City of Phoenix

Minutes

Meeting Location:
City Council Chambers
200 W. Jefferson St.
Phoenix, Arizona 85003

186391

City Council Formal Meeting

Wednesday, May 1, 2024 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, May 1, 2024 at 2:34 p.m. in the Council Chambers.

Present: 9 - Councilman Carlos Galindo-Elvira, Councilwoman Betty Guardado, Councilwoman Kesha Hodge Washington, Councilwoman Ann O'Brien, Councilwoman Laura Pastor, Councilman Kevin Robinson, Councilman Jim Waring, Vice Mayor Debra Stark and Mayor Kate Gallego

Councilwoman Pastor attended the meeting virtually. She joined the voting body prior to the liquor omnibus motion and temporarily left following the vote. She returned to the voting body during discussion on Item 50 and left following the vote. Councilman Waring temporarily left the voting body after the vote on Item 81 and returned at the beginning of Item 50.

Mayor Gallego acknowledged the presence of Mario Barajas and Oscar Monroy, Spanish interpreters. In Spanish, Mr. Barajas announced their availability to the audience.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-7249 through G-7258, S-50782 through S-50842, and Resolutions 22195 through 22200 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

References to attachments in these documents relate to items that were attached to the agenda.

City Attorney Julie Kriegh stated members of the public may speak for up to two

minutes on agenda items and gave director on appropriate decorum when providing comments.

MINUTES OF MEETINGS

1 For Approval or Correction, the Minutes of the Formal Meeting on Oct. 27, 2021

Summary

This item transmits the minutes of the Formal Meeting of Oct. 27, 2021, 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.

A motion was made by Councilwoman Guardado, seconded by Councilman Galindo-Elvira, that this item be approved. The motion carried by the following voice vote:

Yes:	8 -	Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman Pastor

2 For Approval or Correction, the Minutes of the Formal Meeting on Nov. 3, 2021

Summary

This item transmits the minutes of the Formal Meeting of Nov. 3, 2021, 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.

A motion was made by Councilwoman O'Brien, seconded by Vice Mayor Stark, that this item be approved. The motion carried by the following voice vote:

Yes: 8 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

Absent: 1 - Councilwoman Pastor

3 **For Approval or Correction, the Minutes of the Formal Meeting on Dec. 13, 2023**

Summary

This item transmits the minutes of the Formal Meeting of Dec. 13, 2023, 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.

A motion was made by Councilman Robinson, seconded by Councilwoman O'Brien, that this item be approved. The motion carried by the following voice vote:

Yes: 8 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

Absent: 1 - Councilwoman Pastor

BOARDS AND COMMISSIONS

4 **Mayor and Council Appointments to Boards and Commissions**

Summary

This item transmits recommendations from the Mayor and Council for appointment or reappointment to City Boards and Commissions.

The following individuals were recommended for appointment by Mayor Gallego:

Alhambra Village Planning Committee

Appoint John Owens, filling a vacancy on the board, for a partial term to

expire Nov. 19, 2024, as recommended by Mayor Gallego.

Historic Preservation Commission
Appoint Francesca Miller, filling a vacancy, for a term to expire May 1, 2024, as recommended by Mayor Gallego.

Human Services Commission
Appoint Dr. Cecilia Maes as Vice Chair, for a term to expire May 1, 2025, as recommended by Mayor Gallego.

Planning Commission
Appoint Julie Read, replacing Lisa Perez, for a term to expire May 1, 2028, as recommended by Mayor Gallego.

A motion was made by Vice Mayor Stark, seconded by Councilwoman O'Brien, that this item be approved. The motion carried by the following voice vote:

Yes:	8 -	Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman Pastor

Mayor Gallego administered the oath of office to the following appointees:

Francesca Miller - Historic Preservation Commission, and
Julie Read - Planning Commission.

LIQUOR LICENSES, BINGO, AND OFF-TRACK BETTING LICENSE APPLICATIONS

Mayor Gallego requested a motion on liquor license items. A motion was made, as appears below.

NOTE: Councilwoman Pastor joined the voting body virtually.

A motion was made by Vice Mayor Stark, seconded by Councilwoman O'Brien, that Items 5-18 be recommended for approval, except Item 18. The motion carried by the following voice vote:

Yes: 9 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

5 **Liquor License - El Amigos Market**

Request for a liquor license. Arizona State License Application 281828.

