
Total Annual Parks and Recreation Costs:	\$2,368

VIII. Schools

Elementary School District:	Deer Valley Unified
High School District:	Deer Valley Unified
Total Expected Elementary School Students:	7
Total Expected High School Students:	4
Total Expected New Students:	11

IX. Revenues

This project is not in an Impact Fee area.

Tax Income, Year One

Property Tax Income:	\$287
Utility Fee Income:	\$1,263
State Shared Revenue:	\$8,054
Solid Waste:	\$4,097
Sales Tax Generated:	<u>\$0</u>
Total Tax Related Income, Annually:	\$13,701

Tax Income, Year Two and Beyond

Property Tax Income:	\$287
Utility Fee Income:	\$1,263
State Shared Revenue:	\$8,054
Solid Waste:	\$4,097
Sales Tax Generated:	<u>\$0</u>
Total Tax Related Income, Annually:	\$13,701

X. Total Costs

Revenue, First Year Only:	\$13,701
Revenue, Year Two and Beyond:	\$13,701
Expenses, First Year Only:	\$7,435
Expenses, Year Two and Beyond:	\$7,435

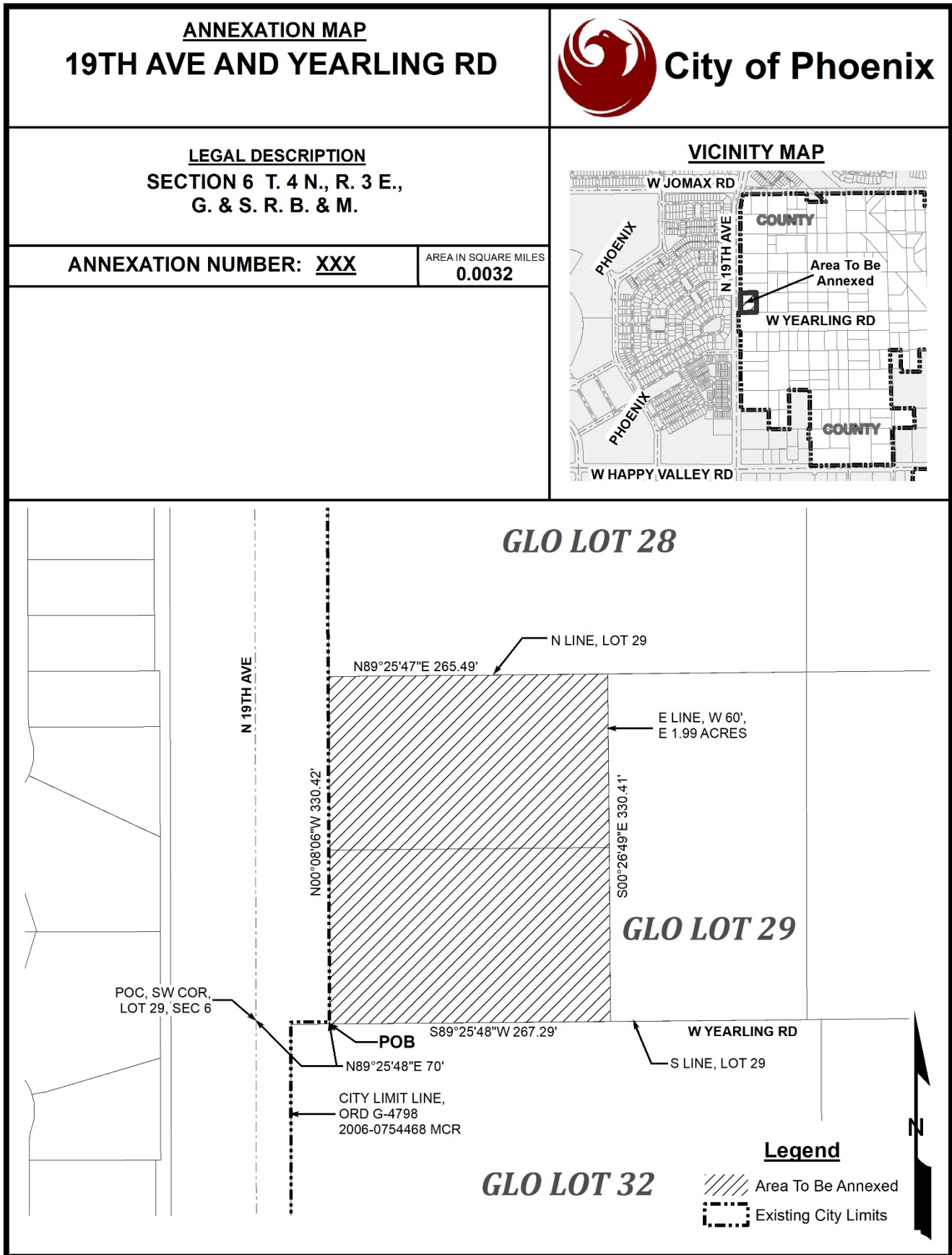
XI. Total Annual Revenue

Total Annual Revenue, First Year Only:	\$6,266
Total Annual Revenue, Year Two and Beyond:	\$6,266

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

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

ATTACHMENT B





Proposed 35th Avenue and Carter Road Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes section 9-471, on the proposed 35th Avenue and Carter Road Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

Summary

This annexation was requested by Reese Anderson and Jon Gillespie with Pew & Lake, PLC, for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation. Additionally, the annexation is recommended for adoption per the attached Task Force Analysis Report (**Attachment A**).

Public Outreach

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

Location

The proposed annexation area includes parcel 105-89-013L, located at 35th Avenue and Carter Road (**Attachment B**). The annexation area is approximately 4.93 acres (0.0077 sq. mi.) and the population estimate is zero individuals.

Council District: 7

Responsible Department

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

ATTACHMENT A

CITY COUNCIL REPORT

TO: Ginger Spencer
Deputy City Manager

FROM: Alan Stephenson
Planning Director

SUBJECT: Request for Task Force Analysis: 35th Avenue and Carter Road Annexation

This report recommends the **approval** of the proposed annexation of **4.93** acres located at the **35th Avenue and Carter Road, Parcel # 105-89-013L**

THE REQUEST:

The applicant is requesting annexation to access city services and to annex and rezone the parcels to develop a multi-family rental complex.

OTHER INFORMATION:

Planning Village:	Laveen
General Plan Designation:	10 to 15 dwelling units per acre – Higher density attached townhouses, condor, or apartments.
Current Zoning District:	RU-43
Equivalent Zoning District:	S-1
Current Conditions	
Current Land-Use:	Vacant
To the North:	Single-family dwelling and ranch properties, zoned RU-43, Maricopa County jurisdiction
To the South:	Single-family dwelling and ranch properties, zoned RU-43, Maricopa County jurisdiction
To the West:	Single-family dwelling and ranch properties, zoned RU-43, Maricopa County jurisdiction
To the East:	Single-family subdivision, zoned R1-10, City of Phoenix jurisdiction
Non-Conformities Present?	NONE PRESENT

PARCEL(S) HISTORY: None

ALTERNATIVES:

- Option A - Annex the land as requested:

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

- Option B - Deny the request for annexation:

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

RECOMMENDATION:

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

Approval of annexation does not constitute recommendation for future rezoning actions.

SUPPORTING INFORMATION:

I. Water and Sewer Service

Q.S.#: 1-20

Water Pressure Zone Area: 1

The Water Services Department (WSD) has reviewed the above parcel and does not have any concerns with the annexation request. The proposed parcel can likely be served by the City of Phoenix water and sewer system in the area, pending capacity review and approval. Water and/or sewer system stipulations/requirements are determined at time of Site Plan approval after annexation. Design and construction of any infrastructure will be the responsibility of the developer. City map shows the closest water/sewer infrastructure is within S 35th Avenue: 12-inch DIP, pressure zone 1 water main within S 35th Avenue 15-inch VCP, sewer main within S 35th Avenue

II. Fire Protection

Servicing Station: Phoenix Fire Station 39, 2276 W Southern Avenue

Station Capacity Level, Current: Unknown

Station Capacity Level, After Annexation: Unknown

Current Response Time: 3 Min. 45 Sec.

City Average Response Time: 5 Min. 2 Sec.

Difference from Typical Response Time: 1 Min. 17 Sec.

Number of Service Calls Expected: 15

Average Cost Per Service Call: \$466

Estimated Total Annual Fire Service Costs: **\$6,911**

III. Police Protection

Servicing Station: Estrella Mountain, Police Beat 334

Number Of New Officers Required: 0.15

Number Of New Patrol Cars Required: 0.07

Estimated Total Annual Police Service Costs: **\$20,229**

IV. Refuse Collection

Number of New Containers Required: 0

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

Cost for Refuse Containers, Each: \$43.05

Cost for Recycling Containers, Each: \$45.70

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

V. Street Maintenance

Average Cost Per Acre For Street Maintenance: \$85

Estimated Total Annual Street Maintenance Costs: **\$421**

VI. Public Transit

Servicing Routes: Local routes 35 (35th Avenue), 77 (Baseline), and 251 (51st Avenue). Bus stops are located approximately 1/2 mile from the parcel.

VII. Parks and Recreation

Neighborhood Park Demand In Acres: 0.58

Community Park Demand In Acres: 0.31

District Park Demand In Acres: 0.31

Total Park Demand In Acres: 1.19

Cost Per Acre, Annual Maintenance: \$11,00

Total Annual Parks and Recreation Costs: **\$13,129**

VIII. Schools

Elementary School District: Bernard Black Elementary

High School District: Cesar Chavez High School

Total Expected Elementary School Students: 39

Total Expected High School Students: 22

Total Expected New Students: 62

IX. Revenues

Residential Impact Fees: This project is in the Laveen West Impact Fee area.

Expected Total Impact Fees at Buildout:	\$442,018
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Tax Income, Year One

Property Tax Income:	\$483
Utility Fee Income:	\$7,001
State Shared Revenue:	\$44,614
Solid Waste:	\$22,716
Sales Tax Generated:	<u>\$0</u>
Total Tax Related Income, Annually:	\$74,814

Tax Income, Year Two and Beyond

Property Tax Income:	\$483
Utility Fee Income:	\$7,001
State Shared Revenue:	\$44,614
Solid Waste:	\$22,716
Sales Tax Generated:	<u>\$0</u>
Total Tax Related Income, Annually:	\$74,814

X. Total Costs

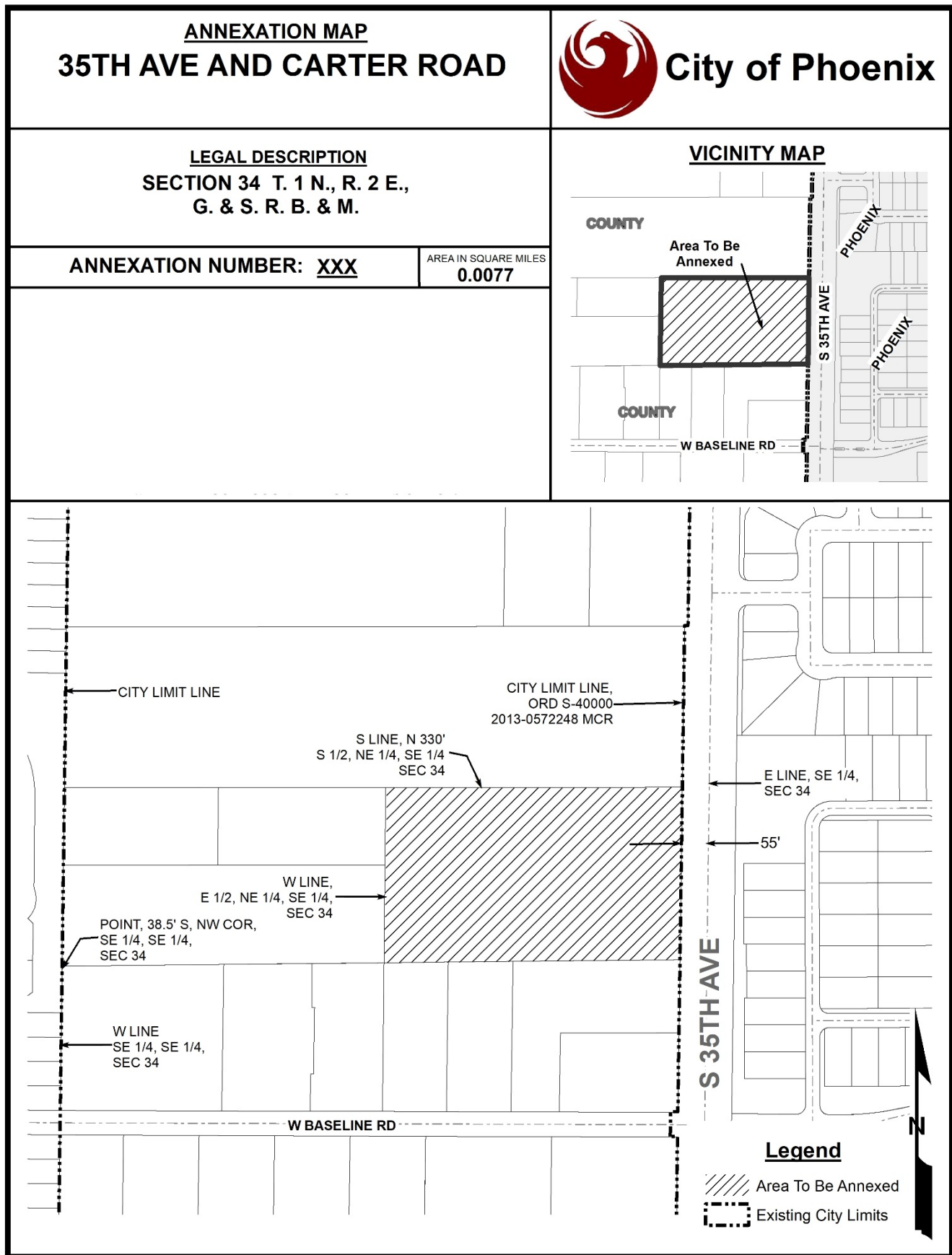
Revenue, First Year Only:	\$516,832
Revenue, Year Two and Beyond:	\$74,814
Expenses, First Year Only:	\$40,689
Expenses, Year Two and Beyond:	\$40,689

XI. Total Annual Revenue

Total Annual Revenue, First Year Only:	\$476,143
Total Annual Revenue, Year Two and Beyond:	\$34,125

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

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





Proposed 27th Avenue and Baseline Road Annexation - Authorization to File

Request to authorize the City Manager, or his designee, to file with the Maricopa County Recorder's Office a blank petition for a proposed annexation. This annexation was requested by Francisco M. Badilla with Badilla and Associates Consulting Engineers, L.L.C., for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation.

Summary

Signatures on the proposed annexation petition shall not be obtained for a waiting period of 30 days after filing the blank petition with the Maricopa County Recorder. Additionally, a Public Hearing will be scheduled within this 30-day waiting period, permitting the City Council to gather community input regarding the annexation proposal. Formal adoption of this proposed annexation will be considered at a later date.

Location

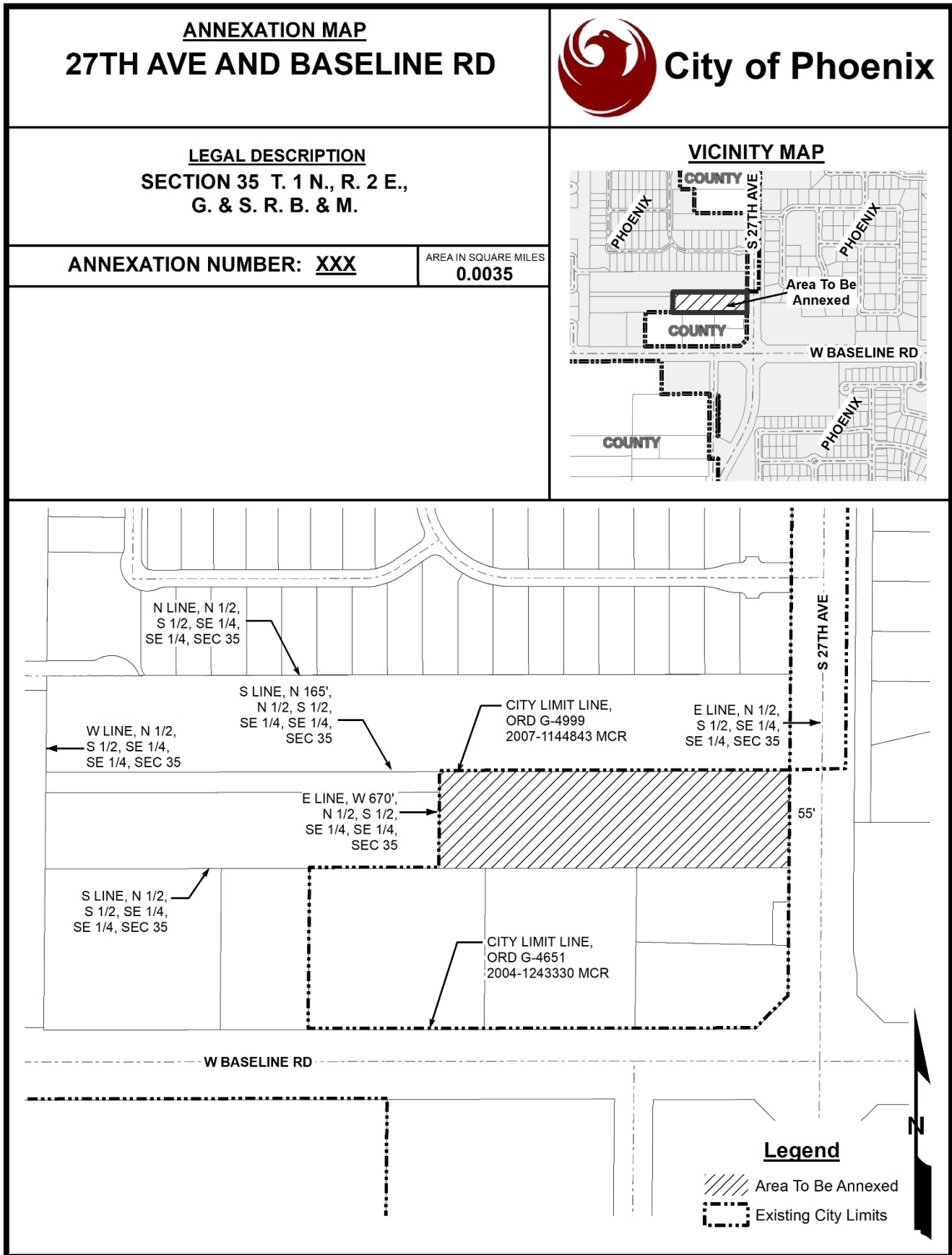
The proposed annexation area includes parcel 105-88-020V, located at 7416 S. 27th Ave. (**Attachment A**). The annexation area is approximately 2.25 acres (0.0035 sq. mi.) and the population estimate is three individuals.

Council District: 8

Responsible Department

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

ATTACHMENT A





Acceptance of an Easement for Drainage Purposes (Ordinance S-47940)

Request for the City Council to accept an easement for drainage purposes; further ordering the ordinance recorded.

Summary

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

Easement (a)

Applicant: TWG Phoenix, LP, its successor and assigns

Purpose: Drainage

Location: 215 W. Sunland Ave.

File: FN 210058

Council District: 7

Responsible Department

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



Acceptance and Dedication of an Easement for Sidewalk Purposes (Ordinance S-47941)

Request for the City Council to accept and dedicate an easement for sidewalk purposes; further ordering the ordinance recorded.

Summary

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

Easement (a)

Applicant: Avalon Cave Creek, LLC, its successor and assigns

Purpose: Sidewalk

Location: 12044 N. Cave Creek Road

File: FN 210056

Council District: 3

Responsible Department

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



Revocable License with Hunter Contracting Co. for City-owned Property Located at 32 and 42 E. Columbus Ave. (Ordinance S-47948)

Request to authorize the City Manager, or his designee, to enter into a revocable license with Hunter Contracting Co. for approximately 14,400 square feet of the unimproved land located at 32 and 42 E. Columbus Ave. for construction staging and storage. The license fee will be \$2,200 per month. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

Hunter Contracting Co. has been contracted by the City to provide design and construction services for the Third Street Promenade, Garfield Street to Indian School Road Modernization Project. Approximately 14,400 square feet of the unimproved land will be used for construction staging, parking, and a construction trailer to facilitate the City's project.

The term of the license will be for nine and one-half months, with an option to extend on a month-to-month basis, up to an additional six months. The license fee is \$2,200 per month, plus applicable taxes, which is within range of market rents as determined by the Finance Department Real Estate Division. Hunter Contracting Co. shall provide insurance and indemnification acceptable to the City of Phoenix Finance Department's Risk Management Division and Law Department. The license may be canceled pursuant to Arizona Revised Statute 38-511, or upon 60-days' written notice. The license may contain other terms and conditions deemed necessary by the City.

Contract Term

The term of the license will be nine and one-half months, with an option to extend on a month-to-month basis, up to an additional six months.

Financial Impact

The license fee will be \$2,200 per month, or \$20,900 for the initial term, plus applicable taxes.

Location

32 and 42 E. Columbus Ave., identified by Maricopa County Assessor's parcel numbers 118-33-065 and 118-33-064.

Council District: 4

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Housing and Finance departments.



Municipal Firefighter Cancer Reimbursement Fund (Ordinance S-47944)

Request to authorize the City Manager, or his designee, to authorize payment to the Industrial Commission of Arizona (ICA) to fund the Municipal Firefighter Cancer Reimbursement Fund (Fund) and contribute to associated operating costs in compliance with State of Arizona Senate Bill 1827 in the amount of \$4,353,843.54. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

Arizona Revised Statutes section 23-1701 et seq., Senate Bill 1827 (Bill), was approved by the Governor on June 30, 2021. The Bill requires Arizona incorporated cities and towns, such as the City of Phoenix, to contribute to the Fund. The Fund, administered by the ICA, will reimburse municipal cities and towns on a prorated basis for paying workers' compensation and benefits to firefighters and fire investigators who are diagnosed with a disease, infirmity or impairment caused by outlined cancers presumed to arise out of employment (occupational cancer). The City will be assessed a fee each fiscal year which is payable by Sept. 30. The City's fee is a prorated amount of the \$15,000,000 annual cap to the Fund and is based on the City's population in proportion to all Arizona incorporated cities and towns.

This legislation follows the repeal of A.R.S. §42-5041, which required the assessment of costs for municipal administration of transaction privilege taxes to local government, councils, and authorities.

Financial Impact

The annual cost is \$4,353,843.54 and is based on a current population share of 29.03 percent. If the population share changes, the contribution will change. Funds are available in the Human Resources Department's budget.

Responsible Department

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



Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-47952)

Request to authorize the City Manager, or his designee, to transfer retirement funds for Jacqueline Cole in the amount of \$8,291.77 to the Arizona State Retirement System. Further request to authorize the City Controller to disburse funds.

Summary

Pursuant to Arizona Revised Statutes, sections 38-730 and 38-922, retirement service credits for former members of the City of Phoenix Employees' Retirement System (COPERS) may be transferred to the Arizona State Retirement System upon approval by the City Council. The following former City of Phoenix employee has requested transfer of the balance of their credited service:

Cole, Jacqueline: \$8,291.77

Concurrence/Previous Council Action

This item was approved by the COPERS Board at its Sept. 2, 2021 meeting.

Responsible Department

This item is submitted by Deputy City Manager Toni MacCarone and the Retirement Office.



Online Cataloging - OCLC - 133227 D (Ordinance S-47945)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 133227 with OCLC, Inc. for the purchase of Online Cataloging for the Library Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$650,000.

Summary

OCLC, Inc. is a non-profit global library cooperative that provides shared technology services, original research, and community programs for its members worldwide, and which Phoenix Public Library (PPL) has been a member for over 20 years. Through OCLC's Interlibrary Loan Service, PPL customers can borrow digital materials from libraries all over the world. OCLC is the library standard for providing libraries worldwide with access to millions of digitalized pre-created records (metadata). This contract will allow PPL staff to copy OCLC's pre-created metadata, rather than creating records from scratch, which increases efficiency since PPL adds thousands of new records to its digital catalog each year. OCLC's system also allows PPL customers to search for and receive results quickly. The additional funds are needed to ensure that the OCLC materials and services are continuously provided to PPL customers for an additional five years.

This item has been reviewed and approved by the Information Technology Services Department.

Contract Term

The contract term is from Oct. 21, 2011 through Sept. 30, 2026.

Financial Impact

Upon approval of \$650,000 in additional funds, the revised aggregate value of the contract will not exceed \$1,374,920.78. Funds are available in the Library Department's budget.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Oct. 5, 2011. Ordinance S-

41897 for \$200,000 was approved by Council on July 1, 2015, Ordinance S-43459 for \$100,000 was approved by Council on May 10, 2017, and Ordinance S-44802 for \$450,000 was approved by Council on June 20, 2018.

Responsible Department

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



Fabrication and Installation of Park Signs - COOP 22-011 (Ordinance S-47951)

Request to authorize the City Manager, or his designee, to enter into a cooperative participating agreement with Sierra Signs & Service, Inc. to provide the fabrication and installation of signage for the Parks and Recreation Department. A cooperative contract was established by the City of Mesa under solicitation number 2020212. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$600,000.

Summary

This contract will ensure that the Parks and Recreation Department can provide signage throughout numerous City parks. The signage may include maps, educational signs and directional signs, which are essential in order to provide effective information to guests visiting City parks and facilities. The signage is essential to the safe and welcoming operation of Parks and Recreation Department parks and park facilities.

Procurement Information

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

The City of Mesa contract covers the purchase of fabricating and installing park signs as required by the Parks and Recreation Department. The contract was awarded on Oct. 5, 2020. Review of pricing and availability from registered small and local businesses indicates that this cooperative contract offers the best value to the City.

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

The Assistant Finance Director recommends that the cooperative participating agreement with Sierra Signs & Service, Inc. be accepted.

Contract Term

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

Financial Impact

The aggregate contract value will not exceed \$600,000. Funds are available in the Parks and Recreation Department's budget.

Responsible Department

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



Amend Business Terms for Redevelopment of Del Rio Former Landfill at 1150 E. Elwood St. (Ordinance S-47957)

Request to authorize the City Manager, or his designee, to amend the approved business terms for entering into a development agreement, ground lease, easements and other agreements as necessary (collectively, the Agreements) with Arizona Fresh Holdings, LLC, or its City-approved designee (Developer), for the lease and redevelopment of the 156-acre City-owned Del Rio former landfill site located at 1150 E. Elwood St. (Site). Also, request an exception pursuant to Phoenix City Code section 42-20 to include indemnification and assumption of liability provisions where necessary in the transaction documents that would otherwise be prohibited by Phoenix City Code section 42-18. Further request authorization for the City Controller to disburse funds related to this item.

Summary

In October 2020, City Council authorized Agreements with the Developer to redevelop the Site into a mixed-use project that includes: an Agri-Food Innovation Center with a wholesale produce distribution center; retail; education; research facilities; and, an approximately 20-acre City park (Project).

As the site design has continued to progress, the Developer has performed additional due diligence including a geotechnical report to determine the viability and pricing estimates for the Project and public infrastructure improvements. Additional costs are included in the estimates to account for the generally approved building techniques and methods on former landfill sites including dynamic compaction and vapor layers, to name a few. To facilitate this redevelopment, the Developer will make several public infrastructure improvements, creating new public access through the Site, establishing access to the Rio Salado and new 20-acre public park and facilitating pedestrian connectivity and activity. The three public roadways the Developer will construct include the scenic Rio Salado Parkway, 12th Street alignment connecting Rio Salado to Elwood Street, and a half-street of Elwood Street along the Project border. Combined, these roadways including curb, gutter and sidewalks are estimated at more than \$21 million.

Upon approval of these proposed business terms, staff will incorporate the changes

into the Agreements with the Developer:

- Indemnification/assumption of liability: City to obtain an exception pursuant to Phoenix City Code section 42-20 to include indemnification and assumption of liability provisions where necessary in the transaction documents that would otherwise be prohibited by Phoenix City Code section 42-18.
- Developer will privately finance and construct the enhanced public infrastructure improvements.
- Developer will install and construct a public east-west street, a public north-south street and frontage along Elwood Street (including landscaping and appurtenant amenities) for public access through the northern edge of the Project along the Rio Salado at 7th Street to approximately the 12th Street alignment, a road that bisects the Project from the Rio Salado to Elwood Street at approximately the 12th Street alignment or otherwise approved by the City's Street Transportation Department, and half-street frontage along Elwood Street and convey such access to the City in a mechanism approved by the City.
- Agreements may include other such public infrastructure and related components (and costs thereof) as approved by the Community and Economic Development Director.
- The improvements shall be in conformance with the applicable zoning, approved plans and regulations.

1. Reimbursement to the Developer shall be paid on an annual basis, for a period of 10 years, and shall not exceed the verified amount of General Fund Construction Sales tax and General Fund Commercial Real Estate Property Rental, Leasing, Licensing tax (collectively "TPT") collected that year. The TPT shall be comprised of the taxes relating to both (i) the construction and installation of the public infrastructure improvements and any private infrastructure improvements constructed in connection with the development of the Project, and (ii) the construction of vertical and other on-site improvements on the Site from time to time (whether by Developer or by third parties such as technology support companies, and including any tenant improvements). In order to track the TPT eligible for reimbursement, all contractors and subcontractors must secure a separate City of Phoenix Transaction Privilege Tax License related solely to the Project.

2. Reimbursement shall not exceed actual verifiable costs for the approved public infrastructure improvements.

3. Reimbursement will not begin until after the Developer completes the public infrastructure improvements at the Site and the City has accepted those improvements.

4. Reimbursements would be made annually, in arrears, with additional details to be specified in the Agreements.

5. City will reimburse 100 percent of the City's General Fund share of TPT generated from new construction and business activity over the 10 year period as confirmed by the tax licenses.
6. Developer must comply with Title 34 of the Arizona Revised Statutes in constructing the improvements to qualify for reimbursement.
7. Specifics and cost of public infrastructure improvements must be pre-approved by the City in order to qualify for reimbursement.
8. City's reimbursement will not exceed the maximum cumulative amount of \$4 million (the "Maximum Reimbursement Amount").

- No other sources of funds would be used if the above resources are not adequate to meet the projected construction expenses.
- City staff also recommends extending the time period from City Council authorization to enter into Agreements from 12 months to 18 months.
- Agreements will include other terms and conditions as deemed necessary by the City.
- Other than the changes referenced above, all other terms and conditions of the previously approved Ordinance S-46989 remain the same.

Elliot D. Pollack & Company, a real estate and economic consulting firm, conducted an economic and fiscal impact study showing the Project will generate an estimated \$868.6 million in annual economic activity, benefiting the City and region. This innovative project will transform a former landfill site, and the South Phoenix area, from a food desert to a food innovation hub. The Project will create approximately 1,400 construction and 1,500 ongoing operations jobs respectively, with an estimated capital investment of over \$191 million.

Contract Term

The ground lease term of 100 years remains unchanged. The term of the development agreement will be for no more than 20 years.

Financial Impact

The financial impact of these new business terms are limited to the 10 years of the City's General Fund share of TPT reimbursement, as defined above. Financial terms of the Agreements will be reviewed by the City's Budget and Research Department to verify funding availability prior to execution.

Concurrence/Previous Council Action

City Council originally approved the Project through Ordinance S-46989 on Oct. 7, 2020.

Public Outreach

Public outreach related to the 20-acre park is taking place in September and October 2021.

Location

1150 E. Elwood St.
Council District: 8

Responsible Department

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



Amend Intergovernmental Agreement to Continue Building Community Wireless Network (Digital Divide Cooperative Network) (Ordinance S-47962)

Request to authorize the City Manager, or his designee, to amend Intergovernmental Agreement (IGA) 154496 with Phoenix Union High School District, its 13 public elementary feeder schools and Maricopa County Community Colleges District (the "Parties") to add \$10 million to continue building the community wireless network (digital divide) project. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) received from the federal government and is under the Citywide Wireless Network Project and Partnership with Phoenix Union program.

Summary

On May 14, 2020, City Council approved a budget of \$2 million from the City's allocation of federal Coronavirus Relief Funds (CRF) to broaden Citywide Wi-Fi. Shortly thereafter, a core public and private group came together to discuss long-term solutions for the digital divide in Phoenix. Members of the core group included the City of Phoenix, Phoenix College (PC), Phoenix Union High School District (PUHSD), the Greater Phoenix Economic Council and the Arizona Commerce Authority. This group has been working together since that time.

The digital divide is defined as the economic, education, and social inequalities between those who have computers and online access, and those who do not. As was reported at the Oct. 27, 2020 City Council Policy meeting, many areas of the country have little or no access/connection to the internet, including areas in the City of Phoenix and throughout Arizona. Even when there is internet availability, economic barriers prevent many residents from accessing the internet. As the working group presented to the City Council, during the COVID-19 pandemic, the gap in the digital divide has become wider and wider. Households that have internet connection are able to provide the opportunity for their children to continue their education at home during a time when schools are closed. Coming out of the pandemic, and as schools are opening again, that gap remains. Students who have connectivity are able to continue with a robust hybrid learning program and can complete their online homework in their home, while students who do not have connectivity struggle with completing their work

assignments and must go to a public location to access the internet.

On Dec. 16, 2020, City Council approved entering into an IGA with PUHSD and its feeder elementary schools and Maricopa County Community Colleges District relating to digital divide solutions for under-served areas. In order to continue this formal partnership and the roll-out of the Digital Divide Solution, IGA 154496 was created and signed by the Parties.

Since approval of the initial \$2 million, the team of partners has successfully installed and conducted testing at several beta-sites within the broader proposed area of service for viability. The beta-test sites included the PC campus, Maryvale High School, the PUHSD offices and their respective staff and students. Data collected during this process gave the partnership positive feedback and critical data on user experience and overall use of the system. Now that data has been collected from the beta-site testing, the project is now ready to scale-up and increase the wi-fi system's capacity and reach for the broader community.

On June 8, 2021, City Council allocated \$28.8 million of the approximately \$198 million ARPA funds to Youth Sports, Recreation, Education and Wireless projects, with \$10 million set aside for the Citywide Wireless Network Project and Partnership with PUHSD.

Staff requests to amend the existing IGA with the Parties to add the \$10 million in ARPA funds to implement the next phase of the digital divide project to expand the existing wi-fi system to a four square mile area to allow access to over 1,000 students who otherwise wouldn't have had reliable access to the internet at home.

Contract Term

The term of IGA 154496 is from April 1, 2021 to June 30, 2025 with an automatic renewal effective for the next five fiscal year period (to June 30, 2030) unless terminated earlier by the Parties.

Financial Impact

Total funding for the amended IGA will not exceed \$12 million. This includes the initial \$2 million allocation of federal CRF in addition to the current request of \$10 million in ARPA funds. There is no impact to the General Fund. The request for \$10 million in funding is available through the City's allocation of ARPA funds.

Concurrence/Previous Council Action

The City Council:

- Approved an allocation of \$2 million from Coronavirus Relief Funds to broaden Citywide Wi-Fi on May 14, 2020 at the City Council Policy meeting;
- Heard an update of the activities of the digital divide efforts on Oct. 27, 2020 at the City Council Policy meeting;
- Approved entering into an Intergovernmental Agreement relating to Digital Divide Solutions for under-served areas on Dec. 16, 2020 at the City Council Formal meeting; and
- Allocated \$10 million in ARPA funds to continue building the community wireless network project at the June 8, 2021 City Council Policy meeting.

Location

Council Districts: 4, 5, 7, and 8

Responsible Department

This item is submitted by Deputy City Managers Ginger Spencer and Toni Maccarone and the Community and Economic Development and Information Technology Services departments.



Submit National Telecommunications and Information Administration Broadband Infrastructure Program Grant Application, Enter into Agreements to Continue Building Community Wireless Network (Ordinance S-47963)

Request to authorize the City Manager, or his designee, to (1) submit an application for a National Telecommunications and Information Administration (NTIA) grant program; (2) enter into agreements with the NTIA for the purpose of accepting awarded grant funds to implement an expanded wi-fi network project, and (3) enter into agreements as needed with City partner organizations receiving a share of the NTIA grant funds as a pass-through from the City of Phoenix in accordance with the approved Intergovernmental Agreement, as necessary. Further request to authorize the City Treasurer to receive, and for the City Controller to disburse all funds in accordance with the terms of the aforementioned grants and agreements. There is no impact to the General Fund as a result of this request.

Summary

Through the U.S. Department of Commerce, the NTIA is making up to \$288 million available in federal grant funding for the deployment of broadband infrastructure. Grants are to be awarded to partnerships between a state, or political subdivisions of a state, and providers of fixed broadband service. The NTIA expects to award grant funds within the \$5 million to \$30 million range. Grant funds are intended to support competitively and technologically neutral projects for the deployment of fixed broadband services that provide qualifying broadband service in an eligible service area.

On Aug. 17, 2021, the Community and Economic Development Department submitted a grant application in the amount of \$20,601,125.54 to support the City's initiative to create a canopy wi-fi network system for community members and students within the Phoenix Union High School District (PUHSD). The grant application project is designed to cover 170 square miles of the Central Phoenix area utilizing a combination of technologies to meet various use cases based on the location of students, building, and community types. Through a public and private partnership with PUHSD, Maricopa County Community Colleges District (MCCCD), Phoenix College (PC), the Greater Phoenix Economic Council (GPEC) and the City of Phoenix, the project will deliver a no-cost access to educational services for students throughout the

designated area. No local match is required.

This request is retroactive due to the Aug. 17, 2021 NTIA grant application deadline.

To develop a long-term solution to conquer the digital divide, the City of Phoenix, MCCCDC, PC, PUHSD, and GPEC have formed a Digital Divide Consortium (Consortium) to bridge the Digital Divide. This Consortium provides resources and services to implement and sustain broadband internet access for educational services to the areas with the greatest need within the PUHSD's service area. The Consortium believes that solving the Digital Divide today is critical for today's students and the workforce of tomorrow that will drive the future economy in the City of Phoenix. Without a solution, this future workforce will be left behind and may never realize their full potential.

The project's boundaries, subject to this grant application, are located within the boundaries of the PUHSD, which includes all of the 26 high schools within the District and the elementary school districts that are the "feeder schools" to the high school district. Those elementary school districts that are located within the PUHSD boundaries include: Alhambra Elementary, Balsz Elementary, Cartwright Elementary, Creighton Elementary, Isaac Elementary, Laveen Elementary, Murphy Elementary, Osborn Elementary, Phoenix Elementary, Riverside Elementary, Roosevelt Elementary and Wilson Elementary.

This project's direct beneficiaries are the elementary, high school, and college students in the City of Phoenix. In many areas within the City, 50-70 percent of families have income below the poverty line and cannot afford broadband access to the internet. This has created a Digital Divide, in which limited access to affordable and reliable broadband connectivity creates a barrier to opportunities for education or employment. The COVID-19 pandemic shifted education from in-classroom to home-based learning almost overnight, with 100 percent of the public schools in the PUHSD going to home-based learning, making the impact of the Digital Divide on education even more apparent. To overcome these challenges, school districts have developed creative solutions to provide educational programs and services for students during the pandemic. While these efforts have served as temporary measures to help bridge the Digital Divide, these are not long-term, sustainable solutions to the problem. The need for broadband access to virtual education resources will outlive the pandemic as virtual education, and virtual interaction with education resources are expected to be needed well into the future.