Summary

Applicant
Akram Jabaieh, Agent

License Type
Series 10 - Beer and Wine Store

Location
8925 N. 43rd Ave.
Zoning Classification: C-1
Council District: 1

This request is for a new liquor license for a convenience store that does not sell gas. This location was previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow package liquor sales and a variance to allow a drive-through window for alcohol sales.

The 60-day limit for processing this application is May 11, 2024.

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.

Imperial Market & Liquor (Series 9)
9429 N. Cave Creek Road, Phoenix
Calls for police service: 27
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 been in Business for 8 years, and I have never failed to I.D anyone and never sold to a minor I have also taken the course that is valid for 3 years on the sale of alcohol."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The ability to have all product neighbor's want helps the community to not have to travel in cars polluting or walk to far to get what they need."

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
Attachment - El Amigo's Market - Data
Attachment - El Amigo's Market - Map

This item was recommended for approval.

6 Liquor License - Edelweiss Biergarten

Request for a liquor license. Arizona State License Application 285106.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
2625 E. Bell Road
Zoning Classification: C-2
Council District: 2

This request is for a new liquor license for a restaurant. 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 May 7, 2024.

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:
"We train all of our employees in responsible liquor service. We also conduct regular audits to ensure they comply."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We would like the ability to serve our patrons of legal drinking age, an adult beverage with their meal if they choose to have one."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Edelweiss Biergarten - Data
Attachment - Edelweiss Biergarten - Map

This item was recommended for approval.

7 Liquor License - Gamers Guild AZ

Request for a liquor license. Arizona State License Application 282412.

Summary

Applicant
Jakob Hunter, Agent

License Type
Series 12 - Restaurant with Growler Privileges

Location
1818 W. Bell Road, Ste. 115
Zoning Classification: C-2
Council District: 3

This request is for a new liquor license for restaurant with growler privileges. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in June 2024.

The 60-day limit for processing this application is May 10, 2024.

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 cuttently hold Liquor Law Training Certifications (Managerial and Basic) through approved training systems which have been described by the State of Arizona's DLLC Board. This is in combination with years on the job expertise, as well as professional education through Northern Arizona University in the field of Hotel and Restaurant Management."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Gamers Guild will serve as the largest hobby gaming (Board Games, TCGs, TTGs) in North America. With the ability to provide a safe, well informed / trained staff, and an inclusive environment through the Code of Conduct, Mission Statement, and Vision Statement that Gamers Guild Holds, our location will benefit the community through the economic redevelopment of a key area which the Phoenix City Council has identified for a need of business that supports the immediate local community."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Gamers Guild AZ - Data
Attachment - Gamers Guild AZ - Map

This item was recommended for approval.

8 Liquor License - Zu Izakaya

Request for a liquor license. Arizona State License Application 286260.

Summary

Applicant
Ji Woong Kang, Agent

License Type
Series 12 - Restaurant

Location
12615 N. Tatum Blvd.
Zoning Classification: PSC
Council District: 3

This request is for a new liquor license for a restaurant. 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 May 10, 2024.

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.

BEI Express (Series 12)
2910 N. Hayden Road, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Junn All You Can Eat Sushi (Series 12)
1320 E. Broadway Road, #101, Tempe
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Busan Mart (Series 10)
1310 E. Broadway Road, #101, Tempe
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 10 years of restaurant operating experience as a restaurant owner in the valley. As a restaurateur, I am confident operating the restaurants, and have the knowledge hiring and managing employees in Arizona. I have manager certification, and title 4 certificate as well. I also majored Supply chain management in ASU, and also majored Culinary Arts in Le Cordon Bleu."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “Issuing a liquor license to the long-standing Japanese restaurant at 12615 N. Tatum Blvd will enhance the dinning experience for patrons, support the continuation of a business has contributed to the local community for over 40 years, and stimulate economic benefits. A liquor license will allow the restaurant to offer a complete dining experience by pairing traditional Japanese cuisine with appropriate alcoholic beverages, thereby attracting more customers and revenue.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Zu Izakaya - Data
Attachment - Zu Izakaya - Map

This item was recommended for approval.