On Dec. 16, 2020, City Council approved entering into an Intergovernmental Agreement with PUHSD and its feeder elementary schools and MCCCDC relating to

digital divide solutions for under-served areas utilizing \$2 million in federal Coronavirus Relief Funds (CRF) to broaden Citywide Wi-Fi for educational purposes. Since then, the team has successfully installed and conducted testing at several beta-sites within the broader proposed area of service for viability. The beta-test sites included the PC campus, Maryvale High School, the PUHSD offices and their respective staff and students. Data collected during this process gave the partnership positive feedback and critical data on user experience and overall use of the system. Now that data has been collected from the beta-site testing, the project is now ready to scale-up and increase the wi-fi system's capacity and reach for the broader community utilizing a City Council-approved set aside allocation of \$10 million in American Rescue Plan Act (ARPA) funding to expand the Citywide Wireless Network Project and Partnership with PUHSD.

Federal financial assistance is needed to build the core infrastructure that this project will depend upon and leverage the existing services and capital investments connecting disparate components into a single platform from which innovations can be developed, and services can be provided to students. This grant will help fill the funding gap to complete this project which has a total cost of \$34,751,125.94.

Anticipated outcomes of this project, subject to NTIA grant funds, include:

- Expanding the "Wireless Canopy of Coverage" created for Alhambra and Cartwright Elementary School Districts to all PUHSD and PUHSD feeder school districts (12 districts);
- Replicable across the different sites and locations; achieved with validated technologies utilizing private businesses secured through a procurement executed by PUHSD;
- Efficient, affordable, and sustainable solution;
- Existing installations and testing conducted at multiple sites demonstrate robust connectivity;
- Students who have need within service territory will have an Internet connection for educational purposes only- removing the disparity in the community, expanding access and availability of time for learning;
- Model designed to be easily deployable into other areas, small and large districts, rural and Native American communities; and
- Create new training, workforce development, and mentorship opportunities.

Awards for the NTIA grant program are expected to be announced in November 2021.

Financial Impact

Total funds requested for the NTIA grant application is \$20,601,125.54. No General

Funds are requested as part of this action. Through separate City Council actions a total of \$12 million has been committed to this effort between CRF and ARPA funds.

Concurrence/Previous Council Action

The City Council:

- Approved an allocation of \$2 million from Coronavirus Relief Funds to broaden Citywide Wi-Fi on May 14, 2020 at the City Council Policy meeting;
- Heard an update of the activities of the digital divide efforts on Oct. 27, 2020 at the City Council Policy meeting;
- Approved entering into an Intergovernmental Agreement relating to Digital Divide Solutions for under-served areas on Dec. 16, 2020 at the City Council Formal meeting;
- Allocated \$10 million in American Rescue Plan Act funds to continue building the community wireless network project at the June 8, 2021 City Council Policy meeting; and
- Will consider amending Intergovernmental Agreement 154496 with Phoenix Union High School District, its 13 public elementary feeder schools and Maricopa County Community Colleges District to add \$10 million to continue building the community wireless network (digital divide) project at the Sept. 15, 2021 City Council Formal meeting.

Location

Council Districts: 4, 5, 7, and 8

Responsible Department

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



Add Position in Fire Department to Support Event Activity at Phoenix Convention Center (Ordinance S-47949)

Request to authorize the City Manager, or his designee, to add one new position to the base staff level in the Fire Department to support increased convention and trade show event activity at the Phoenix Convention Center. This position will be assigned to and paid for by the Phoenix Convention Center Department. No General Fund dollars are requested to support this request; Convention Center Department operating funds are available.

Summary

In November 2020, the City Council approved the Phoenix Convention Center Department (PCCD) COVID-19 Response Plan. The plan included necessary program and staffing level reductions in response to cancelled events and revenue losses directly resulting from the Coronavirus pandemic. One component of the plan included suspension of funding for a Fire Prevention Specialist II position. That position resided in the Fire Department, but was funded by and directly supported the PCCD. The position was ultimately absorbed into the Fire Department and reassigned other duties. Since that time, the convention industry has seen a return of event activity which necessitates the reestablishment of the Fire Prevention Specialist II position to support fire, life safety reviews and inspections for Convention Center events. As a result of the position being reassigned, it is no longer available to support the needs of the PCCD. Accordingly, the creation of a new position is necessary. The position is critical to the operations of the Convention Center and is responsible for reviewing and approving event plans to ensure fire regulations, building code and fire life safety codes are met.

The Human Resources Department has reviewed and approved this request.

Financial Impact

The estimated cost for the position for the remainder of Fiscal Year 2021-22 is estimated to be \$76,500, and full year costs for Fiscal Year 2022-23 are estimated to be \$102,000. No General Funds are requested to support this request; Phoenix Convention Center Department operating funds are available.

Concurrence/Previous Council Action

The Phoenix Convention Center Department COVID-19 Response was approved by the City Council on Nov. 18, 2020.

Location

Council Districts: 7 and 8

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson, Assistant City Manager Jeff Barton and the Phoenix Convention Center and Fire departments.



Amendment to Elevator/Escalator Maintenance Contract - Adding Phoenix Convention Center Department (Ordinance S-47950)

Request to authorize the City Manager, or his designee, to amend Aviation Department Contract 142435 with Kone Inc. to add additional funds for the Phoenix Convention Center in the amount of \$100,000, for a total contract amount not to exceed \$49,577,400. Further request authorization for the City Controller to disburse all funds related to this item. Phoenix Convention Center Department Capital Improvement Program funds are available to pay for these services.

Summary

The Aviation Department contract provides elevator and escalator maintenance for their vertical and horizontal transportation. This contract will provide the Phoenix Convention Center Department non-warranty maintenance on its nine newly refurbished Kone elevators located at the Convention Center East Garage located at 601 E. Washington St. Additionally, this contract will maintain the warranty of the materials and workmanship by Kone Inc. through May 1, 2022.

Financial Impact

With the \$100,000 in additional funds, the revised contract value will be \$49,577,400 (including applicable taxes). Funds are available in the Phoenix Convention Center Department Capital Improvement Program budget.

Concurrence/Previous Council Action

The Elevator/Escalator Maintenance contract was approved by Formal Council Action on April 6, 2016 with an original contract value of \$49,477,400 with Ordinance S-42422.

Location

601 E. Washington St.
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Phoenix Convention Center Department.



Thrash & Dangle Enterprises, LLC dba Phoenix Rock Gym (Ordinance S-47947)

Request authorization for the City Manager, or his designee, to enter into a facility use agreement with Thrash & Dangle Enterprises, LLC dba Phoenix Rock Gym for the Fire Department. Further request authorization for the City Controller to disburse funds required for this item. The aggregate contract value will not exceed \$6,000.

The Phoenix Fire Department (PFD) is responsible for the provision of technical rescue training through its Technical Rescue Team (TRT) Program. In order to provide such training, PFD requires a facility that has the climbing wall capacity, occupancy capacity, and availability to allow for the training of TRT students in a controlled environment. The skill-specific training would be very difficult to conduct in any other environment while also maintaining an acceptable level of safety and instructional oversight for the students.

Further request the City Council to grant an exception to Phoenix City Code (PCC) section 42-18 to allow that to the extent permitted by law, the City shall indemnify and hold harmless the Indemnified Parties, from and against all losses, damages, liabilities, demands, causes of action, costs and expenses (including reasonable attorneys' fees and costs of litigation), arising, directly or indirectly, out of the use of, activities or entry on, or resulting from bodily injury or death of persons, or damage to or loss of property, which occurs on the Premises of the Owner's Property or in any manner directly or indirectly grows out of or in connection with the use, entry, occupancy or condition of the Premises, the Owner's Property or any parts thereof, except to the extent arising out of the gross negligence or willful misconduct of Owner.

Contract Term

The contract term shall begin on or about Sept. 15, 2021 and end on Sept. 14, 2024.

Financial Impact

The aggregate contract value will not exceed \$6,000. Funds are available in the Fire Department's budget.

Responsible Department

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



FY 2021 National Urban Search and Rescue Response System Cooperative Agreement with FEMA (Ordinance S-47955)

Request to authorize the City Manager, or his designee, to apply for, accept, and if awarded, disburse Federal Emergency Management Agency (FEMA) funds totaling \$1,236,878 for the Urban Search and Rescue (US&R) 2021 Readiness Cooperative Agreement. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The Department of Homeland Security and FEMA provide support and funding for the maintenance and readiness of the national Urban Search & Rescue (US&R) Response System. The purpose of this readiness cooperative agreement is to support the continued development and maintenance of a national US&R capability. This cooperative agreement provides direction to the Phoenix Fire Department for the use of funding to provide administrative and program management, training, support, equipment cache procurement, maintenance, and storage.

The Phoenix Fire Department is the sponsoring agency of Arizona Task Force One (AZ-TF1), one of 28 national Urban Search and Rescue response system task forces that can rapidly deploy skilled personnel and state of the art equipment to sites of natural disasters, terrorist attacks, and building collapses. In addition to search and rescue, task force members provide immediate medical treatment to survivors, hazardous materials monitoring and stabilization capabilities. In the past, AZ-TF1 has been deployed to Hurricanes Florence, Harvey, Irma, Rita, Katrina, Ike, Gustav, the Oklahoma City bombing and to the 9/11 World Trade Center in New York City.

Contract Term

The term of the agreement, if approved, will be for three years. The contract will run from Sept. 1, 2021 through Aug. 31, 2024.

Financial Impact

The Fire Department will receive an amount not to exceed \$1,236,878 from the Federal Emergency Management Agency (FEMA) for the Urban Search and Rescue (US&R) 2021 Readiness Cooperative Agreement.

Responsible Department

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



Fire Service Training Agreements (Ordinance S-47956)

Request authorization for the City Manager, or his designee, to enter into agreements with Arizona Fire and Medical Authority, Avondale Fire and Medical, Buckeye Fire-Medical-Rescue, Buckeye Valley Fire District, Chandler Fire Department, Daisy Mountain Fire and Medical, El Mirage Fire Department, Gila River Fire Department, Gilbert Fire and Rescue, Glendale Fire Department, Goodyear Fire Department, Guadalupe Fire Department, Harquahala Fire District, Maricopa Fire Department, Mesa Fire and Medical, Peoria Fire Medical Department, Queen Creek Fire and Medical, Salt River Pima-Maricopa Fire Department, Scottsdale Fire Department, Sun City Fire and Medical Department, Superstition Fire and Medical District, Surprise Fire-Medical Department, Tempe Fire Medical Rescue Department, and Tolleson Fire Department for fire service training. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The purpose of these agreements is to conduct joint training and allow firefighters and firefighter recruits from other regional jurisdictions to attend training hosted by the Phoenix Fire Department. Training opportunities include, but are not limited to, Aircraft Rescue Firefighter Certification Training, Firefighter Recruit Training, Fire Inspector Training, Hazardous Material Technical Certification Training, EMT/Paramedic Recertification Training, Technical Rescue Technician Certification Training, and follow-on required continuing education. The provision of these training services to other jurisdictions will not negatively impact City of Phoenix public safety personnel.

Contract Term

The agreements shall be effective upon approval and execution and shall remain in effect for a term of five years.

Financial Impact

The jurisdictions will reimburse the City of Phoenix per employee for all training services performed.

Responsible Department

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



Aviall Aircraft Parts - Requirements Contract - MCC190142-C-A (Ordinance S-47942)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 150790 with Aviall Services, Inc. for the purchase of aircraft parts, supplies and accessories for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$150,000.

Summary

This contract provides the Police Department's Air Support Unit with various aircraft parts and services to operate and maintain fixed wing and rotary aircraft. The aircraft is critical to the Police Department in order to support patrol officers, provide crime suppression, and conduct mountain rescue services. The Federal Aviation Administration (FAA) mandates routine maintenance and overhauls be performed to ensure the safe operation of the aircraft fleet.

Additional funds are necessary due to the age of the aircraft in the fleet and the required repairs and replacement parts needed.

Contract Term

The contract term is Sept. 1, 2019 through Aug. 30, 2024.

Financial Impact

Upon approval of \$150,000 in additional funds, the revised aggregate value of the contract will not exceed \$242,482. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Aug. 28, 2019.

Responsible Department

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



Arizona Coliseum and Exposition Center Request for Police Services for 2021 Arizona State Fair (Ordinance S-47964)

Request to authorize the City Manager, or his designee, to enter into an agreement with the Arizona Coliseum and Exposition Center for the Phoenix Police (PPD) and the Neighborhood Services departments (NSD) to provide increased traffic enforcement, perimeter security, proactive police patrol, permit parking enforcement and vending enforcement. The Arizona Coliseum and Exposition Center will pay \$31,500 for these services. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

As far back as 1987, PPD and NSD have partnered with the Arizona Coliseum and Exposition Center to provide increased traffic enforcement, perimeter security and proactive patrol in the area surrounding the fair grounds. The intent of this agreement is to recover costs associated with these services during the State Fair. Additionally, Finance Department Tax Enforcement Section receives space at no charge for licensing and collection of taxes from vendors.

Contract Term

Services will take place from Oct. 1, 2021 through Oct. 30, 2021.

Financial Impact

The amount to be recovered is \$19,000 by PPD and \$12,500 by NSD.

Location

The area surrounding the Arizona State Fairgrounds located at 1826 W. McDowell Road.

Council District: 4

Responsible Department

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



FY 2021 Internet Crimes Against Children Task Force Program (Ordinance S-47960)

Request retroactive authorization for the City Manager, or his designee, to allow the Police Department to apply for, accept and enter into an agreement with the Office of Juvenile Justice and Delinquency Prevention for the 2021 Internet Crimes Against Children (ICAC) Task Force Program for an amount not to exceed \$469,451. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The Police Department commands the Arizona ICAC Task Force and has received funding through this source annually for the past several years. The goal of the task force is to improve effectiveness to prevent, interdict, investigate, and prosecute internet crimes against children and child exploitation. The Arizona ICAC Task Force is partnered with 64 law enforcement agencies statewide. Since 2006, the Arizona ICAC Task Force has conducted more than 35,145 investigations resulting in the incarceration of hundreds of offenders and provided preventative training presentations to children, parents, and community groups to educate them on how to protect children from internet crimes.

If awarded, grant funds will be used to continue reimbursing the City for the salary and fringe benefits for one sergeant position, overtime and related fringe benefits for various task force personnel, supplies, travel, training, equipment, and contracts/consultants to support the task force investigations. Funds are also shared statewide through a program that assists agencies throughout Arizona to purchase equipment and attend training.

The grant application was due on Aug. 31, 2021. If authorization is denied, the grant application will be rescinded.

Contract Term

The contract term is from Oct. 1, 2021 through Sept. 30, 2022.

Financial Impact

No matching funds are required. Cost to the City would be in-kind resources only.

Concurrence/Previous Council Action

This item was recommended for approval by the Public Safety and Justice Subcommittee by a vote of 3 to 0 at the Sept. 8, 2021 meeting.

Responsible Department

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



PHX Sky Train Operations and Maintenance Contract 126231 - Amendment (Stage 2 Extension) (Ordinance S-47953)

Request to authorize the City Manager, or his designee, to execute an amendment to Operations and Maintenance Contract 126231 with Bombardier Transportation (Holdings) USA Inc., to: extend the term of the Contract for 10 years, for a 20-year aggregate term; and provide operation and maintenance services in support of the Phoenix Sky Harbor International Airport Sky Train. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in this amendment will not exceed \$308,567,412.

Summary

The PHX Sky Train is an important transportation asset to Phoenix Sky Harbor International Airport (PHX). Sky Harbor Boulevard and the surrounding roadway system accommodate all traffic at PHX, and they are used by passengers, employees, airport businesses, and the public to access PHX terminals. While PHX continues to improve this roadway system, it has limited capacity for airport traffic. The PHX Sky Train provides a much needed second mode of transportation for connecting passengers between PHX terminals and parking garages and lots. The Stage 2 extension to the Rental Car Center will replace the need for airport shuttle buses, thereby reducing roadway and terminal curb congestion.

The PHX Sky Train system has been developed in three stages. Stage 1 extends from 44th Street to Terminal 4, which opened for passenger service in April 2013. The extension of the system from Terminal 4 to Terminal 3 (Stage 1A) opened in December 2014. The final phase of the project (Stage 2) extends the Sky Train system from Terminal 3 to the Rental Car Center and is expected to open in summer 2022.

The Stage 2 extension will add two and a half miles of dual-lane guideway, two new stations at 24th Street and the Rental Car Center, and 24 additional train cars. After it is completed, the system will consist of five miles of dual-lane guideway, six stations, and a total fleet of 42 train cars.

Bombardier was originally selected for this work using a two-step design-build-operate-maintain procurement process in accordance with Arizona Revised Statute Title 34, as managed by the City Engineer.

The Stage 2 extension requires Contract 126231 (Contract) to be amended to allow for the increase in operations and maintenance associated with the extension of the system to the Rental Car Center (Stage 2).

This Contract is essential to the health, safety, and welfare of the public and critical to operations for the City.

Contract Term

The Contract commenced on April 1, 2013 and has a 10-year term. The Contract extension will begin on or about June 1, 2022 for an additional 10-year term; the aggregate contract term for operation and maintenance of the entire system will be 20 years, with no options to extend.

Financial Impact

The initial authorization and previous amendments for the Operations and Maintenance contract were authorized for an expenditure not-to-exceed \$85,819,679.07. This amendment will increase the authorization for the contract by an additional \$308,567,412, for a new total not-to-exceed contract value \$394,387,091.07, which includes a not-to-exceed five percent annual economic price adjustment.

Funding is available in the Aviation Department's operating budget.

Concurrence/Previous Council Action

The City Council approved:

- Operating System Operations and Maintenance Contract 126231 (Ordinance S-36228) on July 10, 2009;
- Operating System Operations and Maintenance Contract 126231 - Amendment (Ordinance S-39113) on July 3, 2012; and
- Operating System Operations and Maintenance Contract 126231 - Amendment (Ordinance S-41273) on Nov. 19, 2014.

Location

Phoenix Sky Harbor International Airport - 3400 E. Sky Harbor Blvd.
Council District: 8

Responsible Department

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



*****REQUEST TO WITHDRAW (SEE ATTACHED MEMO)*** Airport Concessions Relief and American Rescue Plan Act (Ordinance S-47961)**

Request to authorize the City Manager, or his designee, to apply for and accept airport -specific American Rescue Plan Act of 2021 (ARPA) funds allocated by the Federal Aviation Administration (FAA) in the amount of \$15,374,984 for Small Business Concessions and \$3,843,746 for Large Business Concessions. If approved, these grant funds would be applied to terminal concessionaire accounts in the form of a credit to be used toward rent payments subject to the stipulations outlined in this report. Further request to authorize the City Treasurer to accept the funds and the City Controller to disburse all funds related to this item. The total value of the funding will not exceed \$19,218,730.

Summary

The COVID-19 global pandemic created a downturn in airline passenger travel by over 93 percent at Phoenix Sky Harbor International Airport (PHX). In direct correlation to the reduced passenger activity, concessions sales plummeted for PHX's concessionaires. As a result, established rents were unsustainable for concessionaires in the terminals. On April 4, 2020, the FAA provided guidance to airport sponsors encouraging them to consider business circumstances created by the public health emergency. In response, the City Council passed three rounds of rent relief to concessionaires and extended food, beverage and retail contracts by three years to assist Airport Concessions Disadvantaged Business Enterprise (ACDBE) business partners to refinance their existing debt.

Since April 2021, PHX has experienced significant increases in passenger volumes. In June 2021, PHX reached 80 percent of total enplanement traffic for two consecutive months as compared to 2019. Per City Council action on Dec. 2, 2020, all concession operators were notified that the contractual Minimum Annual Guarantee (MAG) amounts must be paid beginning Aug. 1, 2021.

Federal Relief Funds for Airport Concessionaires

On April 9, 2021, the Aviation Department received notification of its allocation of Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) funds appropriated for PHX's concessions program in the amount of \$4,804,683. In

accordance with FAA guidance, the monies received by the FAA served as a partial reimbursement towards the more than \$20 million in rent relief provided by PHX to date.

American Rescue Plan Act

On June 16, 2021, the Aviation Department received notification from the FAA regarding its concessions relief allocation of airport-specific ARPA funds in the amount of \$15,374,984 for small business concessions and \$3,843,746 for large business concessions.

As with CRRSAA, if an airport sponsor accepts its ARPA allocations for concession relief, “the airport sponsor must provide relief from rent and MAG to eligible small airport concessions and eligible large airport concessions in an amount that reflects each eligible airport concession’s proportional share of the total amount of rent and MAG of all eligible airport concessions at the airport.”

For the Aviation Department to be eligible to apply for and receive its federal concessions relief appropriation of ARPA funds, the City of Phoenix would offer rent relief in the form of grant-funded rent credits for in-terminal concessionaires. These ARPA funds would effectively pay 100 percent of the MAG and/or percentage rents owed to the City until the appropriation is exhausted.

The ARPA credits would provide rent relief subject to the following conditions:

- Stipulation 1 - Per FAA guidelines, concessionaires must be operating to receive relief;
- Stipulation 2 - Concessionaires must staff to at least 80 percent of 2019 levels within 90 days of accepting relief;
- Stipulation 3 - Concessionaires must operate at 100 percent of their contractual hours within 90 days of City Council approval; and
- Stipulation 4 - Concessionaires must return to full menu offerings as compared to 2019 within 90 days of accepting relief.

Financial Impact

The \$19,218,730 of relief funding comes directly from the federal ARPA grant. This portion of the federal airport ARPA grant will provide the funding for the credit to rent due to the City, and can only be used for the purpose of airport concessionaire relief as explained above.

Location

Sky Harbor International Airport - 3400 E. Sky Harbor Blvd.
Council District: 8

Responsible Department

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



City of Phoenix

To: Mario Paniagua
Deputy City Manager

Date: Sept. 14, 2021

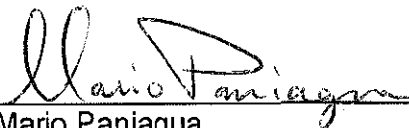
From: Chad Makovsky 
Director of Aviation Services

Subject: REQUEST TO WITHDRAW ITEM 48, AIRPORT CONCESSIONS RELIEF AND AMERICAN RESCUE PLAN ACT, FROM THE SEPT. 15, 2021 FORMAL AGENDA

FOR WITHDRAWAL: The Aviation Department requests approval to withdraw Item 48, (ORDINANCE S-47961), Airport Concessions Relief and American Rescue Plan Act from the Sept. 15, 2021 Formal agenda.

The withdrawal will provide additional time to conduct additional stakeholder discussion. The item will be updated following these discussions and resubmitted on the Oct. 6, 2021 Formal agenda.

Approved by:


Mario Paniagua
Deputy City Manager

9/14/21
Date



Motorola Solutions, Inc. Master Services Agreement 124391 - Amendment (Ordinance S-47958)

Request to authorize the City Manager, or his designee, to execute an amendment to Master Communications System Agreement 124391 (Master Agreement) with Motorola Solutions, Inc. (Motorola) to purchase additional ongoing maintenance and technical support services for the VESTA communication system for the Aviation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total amount of the additional expenditures will not exceed \$493,607.

Summary

The Aviation Department requests to use the existing Master Agreement for ongoing maintenance and technical support services and any other communication center equipment for the Aviation Department's computer-based integrated phone and radio VESTA communication system. Aviation Department emergency communication dispatchers at Sky Harbor International Airport utilize the VESTA system to provide computer-based integrated phone and radio response to police, fire, emergency medical services, customer service, and other operational calls at the airport.

By joining the citywide agreement, the Aviation Department will be able to provide uninterrupted support to this critical infrastructure, and avoid a month-to-month support arrangement. The department's current agreement with Century Link (Lumen) for maintenance and support of the existing system expires on Sept. 30, 2021.

This item has been reviewed and approved by the Information Technology Services Department.

Procurement Information

The Master Agreement was approved by the City Council on July 2, 2008. It provides the hardware, software, and professional services, which are proprietary to Motorola and necessary to support City of Phoenix Information Technology systems. The Master Agreement is an umbrella agreement under which Statements of Work (SOW) can be developed and issued. Each SOW is processed in accordance with City of Phoenix procurement regulations.

Contract Term

The term of the Master Agreement will remain unchanged, ending on June 30, 2028.

Financial Impact

The previous authorization for the Master Agreement was for an expenditure not-to-exceed \$95,465,413. This amendment will increase the authorization for the Master Agreement by an additional \$493,607 to account for the addition of Aviation's system to the contract, for a new total not-to-exceed Master Agreement value of \$95,959,020.

Funding is available in the Aviation Department's budget.

Concurrence/Previous Council Action

The City Council approved Motorola, Inc. Master Agreement 124391 on July 2, 2008.

Responsible Department

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



Apply for Federal Funding for Transportation Projects in Federal Fiscal Years 2022 through 2025 (Ordinance S-47954)

Request to authorize the City Manager, or his designee, to apply for, accept and if awarded, enter into agreements for federal transportation funding through the Maricopa Association of Governments. Further request an exemption from the indemnification prohibition set forth in the Phoenix City Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20. The funding supports various program areas, including Active Transportation, Certified Street Sweepers, Paving Unpaved Roads, and System Management and Operations projects. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The Maricopa Association of Governments (MAG) is soliciting applications for the following grant opportunities:

1. Congestion Mitigation and Air Quality (CMAQ) Improvement Program for Active Transportation (bicycle and pedestrian) projects, Certified Street Sweepers, Paving Unpaved Roads, and System Management and Operations;
2. Transportation Alternatives Infrastructure (TA-MAG) for bicycle and pedestrian projects;
3. Surface Transportation Block Grant (STBGP-MAG) for System Management and Operations; and
4. Roadway Safety Program (STBGP-exchanged HURF) for pedestrian and intersection safety improvements.

On Aug. 2, 2021, MAG announced a Call for Projects for the Federal Highway Administration sub-allocated CMAQ Improvement Program, Surface Transportation Block Grants and Transportation Alternatives Infrastructure (TA) funding over multiple federal fiscal years. The City is eligible to compete for up to \$48.4 million in federal funding available for federal Fiscal Years 2022 through 2025.

The Street Transportation Department aims to pursue federal funding whenever solicitations are made by MAG that align with the City's transportation goals and objectives. This recent MAG Call for Projects is an opportunity to leverage City dollars

while increasing the City's ability to complete more transportation related projects that enhance the community. Each program funding has its own competitive review and ranking process managed by MAG.

Between now and the application due date of Sept. 17, 2021, staff will continue to refine the locations, costs and scope of each grant submittal to be competitive with other local and regional submittals.

Financial Impact

The maximum federal participation rate is 94.3 percent with a minimum local match of 5.7 percent of the total construction cost. The funding covers construction only and does not cover any design, environmental studies or other federal clearances that are required as a part of the federal delivery process. The Street Transportation Department will submit several applications for the various funding opportunities up to \$23 million. The minimum local match would require the City to fund approximately \$1.31 million to obtain \$23 million in federal funds for construction.

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

Responsible Department

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



Support for Formation of Janet Rose Irrigation Water Delivery District (Resolution 21957)

Request to adopt a resolution to support formation of the Janet Rose Irrigation Water Delivery District through Maricopa County. The proposed Irrigation Water Delivery District includes the single-family residential properties bounded by Berridge Lane to the south, Rose Lane to the north, 12th Street to the west and 16th Street to the east. This action has no financial impact to the City of Phoenix.

Summary

Under the provisions of Arizona Revised Statutes (A.R.S.) Chapter 20, Title 48, Irrigation Water Delivery Districts, when the majority of the lot or parcel owners entitled to or capable of receiving irrigation water from the same system want irrigation water delivered to their lands, they may propose the organization of an Irrigation Water Delivery District (IWDD). Maricopa County requires that applicants for an IWDD within City of Phoenix boundaries obtain City Council support before the County will start the process of forming or re-establishing a district.

If approved by the City Council, landowning neighbors seeking an IWDD will complete a special taxation impact statement and submit this document to the Maricopa County Board of Supervisors. The Board of Supervisors, along with Salt River Project (SRP), will decide if a petition to organize an IWDD may be circulated. See **Attachment A** for the Consent from SRP to the Board of Supervisors.

This request has been reviewed by the Street Transportation and Water Services departments.

Financial Impact

This action has no financial impact to the City of Phoenix.

Public Outreach

On July 21, 2020, the City received a formal written request from City of Phoenix resident Chuck Pence, representative for the Janet Rose neighborhood, to pursue City Council approval to form an IWDD with Maricopa County (**Attachment B**).

Location

The proposed IWDD includes the single-family residential properties bounded by Berridge Lane to the south, Rose Lane to the north, 12th Street to the west and 16th Street to the east.

Council District: 6

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Karen Peters, and the Street Transportation and Water Services departments.

Attachment A – Consent from SRP to Board of Supervisors and Map

EXHIBIT "C".

BEFORE THE BOARD OF SUPERVISORS OF MARICOPA COUNTY

In the Matter of the Application and)	CONSENT OF SALT RIVER PROJECT
Petition for the Formation of an Irrigation)	AGRICULTURAL IMPROVEMENT
Water Delivery District to be known as:)	AND POWER DISTRICT AND SALT
Janet Rose Irrigation Water)	RIVER VALLEY WATER USERS'
Delivery District of Maricopa County)	ASSOCIATION, COLLECTIVELY
	REFERRED TO AS SRP.

TO: THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,
STATE OF ARIZONA

Erica Trapp, being first duly sworn upon her oath, deposes and says:

That she is the Director of Water Delivery Services of the SRP.

That the lands to be included within the Janet Rose Irrigation Water Delivery District are within the Salt River Project Agricultural Improvement and Power District and the Salt River Valley Water Users' Association.

That the Board of Directors of the Salt River Project Agricultural Improvement and Power District and the Board of Governors of the Salt River Valley Water Users' Association consent to the formation of said Irrigation Water Delivery District and said action was duly authorized by resolutions dated March 5, 2001.

That she has read this Consent and knows the content thereof and that the matters and things contained herein are true and correct to the best of her own knowledge, information, and belief.

Erica Trapp

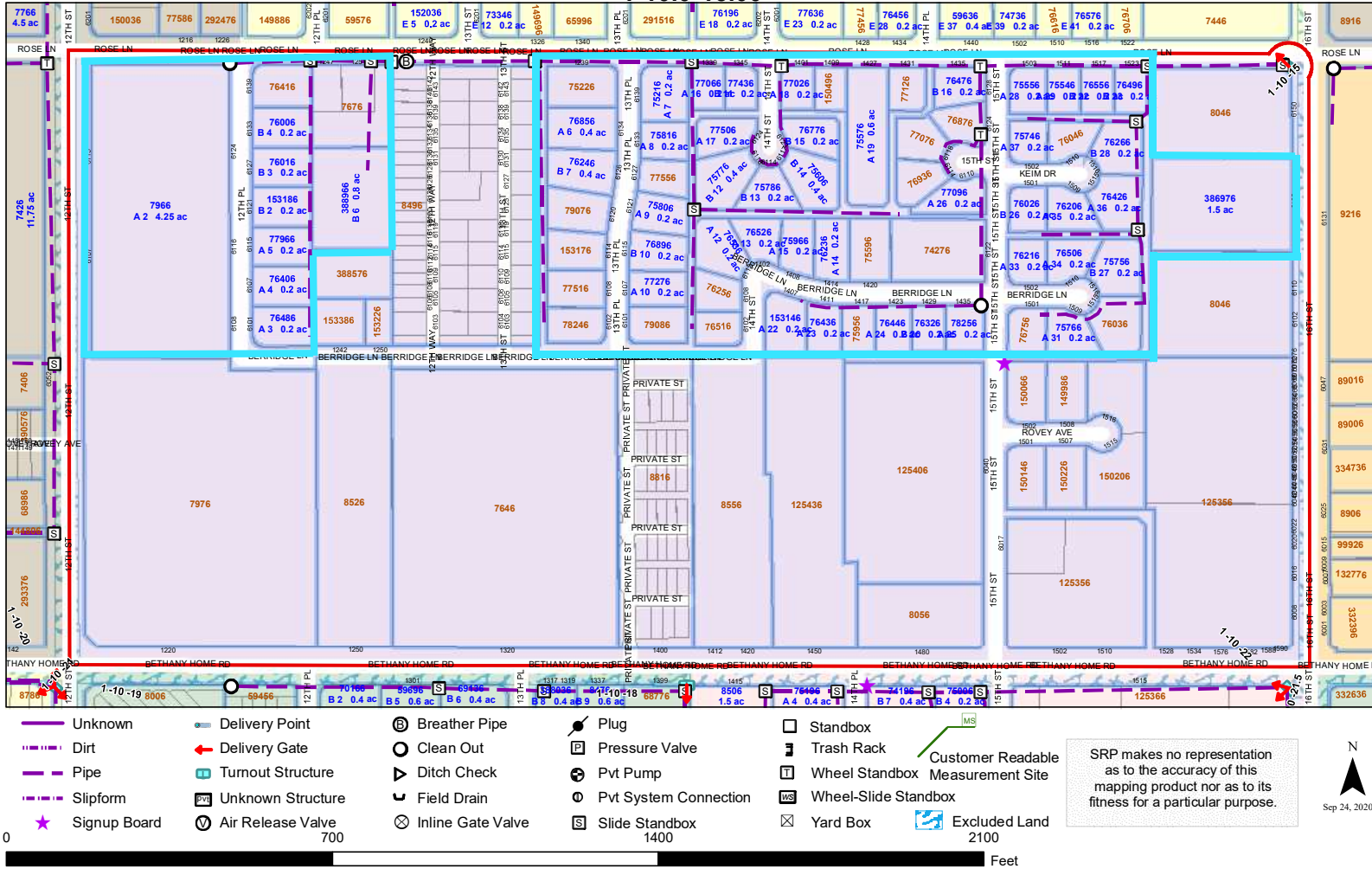
SUBSCRIBED AND SWORN TO before me this 13th day of May, 2021

My commission expires March 2, 2022

Stephanie Jo-Ann Berry
Notary Public



1-10.0-15.00



Attachment B - Request Letter and Map Submitted by Janet Rose

To: City of Phoenix
CC: Salt River Project
Tuesday, July 21, 2020

From: Chuck Pence
RE: Request for Formation of Irrigation Water Delivery District

Dear City of Phoenix

We as a neighborhood Janet Rose, are requesting consent to form an Irrigation Water Delivery District (IWDD) from the City of Phoenix. The purpose of an IWDD is to create an equitable distribution of costs associated with the use and maintenance of the private neighborhood irrigation system. This is accomplished using an annual Maricopa County property assessment. We are asking the City of Phoenix to pass this request of resolution, authorizing the formation of Janet Rose IWDD .

Enclosed you will find Salt River Projects approval along with maps of the proposed district and the homeowner list. I will be the representative for the proposed IWDD. Once we receive approval from the City of Phoenix, an Impact Statement to form will be sent to the Maricopa County Board of Supervisors to move the process forward. We appreciate your attention to this request. For questions please contact me at the number below.

Sincerely,

Chuck Pence



Salt River Project Construction Services Contract for Relief Sewer Project: Van Buren and 52nd Streets - WS90500295 (Ordinance S-47943)

Request to authorize the City Manager, or his designee, to enter into a Construction Services Contract with Salt River Project to temporarily disconnect facilities and provide construction access to the City for installation of a new sewer line. Further request to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. Additionally, request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed \$14,179.40.

Summary

The City is constructing a new sewer line on Van Buren Street from 52nd Street to Galvin Parkway and construction activity will be taking place in close proximity to existing streetlights. For safety purposes, Salt River Project (SRP) will temporarily disconnect overhead streetlights and provide temporary lighting for the duration of the disconnect. The total cost of work for the Construction Services Contract is \$14,179.40. This work is in conjunction with City Project WS90500295 Relief Sewer Project; Van Buren and 52nd streets.

Contract Term

The term of the contract will begin late August 2021 and will expire when the streetlights are reinstalled and reenergized.

Financial Impact

Funding in the amount of \$14,179.40 is available in the Water Services Department Capital Improvement Program budget.

Location

Van Buren Street: 52nd Street to Galvin Parkway.
Council District: 6

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Karen Peters, and the Street Transportation and Water Services departments.



Request to Enter into Development Agreement with Chamberlain Development, L.L.C. to Construct New Sanitary Sewer Line (Ordinance S-47946)

Request to authorize the City Manager, or his designee, to enter into a Development Agreement with Chamberlain Development, L.L.C. for the design and construction of a new sanitary sewer line. Further request to authorize the City Controller to disburse all funds related to this item. The total agreement value will not exceed \$410,000.

Summary

Chamberlain Development, L.L.C. is proposing to develop the northeast corner of 59th Avenue and Lower Buckeye Road. The development was stipulated to extend a public sewer main from approximately 500 feet south of the intersection to the north side of Lower Buckeye Road.

The Development Agreement will provide for Chamberlain Development, L.L.C. to fund, design and construct the new sanitary sewer main extension. The new sanitary sewer main is estimated to cost between \$369,000 to \$410,000 and is eligible for impact fee reimbursement. Upon completion of the project and the City's acceptance, the City will reimburse Chamberlain Development, L.L.C. for the actual design and construction costs, but not to exceed \$410,000. To successfully receive reimbursement, Chamberlain Development, L.L.C. agrees to select an engineer and a contractor in compliance with the Arizona Revised Statute Title 34 requirements. This public sewer line is a part of the regional wastewater infrastructure planned in the 2020 Infrastructure Improvement Plan by the Water Services Department, and this agreement will accelerate construction of the project.

Contract Term

The agreement term will not exceed a five-year period.

Financial Impact

The City will reimburse the actual sanitary sewer line improvement cost, but not to exceed \$410,000.

Funding for this project is available in the Water Services Department's Impact Fee Fund budget.

Location

Intersection of 59th Avenue and Lower Buckeye Road

Council District: 7

Responsible Department

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



City of Phoenix and Salt River Project Cost Sharing Agreement to Develop Watershed Erosion Model and Simulation for Munds Draw Watershed (Ordinance S-47959)

Request to authorize the City Manager, or his designee, to enter into a cost sharing agreement with the Salt River Valley Water Users' Association and the Salt River Project Agricultural Improvement and Power District to share the costs to develop a Watershed Erosion Model and simulate results using the model for the Munds Draw Watershed to project the effectiveness and benefits of potential erosion control measures to address dam sedimentation. Further request to authorize the City Controller to disburse all funds related to this item. The total cost of this agreement will not exceed \$23,760.

Summary

Salt River Project Agricultural Improvement and Power District (SRP) has constructed two dams on the Verde River, known as Bartlett Dam and Horseshoe Dam, which are operated and used by SRP to provide, develop, and distribute the supply of water conserved by the dams to its members. The City, through a series of agreements with SRP and the federal government, funded construction of gates and other facilities in the spillway at Horseshoe Dam which allowed the City to obtain its own distinct storage rights behind Horseshoe Dam. The agreements among SRP, the City and the federal government recognize that sedimentation behind the dams would result in loss of water storage capacity, negatively impacting all. Thus, both SRP and the City have an interest in minimizing erosion in the Verde River Basin that causes sedimentation behind the dams.