9 Liquor License - Special Event - Laveen Youth FC (May 23, 2024)

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

Summary

Applicant
Donny Zamora

Location
4344 W. Indian School Road, Ste. 100
Council District: 5

Function
Concert/Dance

Date(s) - Time(s) / Expected Attendance
May 23, 2024 - 7 p.m. to 2 a.m. / 700 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

10 Liquor License - Special Event - Laveen Youth FC (June 1, 2024)

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

Summary

Applicant
Donny Zamora

Location
4344 W. Indian School Road, Ste. 100
Council District: 5

Function
Concert/Dance

Date(s) - Time(s) / Expected Attendance
June 1, 2024 - 8 p.m. to 2 a.m / 700 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

11 Liquor License - Special Event - Laveen Youth FC (Sept. 13, 2024)

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

Summary

Applicant
Donny Zamora

Location
4344 W. Indian School Road, Ste. 100
Council District: 5

Function
Concert/Dance

Date(s) - Time(s) / Expected Attendance
Sept. 13, 2024 - 8 p.m. to 2 a.m. / 700 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

12 Liquor License - Special Event - GLSEN, Inc.

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

Summary

Applicant
Genevieve Benham

Location
1101 N. Central Ave.
Council District: 7

Function
Dance

Date(s) - Time(s) / Expected Attendance
May 18, 2024 - 7:30 p.m. to 11 p.m. / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

13 Liquor License - Dwntwn The Grand

Request for a liquor license. Arizona State License Application 282357.

Summary

Applicant
Joshua Goldberg, Agent

License Type
Series 6 - Bar

Location
702-708 N. Central Ave.
Zoning Classification: DTC - Downtown Gateway
Council District: 7

This request is for an acquisition of control of an existing liquor license for a bar. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is May 15, 2024.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications.

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 hold and have furnished both my Title 4 Management and Title 4 Certificates to the liquor board. Furthermore I've been the owner operator of multiple successful profitable businesses for 13 years. I've held a bonded and insured KB-2 contractors license for 2 years, which gives me the experience and work ethic to continue the success of this established business. I have the leadership skills to maintain ethical business practices with high standards of professionalism that this type of business requires for the safety of its patrons and its surrounding community.”

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

This item was recommended for approval.

14 Liquor License - Dog Haus Biergarten

Request for a liquor license. Arizona State License Application 283810.

Summary

Applicant
Andrea Ott, Agent

License Type
Series 12 - Restaurant with Growler Privileges

Location
1 E. Washington St., #120
Zoning Classification: DTC - Business Core
Council District: 7

This request is for a new liquor license for a restaurant with growler privileges. 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 May 11, 2024.

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.

Dog Haus (Series 12 with Growler Privileges)
2780 W. Chandler Blvd., #8, Chandler
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Dog Haus (Series 12 with Growler Privileges)
2224 E. Williams Field Road, #107, Gilbert
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 several decades of restaurant management experience and own two other Dog Haus Biergarten locations here in the Phoenix metro area with nearly identical operational plans. I am educated on the laws surrounding alcohol service and continually remain vigilant and compliant."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
" The restaurant will prove to extremely desirable to the public providing fresh, healthy, high-quality quick serve eatery. High quality ingredients with 100% all natural, vegetarian-fed, hormone- and antibiotic-free, never-ever meat. "Dog Haus has been deeply committed to creating food that not only tastes phenomenal and is highly enjoyable, but allows our guests to have peace of mind about its uncompromisable quality."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment -Dog Haus Biergarten - Data
Attachment -Dog Haus Biergarten - Map

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

This item was recommended for approval.

15 Liquor License - Fast Stop & Go

Request for a liquor license. Arizona State License Application 286619.

Summary

Applicant
Simon Isaac, Agent

License Type
Series 10 - Beer and Wine Store

Location
709 W. Southern Ave.
Zoning Classification: C-1
Council District: 7

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 is May 11, 2024.

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.