Munds Draw Watershed (MDW) is in the Upper Verde River Basin. Recent studies of the MDW classify it as Functioning at Risk, and a goal has been established to move it to Proper Functioning within a six-year time frame. To achieve this objective, the City and SRP wish to share the costs to develop a Watershed Erosion Model (WEM) that can assist in projecting the effectiveness and benefits of potential erosion control measures.

The total cost estimate for the WEM Development and Simulation is approximately \$90,000, plus a 10 percent contingency, for a total of \$99,000. The City's share of the

costs will be proportional to the City's reduced storage capacity behind Horseshoe Dam due to silt sedimentation, as specified by the agreement between the Salt River Valley Water Users' Association and the City of Phoenix dated Nov. 22, 1946. That proportion is 24 percent.

Contract Term

The agreement will terminate once the WEM Development and Simulation has been completed, or until total costs meet \$99,000, whichever occurs first.

Financial Impact

The value of the City's share of the agreement will not exceed \$23,760.

Funding for this agreement is available in the Water Services Department's Capital Improvement Program budget.

Location

Munds Draw Watershed
Council District: Out of City

Responsible Department

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



Final Plat - Norterra PUD Parcel 19 - PLAT 210021 - North of Happy Valley Road and East of Norterra Parkway

Plat: 210021
Project: 15-3108
Name of Plat: Norterra PUD Parcel 19
Owner: US Relp Norterra East I, LLC
Engineer: Thomas R. Gettings, RLS
Request: A 59 Lot Subdivision Residential Plat
Reviewed by Staff: Aug. 13, 2021
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

Location

Generally located north of Happy Valley Road and east of Norterra Parkway.
Council District: 1

Responsible Department

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



Final Plat - Cabana Happy Valley - PLAT 210047 - East of 19th Avenue and South of Happy Valley Road

Plat: 210047
Project: 20-1746
Name of Plat: Cabana Happy Valley
Owner: Cabana Happy Valley, LLC
Engineer: Jason A Segneri, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Aug. 16, 2021
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

Location

Generally located east of 19th Avenue and south of Happy Valley Road.
Council District: 1

Responsible Department

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



Final Plat - 11th Ave & Coolidge St - PLAT 210057 - 11th Avenue and Coolidge Street

Plat: 210057
Project: 18-1824
Name of Plat: 11th Ave & Coolidge St
Owner: 777 W. Coolidge, LLC
Engineer: Paul M. Miller, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Aug. 16, 2021
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

Location

Generally located at 11th Avenue and Coolidge Street.
Council District: 4

Responsible Department

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



Report

Agenda Date: 9/15/2021, Item No. 58

Final Plat - Fraternity Homes - PLAT 190007 - Southwest Corner of 29th Avenue and Augusta Avenue

Plat: 190007
Project: 18-728
Name of Plat: Fraternity Homes
Owner(s): Don and Lina Bui
Engineer: Stephen Shearrow, RLS
Request: A 10 Lot Residential Plat
Reviewed by Staff: Aug. 6, 2021
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

Location

Generally located at the southwest corner of 29th Avenue and Augusta Avenue.
Council District: 5

Responsible Department

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



Final Plat - Earll 18 Homes - PLAT 210027 - Southwest Corner of 37th Street and Earll Drive

Plat: 210027
Project: 19-4054
Name of Plat: Earll 18 Homes
Owner: Russell P. Black, P.L.L.C.
Engineer: USA Infrastructure, LLC
Request: An 18 Lot Residential Plat
Reviewed by Staff: Aug. 16, 2021
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

Location

Generally located at the southwest corner of 37th Street and Earll Drive.
Council District: 8

Responsible Department

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



Abandonment of Right-of-Way Easement - ABND 210020 - 4430 North Arcadia Lane (Resolution 21958)

Abandonment: ABND 210020

Project: 00-1490

Applicant: James Bell

Request: To abandon the 22-foot wide right-of-way easement along the north side of 4430 North Arcadia Lane, APN 172-30-001B.

Date of Decision/Hearing: July 8, 2021

Financial Impact

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

Location

4430 North Arcadia Lane

Council District: 6

Responsible Department

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



Modification of Stipulation Request for Ratification of Aug. 18, 2021 Planning Hearing Officer Action - PHO-2-21--Z-63-05-8 - Approximately 820 Feet East of the Northeast Corner of 24th Street and Baseline Road

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021. This ratification requires formal action only.

Summary

Application: PHO-2-21--Z-63-05-8

Existing Zoning: C-1 BAOD

Acreage: 4.17

Applicant: Cassandra Ayres, Beus Gilbert McGroder

Owner: Vahik Sahakian

Representative: Paul Gilbert, Beus Gilbert McGroder

Proposal:

1. Modification of Stipulation 1 regarding general conformance to the site plan and elevations date stamped Feb. 19, 2016.
2. Deletion of Stipulation 2 regarding maximum one access point on 25th Street.
3. Deletion of Stipulation 3 regarding cross access to the commercial site to the west.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this case on July 13, 2021 and recommended denial as filed and approval with modifications, by a 10-2-1 vote.

Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Aug. 18, 2021, and recommended approval with a modification and additional stipulation. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location

Approximately 820 feet east of the northeast corner of 24th Street and Baseline Road

Council District: 8
Parcel Address: N/A

Responsible Department

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

Attachment A- Stipulations- PHO-2-21--Z-63-05-8

Location: Approximately 820 feet east of the northeast corner of 24th Street and Baseline Road

Stipulations:

1. ~~That the subject property shall be developed~~ THE DEVELOPMENT SHALL BE in general conformance to WITH the site plan and elevations date stamped MAY 26, 2021 ~~February 19, 2016~~, as modified by the following stipulations and as approved by the Planning and Development Department.
2. ~~That the subject property be developed with only one access on 25th Street as approved by the Planning and Development Department.~~
3. ~~That the developer provide one point of cross access from the subject property to the commercial site located to the west of the site, as approved by the Planning and Development Department.~~
2. DRIVE-THROUGHS SHALL BE SCREENED FROM VIEW OF PUBLIC RIGHTS-OF-WAY AND RESIDENTIAL USES WITH A LANDSCAPED BERM OR A COMBINATION OF A WALL AND LANDSCAPED BERM AT LEAST FOUR FEET IN HEIGHT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. ~~That~~ Prior to site plan approval, the property owner shall record documentation
4. that discloses to purchasers of property within the development the existence and operational characteristics of Sky Harbor International Airport. The form and content of such documents shall be reviewed and approved by the City Attorney.
4. ~~That~~ The developer SHALL provide a 10-foot wide multi-use trail with a 30-foot
5. trail easement along the north side of Baseline Road, as approved by the Planning and Development Department.
5. ~~That~~ Right-of-way totaling 60-feet and a 20-foot sidewalk/trail easement shall be
6. dedicated for the north half of Baseline Road, as approved by the Planning and Development Department.
6. ~~That~~ A 21-foot by 21-foot right-of-way triangle shall be dedicated at the northwest
7. corner of 24th Street and Baseline Road, as approved by the Planning and Development Department.
7. ~~That~~ The developer shall construct all streets adjacent to the development with
8. paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals as per plans approved or modified by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
8. ~~That~~ All perimeter walls shall consist of 3-foot block and 3-foot wrought iron, as
9. approved or modified by the Planning and Development Department.

9. Prior to preliminary site plan approval, the landowner shall execute a Proposition
- ~~10.~~ 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.

DRAFT



Agenda Date: 9/15/2021, Item No. 62

Amend City Code - Ordinance Adoption - Rezoning Application PHO-2-21--Z-105-07-1 - Approximately 300 Feet South of the Southeast Corner of 43rd Avenue and Old West Trail (Ordinance G-6892)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary

Application: PHO-2-21--Z-105-07-1

Existing Zoning: C-2

Acreage: 16.91

Applicant: Ed Bull, Burch & Cracchiolo, P.A.

Owner: Desert Hill Unlimited LLC

Representative: Ed Bull, Burch & Cracchiolo, P.A.

Proposal:

1. Modification of Stipulation 1 regarding PHO approval of site plans and elevations.
2. Modification of Stipulation 3 regarding street improvements.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Rio Vista Village Planning Committee heard this case on Aug. 10, 2021 and recommended approval, by a vote of 4-2-1.

PHO Action: The Planning Hearing Officer heard this case on Aug. 18, 2021 and recommended approval with a modification and an additional stipulation. See

Attachment A for the full list of Planning Hearing Officer recommended stipulations.

Location

Approximately 300 feet south of the southeast corner of 43rd Avenue and Old West Trail

Council District: 1

Parcel Address: N/A

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-105-07-1 PREVIOUSLY APPROVED BY
ORDINANCE G-6238.

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

SECTION 1. The zoning stipulations applicable located approximately
300 feet south of the southeast corner of 43rd Avenue and Old West Trail in a
portion of Section 10, Township 6 North, Range 2 East, as described more
specifically in Attachment “A”, are hereby modified to read as set forth below.

STIPULATIONS:

1. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE
SITE PLAN DATE STAMPED AUGUST 13, 2021 AND ELEVATIONS DATE
STAMPED JUNE 4, 2021, AS MODIFIED BY THE FOLLOWING
STIPULATIONS AND AS APPROVED OR MODIFIED BY THE PLANNING
AND DEVELOPMENT DEPARTMENT.

~~That conceptual site plan(s) and elevations for each phase shall be approved by
the Planning Hearing Officer through the public hearing process prior to
Planning and Development Department preliminary site plan approval. The site
plan and elevation submitted for the Phase I (Goodwill store) shall be in general
conformance to site plan and elevations date stamped October 19, 2016. This
review is for conceptual purposes only. Specific development standards and
requirements will be determined by the Planning and Development Department.
The site plan(s) and elevations shall include the following:~~

- a. ~~Elevations which provide architectural consistency in building mass and style, wall treatments, lighting and signage.~~
 - b. ~~Building and wall colors shall be muted and blend rather than contrast strongly with the surrounding desert environment. Reflective materials shall not be used. Accent colors may be appropriate but shall be used judiciously and with restraint.~~
 - c. ~~Drive thru facilities shall be oriented so that drive thru windows are not visible from adjacent public streets.~~
 - d. ~~Landscaping, arcades or overhangs which provide shaded walkways shall be utilized.~~
 - e. ~~Special consideration shall be given to site design in the event residential uses are proposed to adequately mitigate the impacts of the proximity to Interstate 17, such as innovative site design, increased setbacks, sound barriers, and increased landscaping.~~
 - f. ~~An architectural plan shall be approved with the elevations for each phase. The architectural plan shall convey a sense of continuity throughout the development and at a minimum include the following:~~
 - i) ~~Stone detail of rock, stone veneer, stonework or faux stone shall be incorporated into the design of building elevations.~~
 - ii) ~~Architectural detailing such as recesses, pop outs, shade walls, parapets, artistic insets, or pilasters.~~
 - iii) ~~Street appurtenances such as benches, seat walls, ramadas, shade structures, trash enclosures, lighting and wayfinding signage shall be provided for subsequent phases of this development.~~
 - iv) ~~Detail sections for screening and perimeter walls as well as walls interior to the site, said walls shall be designed and finished with materials similar to those of the building's architectural detailing.~~
2. That 55 feet of right-of-way shall be dedicated for the east half of 43rd Avenue as approved by the Planning and Development Department.
3. That The developer shall construct all drive aisles within and the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals in a phased manner as per plans approved or modified by the Street Transportation and Planning and Development Departments. Street improvements along 43rd Avenue, except for the required driveway entrance and required temporary roadway tapers, may occur at any time, but are not required until such time the portion of the property adjacent to 43rd Avenue is developed for end users.

4. THE DEVELOPER SHALL SUBMIT A TRIP GENERATION STATEMENT TO THE STREET TRANSPORTATION DEPARTMENT TO DETERMINE THE PROPORTIONATE ESCROW FUNDING FOR MODIFICATIONS OF THE TRAFFIC SIGNAL AT 43RD AVE AND ANTHEM WAY.
5. The applicant shall submit a Traffic Impact Study to the Street Transportation
4. Department and the Planning and Development Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by the Planning and Development Department and the Street Transportation Department.
6. The applicant shall complete and submit the Developer Project Information
5. Form for the MAG Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.

ARCHAEOLOGY

7. ~~That~~ The developer shall submit an archaeological survey report of the
6. development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval. Further archaeological monitoring and/or testing (trenching) may be necessary based on the results of the survey.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6238, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6238 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 15th day of September, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Ed Zuercher City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-2-21-- Z-105-07-1

A portion of the southwest quarter of Section 10, Township 6 North, Range 2 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; more particularly described as:

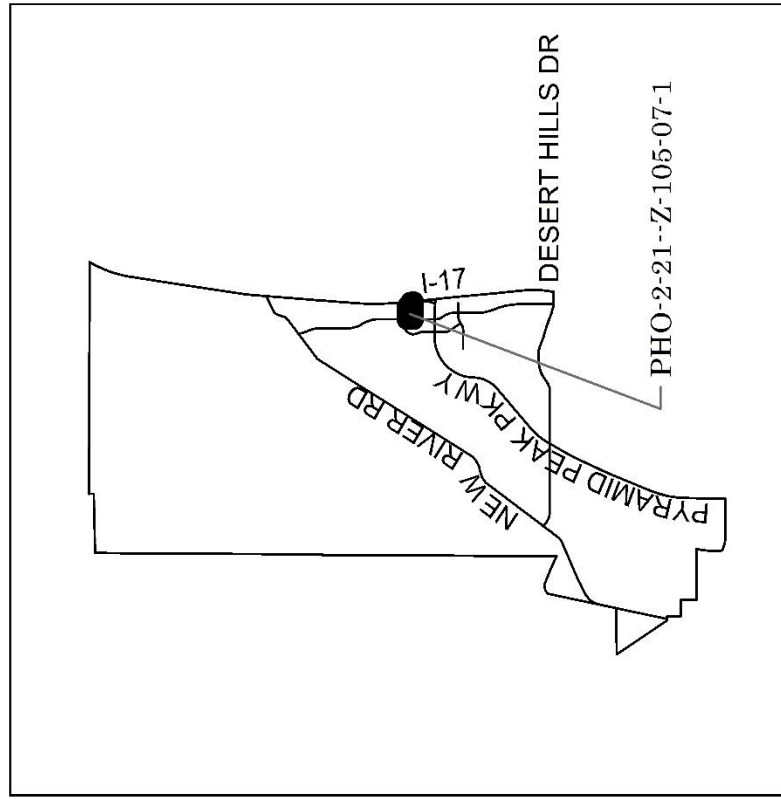
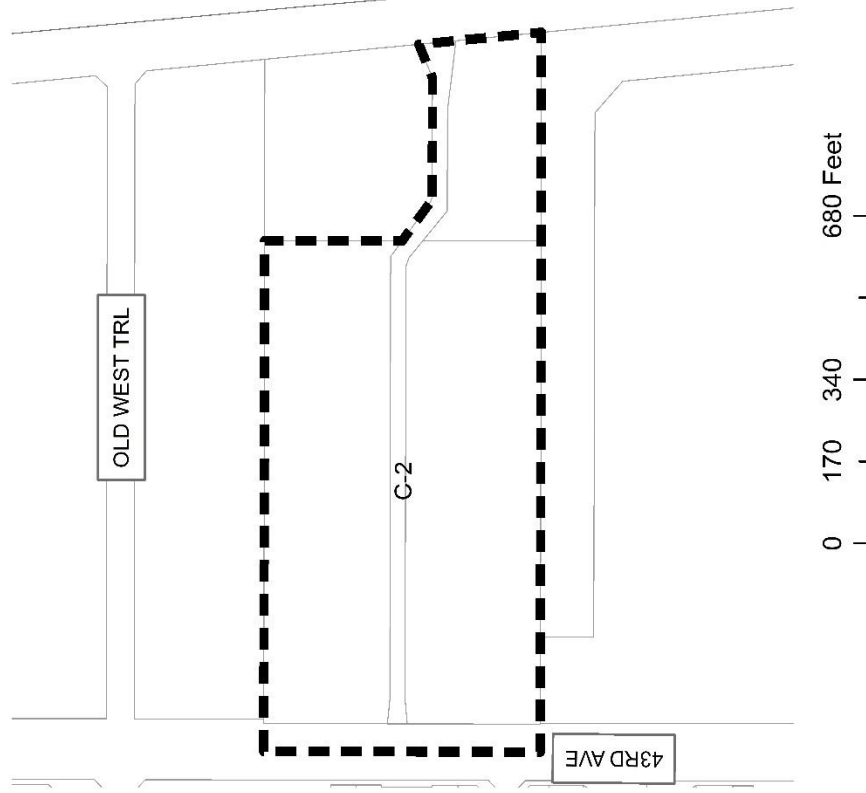
Lots 2, 3, 4 and Tract A, of DESERT HILLS ANTHEM ADDITION, according to the plat recorded in Book 1341 of Maps, Page 1, records of Maricopa County, Arizona; EXCEPT all coal and other minerals as reserved in the Patent to said land recorded in Docket 1714, Page 432, records of Maricopa County, Arizona.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: PHO-2-21--Z-105-07-1
Zoning Overlay: N/A
Planning Village: Rio Vista

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■



NOT TO SCALE



Drawn Date: 8/20/2021



Amend City Code - Ordinance Adoption - Rezoning Application PHO-2-21--Z-59-08-3 - Northeast Corner of 19th Avenue and Cactus Road (Ordinance G-6893)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary

Application: PHO-2-21--Z-59-08-3

Existing Zoning: C-2 HGT/WVR DNS/WVR

Acreage: 8.76

Applicant: Phoenix Rehab Campuses

Owner: Palombo-Bell LLC

Representative: Ryan Mahar P.E.

Proposal:

1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped July 2, 2010.
2. Deletion of Stipulation 1.b regarding multifamily unit density.
3. Modification of Stipulation 3 regarding maximum height of assisted living and independent living facilities.
4. Technical corrections to Stipulations 2.a, 2.b, 4, 5 and 7.a.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee opted not to hear this request.

PHO Action: The Planning Hearing Officer heard this case on Aug. 18, 2021 and recommended denial as filed and approval with a modification and additional stipulations. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location

Northeast corner of 19th Avenue and Cactus Road

Council District: 3

Parcel Address: 12425 N. 19th Ave.

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-59-08-3 PREVIOUSLY APPROVED BY
ORDINANCE G-5548.

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

SECTION 1. The zoning stipulations applicable located at the
northeast corner of 19th Avenue and Cactus Road in a portion of Section 13,
Township 3 North, Range 2 East, as described more specifically in Attachment "A",
are hereby modified to read as set forth below.

STIPULATIONS:

1. ~~That~~ The C-2 portion of the development shall be in general conformance to
WITH the site plan date stamped AUGUST 13, 2021 ~~July 2, 2010~~, as
approved by the Planning and Development ~~Services~~ Department, AND with
specific regard to:
 - a. Pedestrian linkages between buildings on site, to the adjacent
commercial property, and to the transit stop on 19th Avenue.
 - b. The number of multifamily units shall not exceed 26 dwelling units per
acre.
2. ~~That~~ All structures on the C-2 and R1-10 portions of the site shall have
buildings which:

- a. Possess a color palette similar to the adjacent hillside area of Shaw Butte, as approved by the Planning and Development ~~Services~~ Department.
 - b. Have materials and finishes similar of the adjacent hillside area of Shaw Butte, as approved by the Planning and Development ~~Services~~ Department.
3. ~~That~~ The maximum height of the assisted living and independent living facilities in the C-2 portion of the site shall not exceed 3 stories, 40 feet, as approved by the Planning and Development ~~Services~~ Department.
4. ~~That~~ Any exposed cut slopes, retaining walls or disturbance of the hillside area shall be stained or treated to blend with the surrounding natural desert, as may be approved by the Planning and Development ~~Services~~ Department.
5. ~~That~~ Disturbed areas of the site shall be revegetated with plant materials similar to the plant palette of the surrounding area, as approved by the Planning and Development ~~Services~~ Department.
6. ~~That~~ The two billboards on the site shall be removed prior to the issuance of building permits.
7. Streets
 - a. ~~That~~ Unless an abandonment is granted for the south portion of Cactus Road, right-of-way totaling 30 feet shall be dedicated for the north half of Cactus Road to match the south half (cul-de-sac), as approved or modified by the Planning and Development ~~Services~~ Department.
 - b. ~~That~~ Right-of-way totaling 65 feet shall be dedicated for the east half of 19th Avenue.
 - c. IF ACCESS IS PROPOSED TO CACTUS ROAD, THE DEVELOPER SHALL SUBMIT A TRAFFIC SIGNAL MODIFICATION FOR THE INTERSECTION OF 19TH AVENUE AND CACTUS ROAD AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INTERSECTION (STREET TYPE ACCESS), ADA, AND TRAFFIC SIGNAL MODIFICATIONS NEEDED TO ACTIVATE THE EAST SIDE OF THE INTERSECTION, AS APPROVED OR MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT.
 - d. ~~That~~ The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the City. Any existing improvements that do not comply with ADA accessibility standards shall be replaced.
 - e.

8. ~~That~~ If any archaeological materials are encountered during construction, all ground disturbing activity shall cease within 10 meters of the discovery and the City Archaeology Office shall be notified and allowed time to properly assess the materials.
9. 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.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5548, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5548 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 15th day of September, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Ed Zuercher City Manager

Exhibits:
A - Legal Description (1 Page)
B - Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-2-21-- Z-59-08-3

The land referred to herein below is situated in the county of Maricopa, State of Arizona, and is described as follows.

A portion of the southeast quarter of section 13, township 3 north, range 2 east and GLO Lot 4 of section 18, township 3 north, range 3 east of the Gila and Salt River Base and Meridian. Maricopa County, Arizona, Described as follows.

Beginning at a found City of Phoenix brass cap in hand hole at the southwest corner of said section 18 from which a found 1" iron pipe at the northwest corner of said GLO Lot 4 bears N 00° 01' 00" E, a distance of 1,322.93 feet.

Thence along the west line of said GLO Lot 4, said line also being the centerline of 19th avenue, N 00° 01' 00" E, a distance of 373.09 feet to the beginning of line 'A' as described in recording no. 85-452741, Records of Maricopa County, Arizona and to the beginning of a curve;

Thence leaving said west line, continuing along said centerline and long said line 'A', Northwesterly along said curve, having a radius of 954.93 feet, concave southwesterly, through a central angle of 20° 08' 53", a distance of 335.8 feet, to the curves end;

Thence N 20° 06' 58" W, A distance of 315.28 feet;

Thence leaving said centerline and said line 'A', N 74° 11' 56" E, a distance of 162.97 feet.

Thence S 81° 24' 34" E, A distance of 116.38 feet;

Thence S 38° 01' 34" E, A distance of 393.84 feet;

Thence S 07° 03' 46" E, A distance of 234.68 feet;

Thence S 16° 18' 43" E, A distance of 99.44 feet;

Thence S 00° 09' 45" W, A distance of 385.39 feet, to a south line of said GLO Lot 4.

Thence along said south line, S 89° 50' 35" W, A distance of 403.53 feet to the point of beginning.

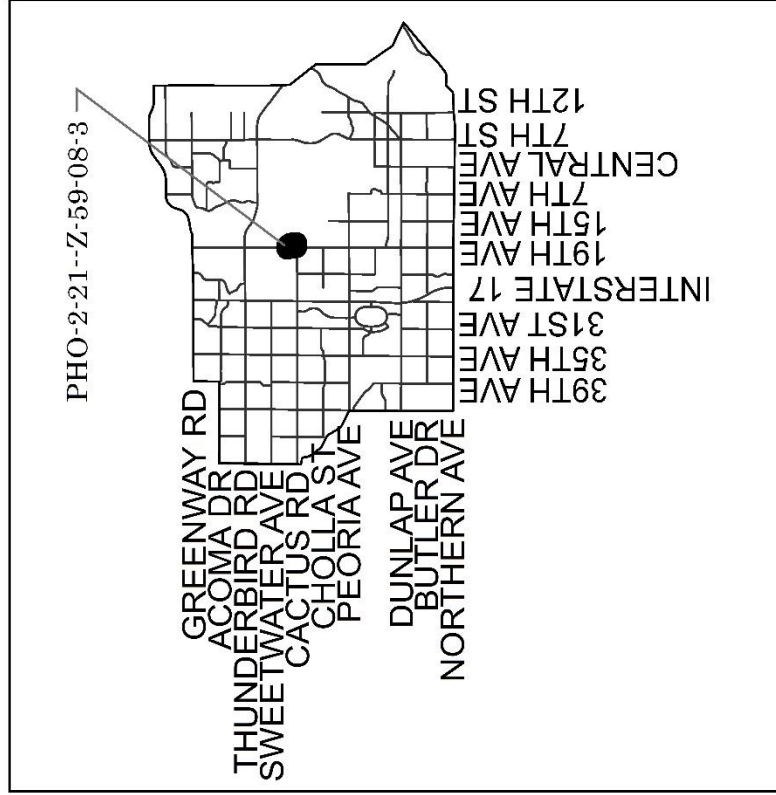
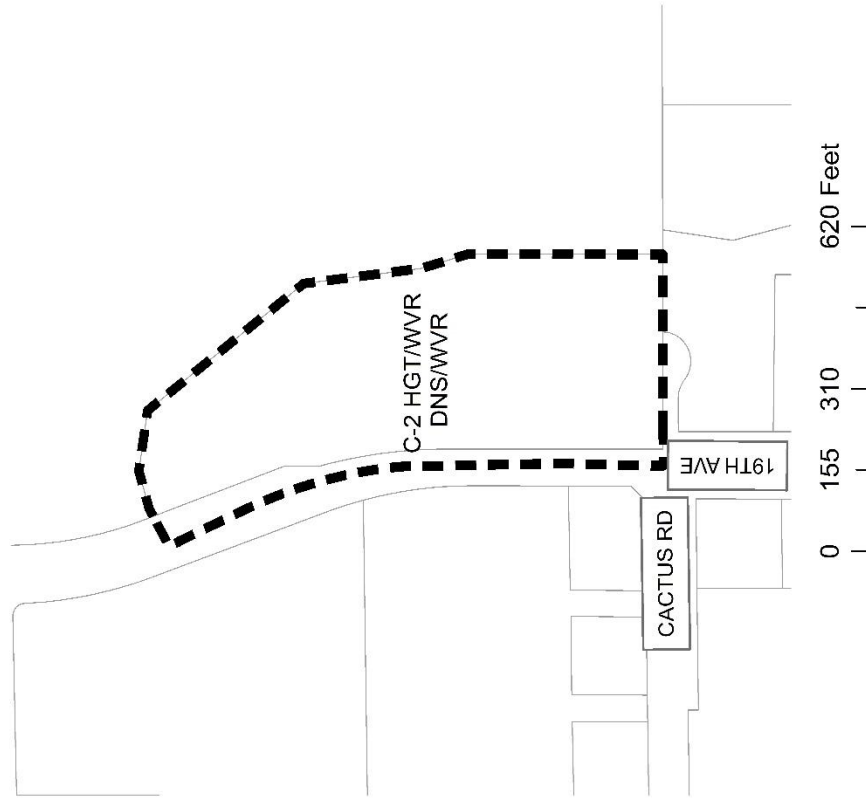
Excepting therefrom any portion of the above described land lying within 19th avenue, as set forth in deed recorded in docket 13153, page 1263, a map recorded in book 8 of road maps, page 3 and pursuant to an amended final order of condemnation in recording no 85-452741, records of Maricopa County, Arizona.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: PHO-2-21--Z-59-08-3
 Zoning Overlay: N/A
 Planning Village: North Mountain

ZONING SUBJECT TO STIPULATIONS: *
 SUBJECT AREA: - - - - -



NOT TO SCALE



Drawn Date: 8/20/2021



Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-8-20-5 - Approximately 220 Feet North of the Northeast Corner of 23rd Avenue and West Royal Palm Road (Ordinance G-6895)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary

Application: PHO-1-21--Z-8-20-5

Existing Zoning: R-3A

Acreage: 3.24

Applicant: Kenneth Losch

Owner: Matthew R. Luxenberg Family Trust

Representative: Kenneth Losch

Proposal:

1. Modification of Stipulation 1.b regarding pedestrian pathways for units on 23rd Avenue.
2. Deletion of Stipulation 1.c.i regarding front porches.
3. Deletion of Stipulation 1.c.ii regarding patios.
4. Deletion of Stipulation 3 regarding a detached sidewalk along 23rd Avenue.
5. Modification of Stipulation 3.a regarding trees along 23rd Avenue.
6. Modification of Stipulation 3.b regarding sidewalk tree shading.
7. Modification of Stipulation 4.i regarding lighting on a pedestrian thoroughfare.
8. Deletion of Stipulation 4.iii regarding landscaping along a pedestrian thoroughfare.
9. Deletion of Stipulation 6.a requiring a minimum 10 percent planting in the surface parking area.
10. Deletion of Stipulation 6.d regarding landscape planters.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee opted not to hear this request.

PHO Action: The Planning Hearing Officer heard this case on Aug. 18 , 2021 and

recommended denial as filed and approval with modifications. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location

Approximately 220 feet north of the northeast corner of 23rd Avenue and West Royal Palm Road

Council District: 5

Parcel Address: 8125 N. 23rd Ave.

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-8-20-5 PREVIOUSLY APPROVED BY
ORDINANCE G-6725.

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

SECTION 1. The zoning stipulations applicable located approximately
220 feet north of the northeast corner of 23rd Avenue and West Royal Palm Road in a
portion of Section 36, Township 3 North, Range 2 East, as described more specifically
in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. For any subsequent phases of development beyond the adaptive reuse
of the building depicted on the site plan date stamped March 27, 2020, the
following stipulations shall apply, as approved or modified by the Planning and
Development Department:
 - a. The stipulations contained in Stipulation Nos. 2 through 15 shall also
apply to any subsequent phases of development.
 - b. CLEARLY DEFINED, ACCESSIBLE PEDESTRIAN PATHWAYS SHALL
BE PROVIDED TO CONNECT BUILDING ENTRANCES, SITE
AMENITIES, AND PUBLIC SIDEWALKS, USING THE MOST DIRECT
ROUTE FOR PEDESTRIANS, AS APPROVED OR MODIFIED BY THE
PLANNING AND DEVELOPMENT DEPARTMENT.

~~All units adjacent to 23rd Avenue shall have an individual pedestrian entrance oriented to the public street and be connected to the public sidewalk by a direct pedestrian pathway.~~

- ~~c. All units adjacent to 23rd Avenue shall have a porch or patio, described as follows and as approved by the Planning and Development Department:~~
 - ~~i. Porches shall have a minimum dimension of six feet in depth by a width of no less than 50 percent of the total unit; be oriented to the public right-of-way; have a unit entrance; and have a direct pedestrian connection to the public sidewalk.~~
 - ~~ii. Patios shall have a minimum dimension of eight feet in depth by a width and a minimum size of 64 square feet; be enclosed on each side by a low wall or fence not to exceed 36 inches in height; be oriented to the public right-of-way; have a unit entrance; and have a direct pedestrian connection to the public sidewalk.~~
- ~~c. All garage doors shall be screened by buildings from the exterior of the~~
~~d. site and have decorative embellishments such as window panels, color and added materials for the pillars surrounding the door.~~
- 2. All elevations of the buildings shall contain architectural embellishments and detailing, such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies.
- 3. ~~The public sidewalk along 23rd Avenue shall be detached with a minimum 5-foot-wide landscape area located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.~~
 - ~~a. Large canopy, single-trunk shade trees shall be placed 25 feet on center or in equivalent groupings. Twenty-five percent of the required trees shall be a minimum 4-inch caliper and 75 percent shall be a minimum 3-inch caliper.~~
 - ~~b. At tree maturity, the trees shall shade the sidewalk to a minimum 75 percent.~~
 - ~~c. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.~~
- 3. The developer shall provide a pedestrian thoroughfare between the public
- 4. sidewalk, and the required amenities contained in the first phase, as described below and as approved by the Planning and Development Department.

- i. A bollard light path, ~~or~~ lighted art feature, AND/OR A SHADE CANOPY WITH LIGHTING SHALL BE PROVIDED ALONG ~~to accentuate the entrance of the pedestrian thoroughfare from the intersection with the public sidewalk.~~
- ii. The pedestrian thoroughfare shall be shaded to a minimum 75 percent by shade trees, vegetative trellis, and/or architectural shade. Trees shall be a minimum 2-inch caliper.
- ~~iii.~~ ~~A minimum 5-foot wide landscape area shall be provided along both sides of the pedestrian thoroughfare. In areas where the pedestrian thoroughfare passes between buildings, the landscape area may be reduced to 3 feet in width (or 6 feet on one side only).~~
- iii. A maximum of two drive aisle crossings shall be permitted and where ~~iv.~~ crossings occur, the pathway shall be constructed to visually contrast with the parking and drive aisle surfaces.
- 4. Surface parking shall be set back a minimum of 30-feet or screened 100 ~~5.~~ percent by buildings from 23rd Avenue, as approved by the Planning and Development Department.
- 5. Surface parking areas shall include the below, as approved by the Planning and ~~6.~~ Development Department.
 - a. A minimum 10 percent of the total surface parking and vehicular circulation area shall be vegetated.
 - b. Landscape planters located at the end of each row of parking and approximately every 100 linear feet.
 - c. Landscape planters shall be a minimum width of eight feet and a minimum 120 square feet for a single row of parking, and a minimum 240 square feet for a double row of parking.
 - d. Landscape planters shall be planted with minimum five-gallon drought tolerant shrubs to achieve 75 percent ground cover. If trees are to be included, they shall be minimum 2-inch caliper shade trees.
- ~~6.~~ No solid perimeter wall greater than 36 inches in height, situated between the plane of the buildings and the 23rd Avenue right of way, shall be permitted.
- 7. There shall be an average landscape setback of 25 feet measured from the ~~8.~~ east property line with the minimum setback being 5 feet. The landscape setback shall be planted with shade trees placed 20 feet on center or in equivalent groupings with 25 percent of the trees being a minimum 4-inch caliper and 75 percent being a minimum 3-inch caliper, as approved by the Planning and Development Department.

8. The developer shall incorporate bicycle infrastructure as described below and
~~9.~~ as approved by the Planning and Development Department.
 - a. A bicycle repair station ("fix it station") shall be provided and be maintained near the southern-most vehicular access in an area of high visibility, convenient pedestrian access, and available from the public sidewalk.
 - b. "Secure/Covered Facilities" and/or "Outdoor/Covered Facilities" shall be provided for residents at a rate of 0.25 spaces per dwelling unit, up to a maximum of 50 spaces. Appropriate facilities are defined in Appendix K or the Comprehensive Bicycle Master Plan.
 - c. Artistic style bicycle racks with capacity for a minimum of six bicycles for guests shall be located near the primary entrance to the building depicted on the site plan date stamped March 27, 2020. The artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K or the Comprehensive Bicycle Master Plan, as approved by the Planning and Development Department.
- ~~9.~~ 9. A minimum of 10 percent of the gross project shall be retained as open space, exclusive of required landscape setbacks, which shall be shaded to a minimum 50 percent by minimum 2-inch caliper large canopy shade trees, as approved by the Planning and Development Department.
- ~~10.~~ 10. 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 Department. All improvements shall comply with all ADA accessibility standards.
- ~~11.~~ 11. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist and allow time for the Archaeology Office to properly assess the materials.
- ~~12.~~ 12. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims form. 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.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6725, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6725 and as modified in

Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 15th day of September, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Ed Zuercher City Manager

Exhibits:

A - Legal Description (2 Pages)

B - Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-21-- Z-8-20-5

PARCEL NO. 1

THAT PART OF PARCEL 8, OF LA MANCHA, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 193 OF MAPS, PAGE 19, SITUATED WITHIN THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND SITUATED IN THE SOUTH HALF OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 36;

THENCE NORTH 00 DEGREES 15 MINUTES 45 SECONDS EAST, 40.01 FEET;

THENCE NORTH 00 DEGREES 16 MINUTES 01 SECONDS EAST, 344.12 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHEASTERLY, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 19 DEGREES 29 MINUTES 45 SECONDS;

THENCE ALONG SAID CURVE, 170.13 FEET TO A POINT OF TANGENCY;

THENCE NORTH 19 DEGREES 45 MINUTES 46 SECONDS EAST 101.06 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE WESTERLY, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 45 DEGREES 10 MINUTES 45 SECONDS;

THENCE ALONG SAID CURVE 257.72 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID CURVE 136.53 FEET TO A POINT OF TANGENCY;

THENCE NORTH 25 DEGREES 24 MINUTES 59 SECONDS WEST, 317.69 FEET;

THENCE NORTH 64 DEGREES 35 MINUTES 01 SECONDS EAST, 30.00 FEET TO THE SOUTHWEST CORNER OF PARCEL 4, OF LA MANCHA, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 193 OF MAPS, PAGE 19;

THENCE SOUTH 89 DEGREES 44 MINUTES 15 SECONDS EAST, 316.19 FEET ON THE SOUTH LINE OF PARCEL 4 TO THE SOUTHEAST CORNER OF SAID PARCEL 4;

THENCE CONTINUING SOUTH 89 DEGREES 44 MINUTES 15 SECONDS EAST, 23.81 FEET RECORD (23.84 FEET MEASURED);

THENCE SOUTH 25 DEGREES 24 MINUTES 50 SECONDS EAST, 100.00 FEET;

THENCE SOUTH 09 DEGREES 38 MINUTES 26 SECONDS EAST, 171.82 FEET;

THENCE SOUTH 08 DEGREES 27 MINUTES 27 SECONDS EAST, 111.35 FEET;

THENCE SOUTH 22 DEGREES 07 MINUTES 25 SECONDS WEST, 76.57 FEET;