One Stop Market and Service Center (Series 9)
6702 W. Indian School Road, Phoenix
Calls for police service: 88
Liquor license violations: None

Paradise Liquor Mini Mart (Series 9 with Sampling Privileges)
722 W Southern Ave., Phoenix
Calls for police service: 14
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:
"All employees will undergo training in the 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:
"thiis location is currently licensed with a non-transferable license. The application is for a replacement license. The issuance of the license will serve the public convenience and the best interest of the community because it will permit the on-going sale of liquor to the customers of the business who desire to purchase it."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Fast Stop & Go - Data
Attachment - Fast Stop & Go - Map

This item was recommended for approval.

16 Liquor License - Native Grill & Wings

Request for a liquor license. Arizona State License Application 286920.

Summary

Applicant
Jared Repinski, Agent

License Type
Series 12 - Restaurant

Location
5020 W. Baseline Road, Ste. 123
Zoning Classification: C-2
Council District: 7

This request is for a new liquor license for a restaurant. 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 May 12, 2024.

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.

Native Grill & Wings (Series 12)
21164 N. John Wayne Parkway, Maricopa
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Native Grill & Wings (Series 12)
8225 N. Courtney Page Way, Marana
Calls for police service: N/A - Not in Phoenix
Liquor license violations: None

Native Grill & Wings (Series 12)
5030 E. Ray Road, #5, Phoenix
Calls for police service: 12
Liquor license violations: None

Native Grill & Wings (Series 12)
1339 E. Chandler Blvd., #101, Phoenix
Calls for police service: 8
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 been representing liquor licensed establishments in Arizona for

over 15 years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "Tourism plays an important role in our local economy and liquor licensed establishments (the sale of alcohol) is a very important aspect of tourism. Therefore, if the City of Phoenix continues to lead the State of Arizona by approving quality and diverse businesses (restaurants, bars, microbreweries, distilleries, hotels, resorts, golf courses, special events, convenience/liquor/grocery stores & gas stations) similar to this proposed liquor licensed business, all businesses will prosper."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Native Grill & Wings - Data
Attachment - Native Grill & Wings - Map

This item was recommended for approval.

17 Liquor License - The Salty Oar Tiki Bar

Request for a liquor license. Arizona State License Application 278551.

Summary

Applicant
Camila Alarcon, Agent

License Type
Series 6 - Bar

Location
1014 N. 2nd St.
Zoning Classification: DTC - Evans Churchill West
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 with a Series 12 - Restaurant, liquor license and does not have an interim permit. This location requires a use permit to allow a bar. This business is currently being remodeled with plans to open in August 2024.

The 60-day limit for processing this application is May 12, 2024.

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 information is not provided due to the multiple ownership interests held by the applicant 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:
"Applicant has responsibly operated numerous retail premises with liquor licenses throughout Arizona, including two others that are currently in operation in Phoenix. Consistent with past operations, managers an staff will receive regular and comprehensive training to ensure compliance with

Arizona's alcohol laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "This business will add to the already vibrant and popular community on Roosevelt Row and downtown district, and a liquor license is necessary in order for the business to prosper."

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
Attachment - The Salty Oar Tiki Bar - Data
Attachment - The Salty Oar Tiki Bar - Map

This item was recommended for approval.

18 Liquor License - Dollar General Store #25371

Request for a liquor license. Arizona State License Application 273174.

Summary

Applicant
Chad Hawkins, Agent

License Type
Series 10 - Beer and Wine Store

Location
2650 W. Glendale Ave.
Zoning Classification: C-2
Council District: 5

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

The 60-day limit for processing this application is May 11, 2024.

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 information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

Public Opinion
Three letters protesting the issuance of this license have been received and are on file in the Office of the City Clerk. The letters are from the Glen Canyon Vista Neighborhood Association, Ocotillo Glen Neighborhood Association, and North Glen Square Neighborhood Association. They feel that there have been numerous issues on this property related to trespassing, failure to maintain a crime-free parking lot, and general promotion of criminality on the site. They also feel that the liquor license would negatively impact their neighborhood and that there are sufficient locations in the area that are already licensed for liquor sales.

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:

“Dollar General holds over 11,000 alcohol licenses nationwide, requires in-depth computer-based training videos and tests for sales associates prior to ringing up alcohol sales.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “Dollar General's policy is to card every customer each time a liquor or tobacco purchase is made. The register software requires the cashier to type the customer's birth date into the register and blocks the sale if the customer is not of legal age.”