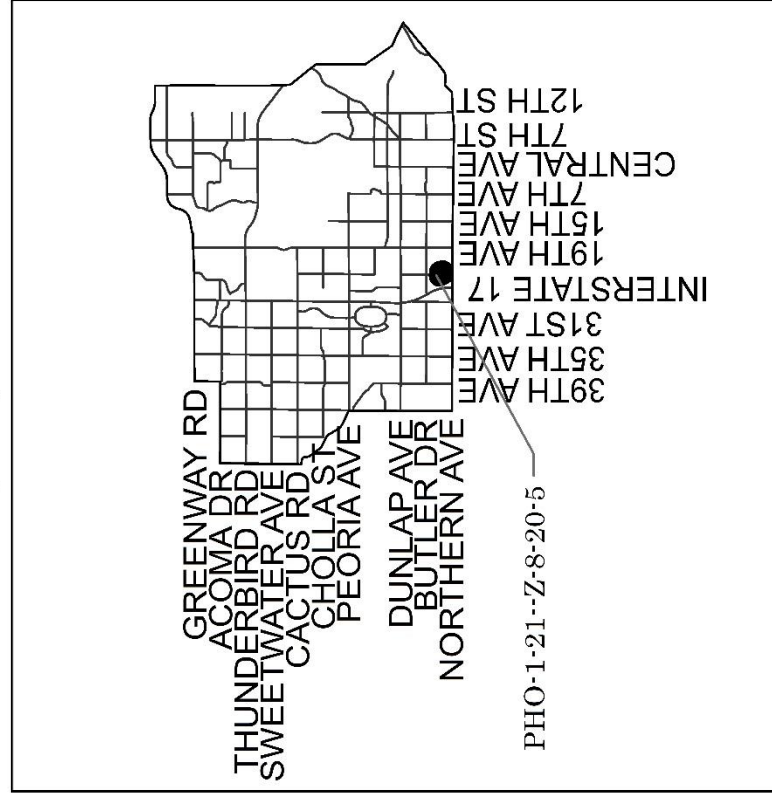
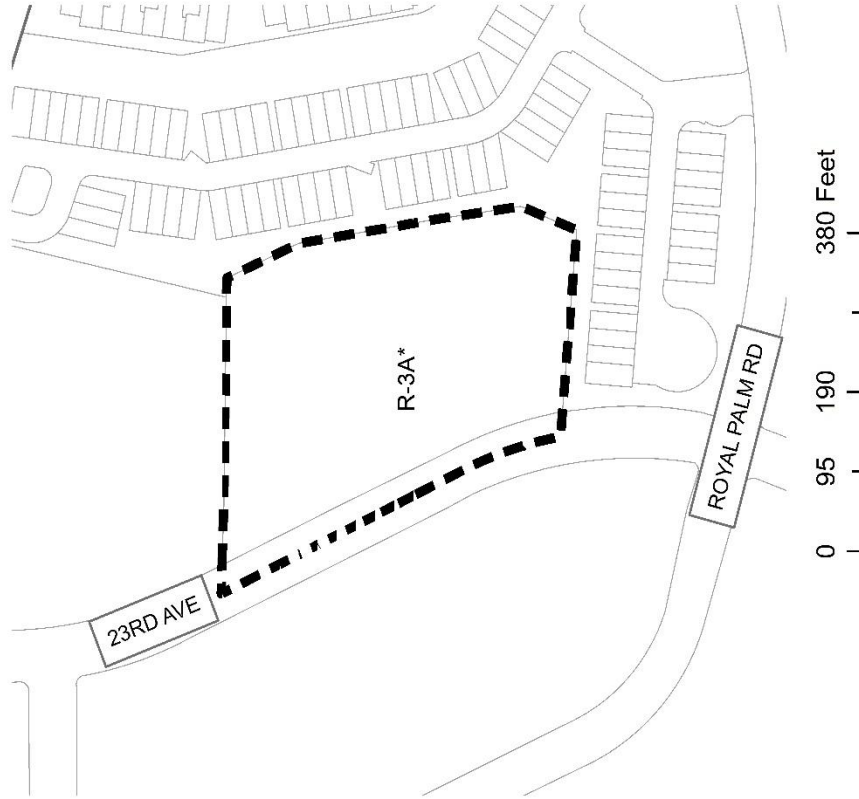
THENCE NORTH 85 DEGREES 20 MINUTES 13 SECONDS WEST 220.00 FEET;

THENCE SOUTH 80 DEGREES 13 MINUTES 43 SECONDS WEST, 30.00 FEET TO
THE TRUE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

Zoning Case Number: PHO-1-21--Z-8-20-5
Zoning Overlay: N/A
Planning Village: North Mountain

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -



NOT TO SCALE



Drawn Date: 8/20/2021



Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-55-13-5 - Southeast Corner of 23rd Avenue and El Caminito Drive (Ordinance G-6894)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary

Application: PHO-1-21--Z-55-13-5

Existing Zoning: R-3A

Acreage: 4.98

Applicant: Kenneth Losch

Owner: Landon Lux Lofts LLC

Representative: Kenneth Losch

Proposal:

1. Modification of Stipulation 1 regarding site plan and elevations date stamped Nov. 19, 2013.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee opted not to hear this request.

PHO Action: The Planning Hearing Officer heard this case on Aug. 18, 2021 and recommended approval with a modification. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location

Southeast corner of 23rd Avenue and El Caminito Drive

Council District: 5

Parcel Address: 8221 N. 23rd Ave.

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-55-13-5 PREVIOUSLY APPROVED BY
ORDINANCE G-5888.

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

SECTION 1. The zoning stipulations applicable located at the
southeast corner of 23rd Avenue and El Caminito Drive in a portion of Section 36,
Township 3 North, Range 2 East, as described more specifically in Attachment "A",
are hereby modified to read as set forth below.

STIPULATIONS:

1. The development shall be in general conformance with the site plan ~~and~~
~~elevations~~ date stamped JULY 2, 2021 ~~November 19, 2013~~, as approved by
the Planning and Development Department.
2. The applicant shall update all existing off-site street improvements (sidewalks,
curb ramps and driveways) that do not meet current ADA guidelines, as
approved by the Planning and Development Department.
3. ~~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.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5888, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5888 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 15th day of September, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Ed Zuercher City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-21-- Z-55-13-5

The land referred to herein below is situated in the county of Maricopa, State of Arizona, and is described as follows.

Lot 4 of LA MANCHA, a subdivision of Maricopa County, Arizona, according to the map of record in the Office of the Maricopa County Recorder in Book 193 of Maps and Plats, at page 19. Located in the south half of Section 36, Township 3 North, Range 2 East, Gila & Salt River Meridian, Maricopa County, Arizona.

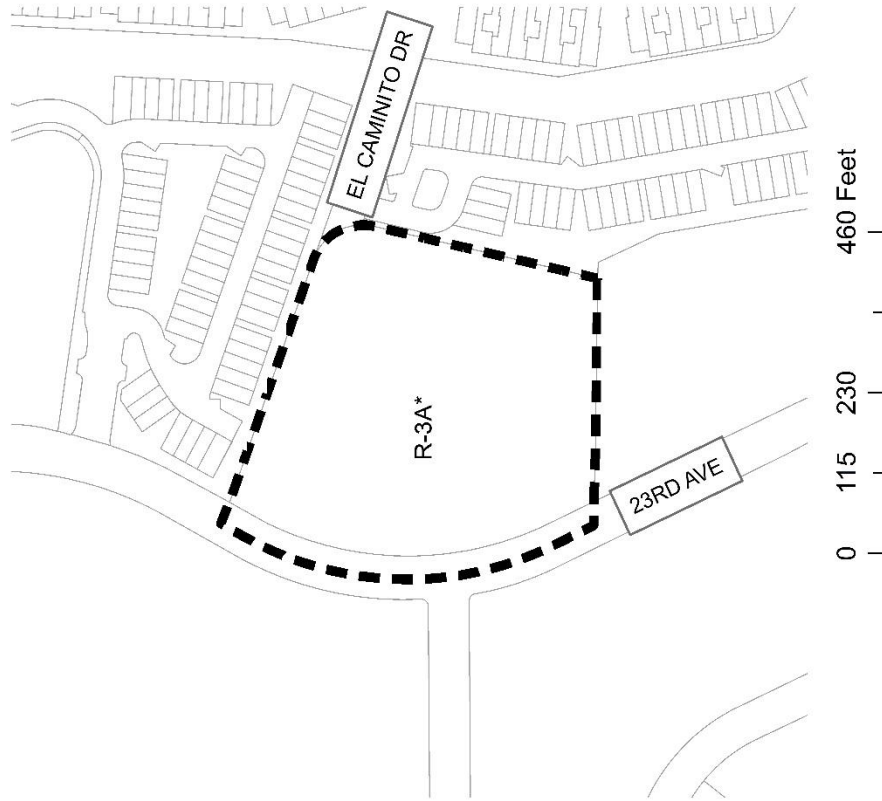
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ORDINANCE LOCATION MAP

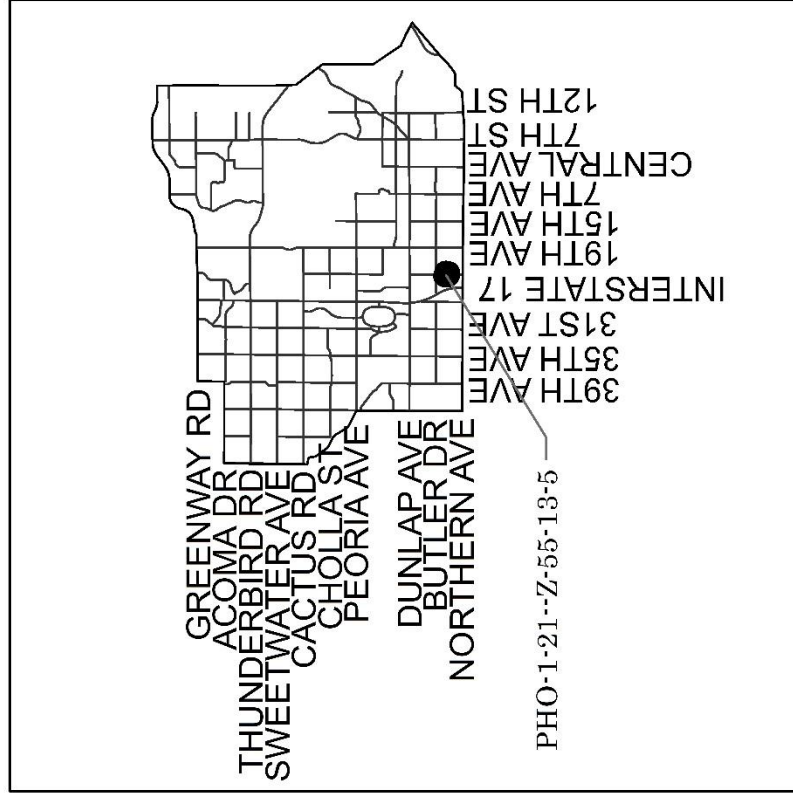
EXHIBIT B

Zoning Case Number: PHO-1-21--Z-55-13-5
 Zoning Overlay: N/A
 Planning Village: North Mountain

ZONING SUBJECT TO STIPULATIONS: *
 SUBJECT AREA: ■■■■■



NOT TO SCALE



Drawn Date: 8/20/2021



Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-43-08-7 - Northwest Corner of 79th Avenue and Encanto Boulevard (Ordinance G-6896)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary

Application: PHO-1-21--Z-43-08-7

Existing Zoning: C-2 HGT/WVR DNS/WVR

Acreage: 15.32

Applicant: Adam Baugh, Withey Morris PLC

Owner: 79th Avenue & Encanto LLC

Representative: Adam Baugh, Withey Morris PLC

Proposal:

1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped April 18, 2008.
2. Modification of Stipulation 2 regarding general conformance to the elevations date stamped April 18, 2008.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Maryvale Village Planning Committee heard this case on Aug. 11, 2021 and recommended approval with additional stipulations, by a vote of 9-0.

PHO Action: The Planning Hearing Officer heard this case on Aug. 18, 2021 and recommended approval with additional stipulations. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location

Northwest corner of 79th Avenue and Encanto Boulevard

Council District: 7

Parcel Address: N/A

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-43-08-7 PREVIOUSLY APPROVED BY
ORDINANCE G-5233.

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

SECTION 1. The zoning stipulations applicable located at the northwest
corner of 79th Avenue and Encanto Boulevard in a portion of Section 35, Township 2
North, Range 1 East, as described more specifically in Attachment "A", are hereby
modified to read as set forth below.

STIPULATIONS:

1. ~~That~~ The development shall be in general conformance ~~to~~ WITH the site plan
date stamped JUNE 18, 2021, ~~April 18, 2008~~ with specific regard to the total
number of units and the location of the two and three story units and with a
minimum 1,500 square foot swimming pool and the addition of a minimum 400
square foot children's "splash area" with water jet features or a minimum 1,900
square foot swimming pool as approved or modified by the PLANNING AND
Development Services Department, AND WITH SPECIFIC REGARD TO:
 - a. THE MULTIFAMILY APARTMENT-STYLE UNITS ARE LIMITED TO A
MAXIMUM HEIGHT OF 35 FEET.
 - b. THE TOWNHOME UNITS ARE LIMITED TO A MAXIMUM HEIGHT OF
30 FEET.

2. ~~That~~ The development shall be in general conformance ~~to~~ WITH the elevations date stamped JUNE 18, 2021, ~~April 18, 2008~~ as approved or modified by the PLANNING AND Development ~~Services~~ Department.
3. THE DEVELOPER SHALL DEDICATE A MINIMUM OF 50 FEET OF RIGHT-OF-WAY AND A MINIMUM 18-FOOT-WIDE PUBLIC SIDEWALK EASEMENT ALONG THE WEST SIDE OF 79TH AVENUE, INCLUDING A MINIMUM 8-FOOT WIDE DETACHED SIDEWALK, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. THE STREETSCAPE ZONE SHALL BE CONSISTENT WITH THE MARYVALE CORE PLAN "TRANSIT AVENUE CROSS SECTION".
4. THE DEVELOPER SHALL DEDICATE A MINIMUM OF 50 FEET OF RIGHT-OF-WAY AND A MINIMUM 2-FOOT-WIDE PUBLIC SIDEWALK EASEMENT ALONG THE NORTH SIDE OF ENCANTO BOULEVARD, CONSISTENT WITH THE MARYVALE VILLAGE CORE PLAN, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. THE STREETSCAPE ZONE SHALL BE CONSISTENT WITH THE MARYVALE CORE PLAN "BICYCLE AVENUE CROSS SECTION".
5. THE DEVELOPER SHALL CONSTRUCT A MINIMUM 2-FOOT-WIDE LANDSCAPE STRIP FROM THE EXISTING FACE OF CURB WITH AN ADJACENT AT-GRADE, CONCRETE, MINIMUM 6-FOOT-WIDE ACTIVE TRANSPORTATION PATH, AND AN ADJACENT MINIMUM 6-FOOT-WIDE LANDSCAPE STRIP AND MINIMUM 8-FOOT WIDE DETACHED SIDEWALK BEHIND THE ACTIVE TRANSPORTATION PATH ALONG THE NORTH SIDE OF ENCANTO BOULEVARD, CONSISTENT WITH THE MARYVALE VILLAGE CORE PLAN, AND AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.
6. THE DEVELOPER SHALL PROVIDE SHADE TREES ALONG BOTH SIDES OF THE SIDEWALK TO ACHIEVE 75 PERCENT SHADE AT MATURITY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
7. IRRIGATION FACILITIES ALONG 79TH AVENUE SHALL BE UNDERGROUNDED AND RELOCATED OUTSIDE OF CITY EXISTING AND/OR PROPOSED RIGHT-OF-WAY. CONTACT SRP TO IDENTIFY EXISTING LAND RIGHTS AND ESTABLISH AN APPROPRIATE PROCESS TO RELOCATE FACILITIES. RELOCATIONS THAT REQUIRE ADDITIONAL DEDICATIONS OR LAND TRANSFER SHALL REQUIRE COMPLETION PRIOR TO OBTAINING PLAT AND/OR CIVIL PLAN REVIEW APPROVAL.
8. IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.

9. IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
10. ~~That~~ In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of that discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
11. 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.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5233, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5233 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 15th day of September, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Ed Zuercher City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-21--Z-43-08-7

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 2 NORTH RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35;

EXCEPT THE WEST 197.90 FEET THEREOF;

AND **EXCEPT** THE FOLLOWING DESCRIBED PARCEL;

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35;

THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35, NORTH 00 DEGREES, 06 MINUTES, 47 SECONDS WEST, A DISTANCE OF 439.92 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID LINE, SOUTH 88 DEGREES, 04 MINUTES, 33 SECONDS WEST, A DISTANCE OF 33.54 FEET TO THE SOUTHEAST CORNER OF THE PARCEL OF ACCORDING TO THE FINAL ORDER OF CONDEMNATION ON FILE AT THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN DOCUMENT NUMBER 2009-0768333 ;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL, SOUTH 88 DEGREES, 04 MINUTES, 33 SECONDS WEST, A DISTANCE OF 300.11 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL;

THENCE ALONG THE WEST LINE OF SAID PARCEL, NORTH 00 DEGREES, 23 MINUTES, 51 SECONDS WEST, A DISTANCE OF 220.06 FEET TO THE NORTHWEST CORNER OF SAID PARCEL;

THENCE ALONG THE NORTH LINE OF SAID PARCEL, NORTH 88 DEGREES, 04 MINUTES, 33 SECONDS EAST, A DISTANCE OF 292.55 FEET TO THE NORTHEAST CORNER OF SAID PARCEL;

THENCE ALONG THE NORTH LINE OF SAID PARCEL, NORTH 88 DEGREES, 04 MINUTES, 33 SECONDS EAST, A DISTANCE OF 42.19 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35;

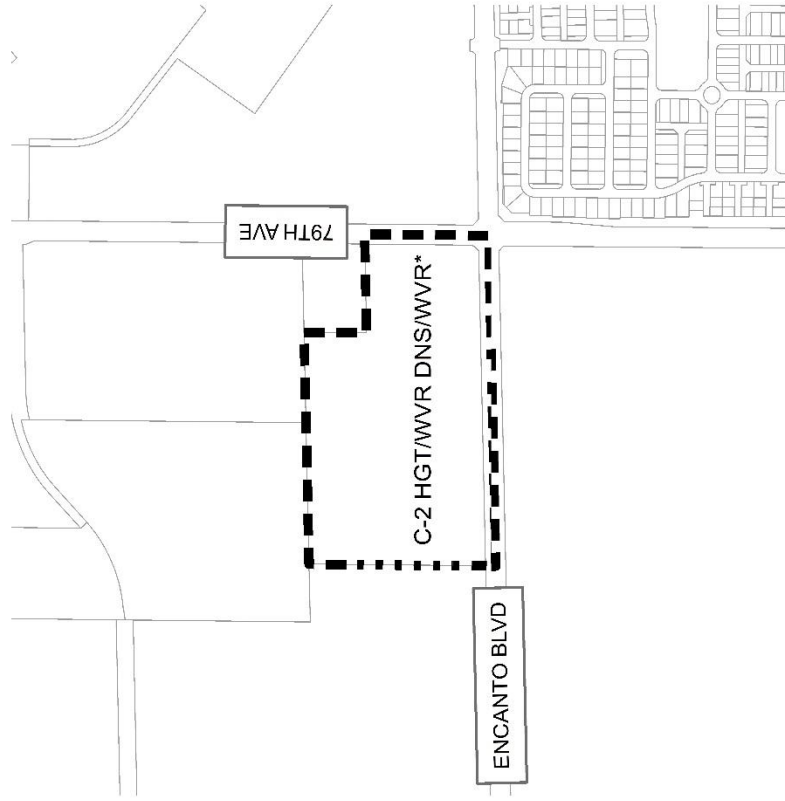
THENCE ALONG SAID LINE, SOUTH 00 DEGREES, 06 MINUTES, 47 SECONDS EAST, A DISTANCE OF 220.09 FEET TO THE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

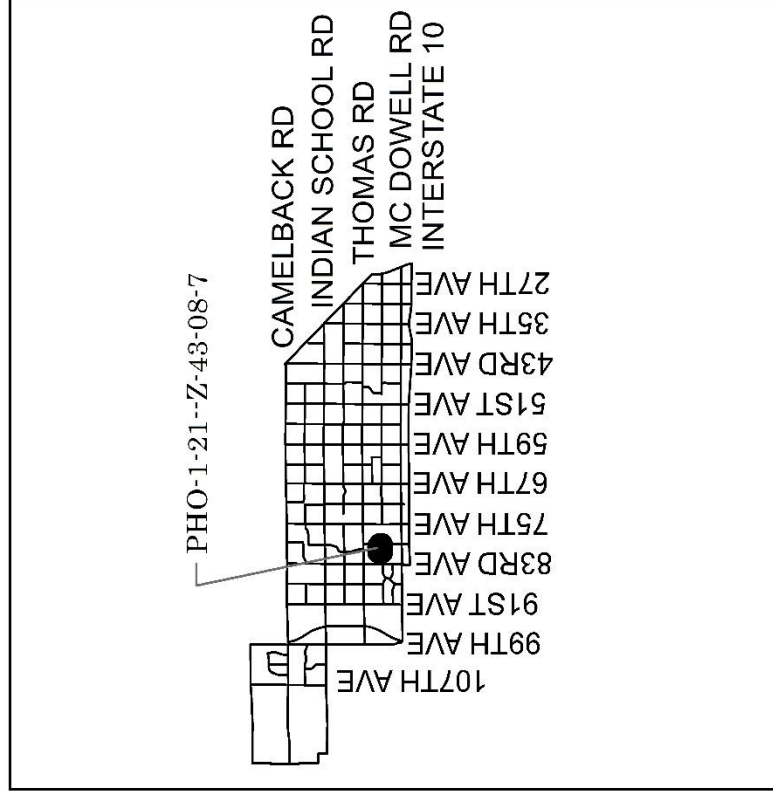
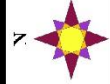
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: PHO-1-21--Z-43-08-7
Zoning Overlay: N/A
Planning Village: Maryvale



0 270 540 1,080 Feet



NOT TO SCALE

Drawn Date: 8/20/2021



Agenda Date: 9/15/2021, Item No. 67

Amend City Code - Ordinance Adoption - Rezoning Application PHO-2-21--Z-45-12-7 - Southwest Corner of 67th Avenue and Broadway Road (Ordinance G-6897)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary

Application: PHO-2-21--Z-45-12-7

Existing Zoning: C-2

Acreage: 14.72

Applicant: William E. Lally, Tiffany & Bosco P.A.

Owner: DNZ Holdings LLC

Representative: William E. Lally, Tiffany & Bosco P.A.

Proposal:

1. Modification of Stipulation 1 regarding general conformance with the site plans date stamped Oct. 24, 2012 and Sept. 13, 2018.
2. Modification of Stipulation 2 regarding a minimum of 16 percent open space.
3. Modification of Stipulation 3 regarding a maximum of 140 lots.
4. Deletion of Stipulation 5 regarding a sidewalk/pedestrian path between pads.
5. Modification of Stipulation 14 regarding construction of streets.
6. Modification of Stipulation 16 regarding right-of-way and a bus pad on eastbound Broadway Road west of 67th Avenue.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee opted not to hear this case.

PHO Action: The Planning Hearing Officer heard this case on Aug. 18, 2021 and recommended denial as filed and approval with modifications. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location

Southwest corner of 67th Avenue and Broadway Road

Council District: 7
Parcel Address: N/A

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-45-12-7 PREVIOUSLY APPROVED BY
ORDINANCE G-6516.

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

SECTION 1. The zoning stipulations applicable located at the southwest
corner of 67th Avenue and Broadway Road in a portion of Section 25, Township 1
North, Range 1 East, as described more specifically in Attachment "A", are hereby
modified to read as set forth below.

STIPULATIONS:

1. The development shall be in general conformance with the site plan date stamped JUNE 24, 2021 ~~October 24, 2012 for the commercial portion and September 13, 2018 for the residential portion~~, as approved by the Planning and Development Department.
2. A minimum of ~~16%~~ 7% open space shall be provided, as approved by the Planning and Development Department.
3. ~~The maximum number of lots shall not exceed 140, as approved by the Planning and Development Department.~~
3. All sidewalk crossings at the project entries or as shown on the site plan shall
4. be constructed of decorative pavers, stamped or colored concrete, or another material different than the primary paving material, as approved by the Planning and Development Department and Street Transportation Department.

- ~~5.~~ ~~FOR COMMERCIAL DEVELOPMENT ONLY~~ A sidewalk/pedestrian path constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, shall be provided to allow pedestrian connections between shops A, B and C to pads A, B, C and D, as approved by the Planning and Development Department and Street Transportation Department.
- ~~4.~~ All sidewalks shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by the HOA.
- ~~5.~~ The perimeter walls adjacent to Broadway Road and 67th Avenue shall include material and textural differences, such as stucco and/or split face block with a decorative element, as approved by the Planning and Development Department.
- ~~6.~~ The rear property line walls of lots number 61 through 69 shall consist of a four-foot block wall with two feet additional view fencing, as approved by the Planning and Development Department.
- ~~7.~~ Drive through facilities shall be located a minimum 100 feet from any residential district, as approved by the Planning and Development Department.
- ~~8.~~ The residential development ground signs shall be monument style and not exceed six feet in height, as approved by the Planning and Development Department.
- ~~9.~~ Right-of-way shall be dedicated and a bus bay (P1256-1) constructed at 67th Avenue as approved by the Planning and Development Department.
- ~~10.~~ Right-of-way totaling 55 feet shall be dedicated for the south half of Broadway Road and construct improvements to a CM Section, as approved by the Planning and Development Department.
- ~~11.~~ Right-of-way totaling 50 feet shall be dedicated for the west half of 67th Avenue and construct improvements to a D Section, as approved by the Planning and Development Department.
- ~~12.~~ 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 approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- ~~13.~~ Complete a Red Border Letter to notify ADOT of development adjacent to its freeway corridor and submit it to Alan Hilty in the Street Transportation

Department 602-262-6193, with a copy to the Traffic Engineer and Civil Plans Reviewer.

14. The right of way shall be dedicated and a bus stop pad constructed on
~~16.~~ eastbound Broadway Road west of 67th Avenue. Final placement of bus stop pad shall require approval from Public Transit Department. Bus stop pad shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet.
15. The right of way shall be dedicated and a bus stop pad constructed on
~~17.~~ southbound 67th Avenue south of Broadway Road. Bus stop pad shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Bus stop pad shall be placed from intersection of 67th Avenue and Broadway Road according to City of Phoenix Standard Detail P1258.
16. 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.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6516, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6516 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 15th day of September, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Ed Zuercher City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-2-21--Z-45-12-7

SAID PARCEL BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 25; TOWNSHIP 1 NORTH; RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN; MARICOPA COUNTY, ARIZONA.

SAID PARCEL MORE THOROUGHLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25, TOWNSHIP 1 NORTH; RANGE 1 EAST, SAID POINT BEING THE NORTHEAST CORNER OF SAID PARCEL AND THE TRUE POINT OF BEGINNING;

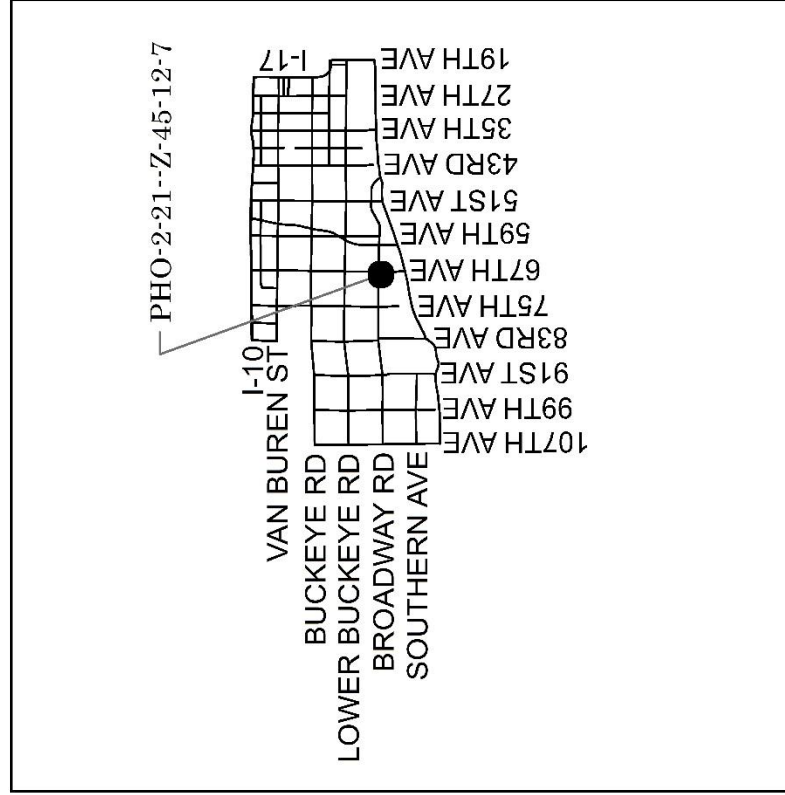
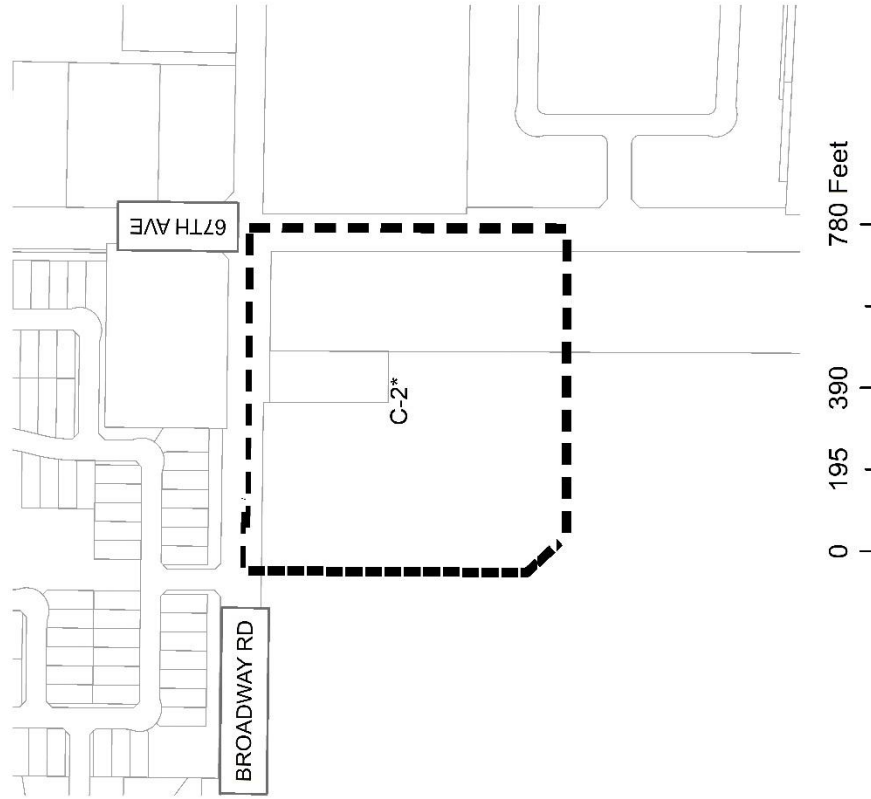
THENCE SOUTH 00 DEGREES 07 MINUTES 28 SECONDS WEST, ALONG THE EAST SIDE OF THE SUBJECT PARCEL, A DISTANCE OF 783.53 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89 DEGREES 52 MINUTES 32 SECONDS WEST, A DISTANCE OF 734.15 FEET; THENCE NORTH 41 DEGREES 36 MINUTES 45 SECONDS WEST, A DISTANCE OF 130.55 FEET; THENCE NORTH 00 DEGREES 24 MINUTES 20 SECONDS WEST, A DISTANCE OF 694.67 FEET; THENCE SOUTH 89 DEGREES 16 MINUTES 33 SECONDS EAST, DISTANCE OF 817.70 FEET TO THE NORTHEAST CORNER OF SAID PARCEL AND THE TRUE POINT OF BEGINNING.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: PHO-2-21--Z-45-12-7
 Zoning Overlay: N/A
 Planning Village: Estrella

ZONING SUBJECT TO STIPULATIONS: *
 SUBJECT AREA: ■ ■ ■ ■ ■



Drawn Date: 8/20/2021



Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-59-18-8 - Approximately 615 Feet North of the Northwest Corner of 25th Street and Baseline Road (Ordinance G-6898)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary

Application: PHO-1-21--Z-59-18-8

Existing Zoning: C-1 BAOD

Acreage: 0.80

Applicant: Cassandra Ayres, Beus Gilbert McGroder PLLC

Owner: Vahik Sahakian

Representative: Paul E. Gilbert, Beus Gilbert McGroder PLLC

Proposal:

1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped Aug. 21, 2018.
2. Deletion of Stipulation 1.a regarding access to amenities to the east.
3. Deletion of Stipulation 1.b regarding vehicular cross access to adjacent properties to the east and south.
4. Deletion of Stipulation 3 regarding a conditional requirement to dedicate and construct 25th Street.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this case on July 13, 2021 and recommended denial as filed and approval with modifications, by a vote of 11-0-2.

PHO Action: The Planning Hearing Officer heard this case on Aug. 18, 2021 and recommended approval with a modification and an additional stipulation. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location

Approximately 615 feet north of the northwest corner of 25th Street and Baseline Road

Council District: 8

Parcel Address: 7402 S. 25th St.

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO
REZONING APPLICATION Z-59-18-8 PREVIOUSLY APPROVED BY
ORDINANCE G-6546.

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

SECTION 1. The zoning stipulations applicable located approximately
615 feet north of the northwest corner of 25th Street and Baseline Road in a portion of
Section 35, Township 1 North, Range 3 East, as described more specifically in
Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. The development shall be in general conformance with the ~~conceptual~~ site plan
and elevation date stamped MAY 26, 2021 ~~August 21, 2018~~, as may be
modified by the following stipulations ~~for compliance with the canal bank design
guidelines in Section 507 Tab A of the Zoning Ordinance~~, and approved by the
Planning and Development Department., ~~and with specific regard to the
following:~~
 - a. ~~Pedestrian pathway to provide open public access to amenities on the
adjacent property to the east to be constructed of decorative pavers,
stamped or colored concrete, or another material, other than those used to
pave the parking surfaces and drive aisles.~~
 - b. ~~Vehicular cross access to adjacent properties to the east and south, as
approved by the Planning and Development Department.~~

2. Landscaping along the north property line shall be in conformance with the Baseline Area Master Plan Plant List with specific regard to maximizing shade and thermal comfort for pedestrians and active users along the canal, as approved by the Planning and Development Department.
- ~~3. If the subject site develops as a stand-alone parcel and does not provide an alternative street frontage to that existing along 25th Street, then the developer shall be responsible for the dedication and construction of an offset cul-de-sac bulb at the northern portion of 25th Street, south of the Western Canal, as approved by the Planning and Development and Street Transportation Department.~~
3. Any solid portion of a perimeter wall adjacent to the Western Canal shall not
4. exceed a maximum height of three feet, as approved by the Planning and Development Department.
4. In the event archaeological materials are encountered during construction, the
5. developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
5. The property owner shall record documents that disclose the existence and
6. operational characteristics of Sky Harbor International Airport (PHX) 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.
6. Prior to preliminary site plan approval, the landowner shall execute a Proposition
7. 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.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6546, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6546 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the

decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 15th day of September, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Ed Zuercher City Manager

Exhibits:
A - Legal Description (1 Page)
B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-21--Z-59-18-8

The North 100 feet of the following described property:

That portion of the Southwest quarter of Section 35, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, lying South of the Western Canal, described as follows:

Beginning at a point of the South line of Section 35, Township 1 North, Range 3 East, from which bears North 88 degrees, 30 Minutes, 30 Seconds East 736.74 feet from the Southwest corner thereof;

thence North 00 Degrees, 04 Minutes, West 787.30 feet to the South line of the Western Canal right of way;

Thence South 89 Degrees, 07 Minutes, East 278.74 feet along said Western Canal right of way

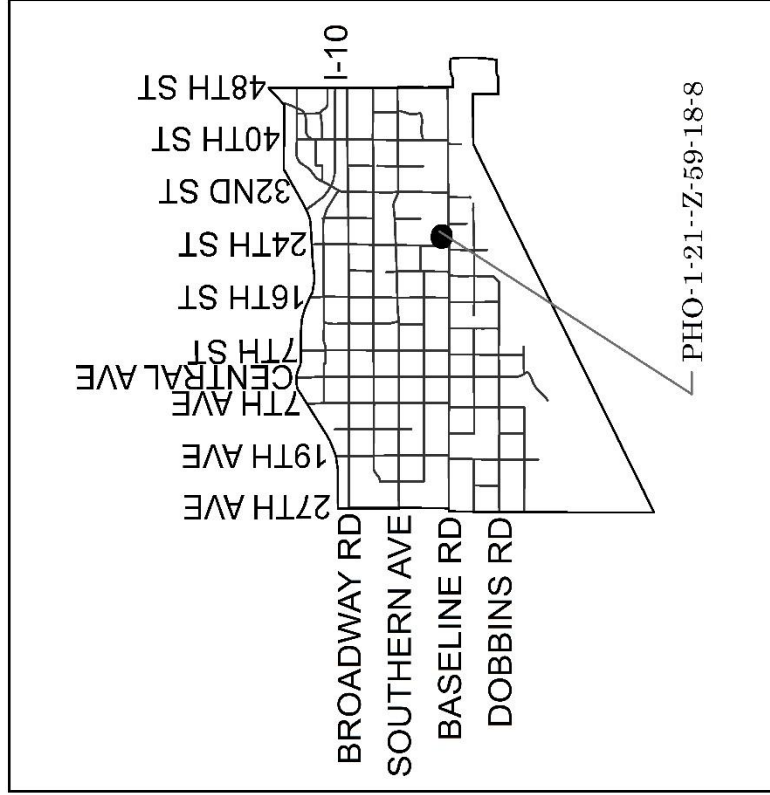
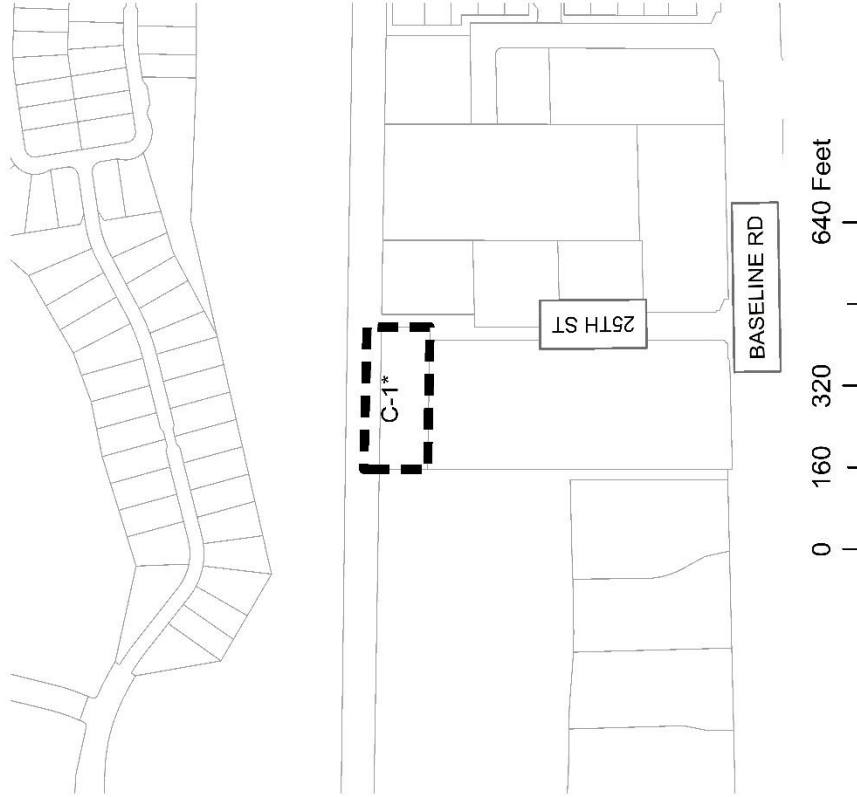
Thence South 00 Degrees, 04 Minutes, East, 775.75 feet to the South line of said Section 35;

Thence South 88 Degrees, 30 Minutes, 30, seconds West 278.79 feet along said Section.

ORDINANCE LOCATION MAP

Zoning Case Number: PHO-1-21--Z-59-18-8
Zoning Overlay: Baseline Area Plan and Overlay District
Planning Village: South Mountain

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■



NOT TO SCALE



Drawn Date: 8/20/2021