Staff Recommendation
Staff recommends disapproval of this application based on a Police department recommendation for disapproval and neighborhood protest. The Police Department disapproval is based on the applicant's errors and omissions on the state and city questionnaires; multiple code enforcement violations at the location; issues with insufficient staffing at the business; multiple calls for service at the location, including calls for violent incidents; and sufficient number of other liquor licensed establishments in the area. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license, nor that the best interest of the community will be substantially served by the issuance of this license.

Attachments
Attachment - Dollar General Store #25371 - Data
Attachment - Dollar General Store #25371 - Map
Attachment - Dollar General Store #25371 - Police Recommendation

Discussion
NOTE: Councilwoman Pastor temporarily left the voting body.

Mayor Gallego stated that Officer Samantha Chester was present to provide testimony and asked Councilwoman Guardado if she wanted to begin with testimony from Officer Chester.

Councilwoman Guardado indicated that she wanted to hear Office Chester’s testimony.

Deputy City Clerk Kristen Benavidez introduced Officer Chester and the item. She added that the request was for a new Series 10 liquor license for a convenience store. Ms. Benavidez stated that the location was not previously licensed for liquor sales and did not have an interim permit. She added that the 60-day limit to process the application was May 11, 2024, noting that three letters protesting the issuance of the license were received and were available on file in the office of the City Clerk.

Officer Chester recommended denial of Chad Hawkins' request for obtaining a Series 10 liquor license at the Dollar General Store located at 2650 W. Glendale Avenue. She explained that in review of Mr. Hawkins liquor application she found errors and insufficient completion of his state and city questionnaires. Officer Chester added that violence on the property and code enforcement issues as well as concerning statements made during the interview with the store manager of Dollar General and sufficient liquor licenses in the area contributed to her denial recommendation. She stated that Mr. Hawkins had indicated in his state questionnaire response that he would be the controlling person physically present and managing the day-to-day operations of the licensed premise, but indicated he would not be managing day-to-day operations as he was responsible for other Dollar Generals in the area. Officer Chester added Mr. Hawkins advised that he was only required to visit the store every 45 days but tried to come in every two weeks to meet with the store manager, Claire De Jesus. Officer Chester mentioned that Ms. De Jesus was not listed as a manager for the liquor license despite Mr. Hawkins stating she was the manager in charge of the day-to-day operations. Officer Chester included that Mr. Hawkins had stated his company had filled out the application and instructed him to apply for a liquor license.

Officer Chester continued that the city questionnaire questions regarding ownership interest in the business or in the profits of the business as well as how much was paid for the business including startup costs and the liquor license were both left blank. She stated that every business had ownership or profit in a business or expenses such as fees. She added the Police Department conducted a record check of the calls for service at this location for a one-year time span from the inception of the store on March 3, 2023 to March 3, 2024. She noted within that time frame there

had been 217 calls for service, 37 incident reports by police, and 10 arrests made. She stated that of the calls made, four of them were violent in nature including an assault involving manager Ms. De Jesus and a strong-armed robbery. Officer Chester stated that having a liquor license at the location would only exacerbate the calls for service.

Officer Chester also mentioned debris and trash scattered throughout the property and the parking lot found during her visit on April 4, 2024. She inquired with the Neighborhood Services Department (NSD) who informed her that there was a citation issued in March of 2021 for blight issues due to failure to control trash and graffiti. She added that based on her observation NSD opened a new case on her behalf for the blight conditions which encouraged unhoused people to camp in the surrounding area. Officer Chester explained that the increase in camping was evidenced by the 80 calls for service for trespassing between March 3, 2023 and March 3, 2024.

Officer Chester stated that during their interview Ms. De Jesus indicated she had been manager since the inception of the Dollar General on March 3, 2023, and was opposed to the sale of liquor, noting that it would increase the problems she experienced with theft. Officer Chester stated that the liquor application from Dollar General indicated they would have alcohol near the front door with no point-of-sale between the front door and the alcohol. She added that Ms. De Jesus indicated there would be no security to mitigate the issues. Ms. De Jesus had added that Dollar General directed only one of the four managers and three sales associates employed be working at a time causing additional safety concerns. Ms. De Jesus also indicated that employees had expressed they would leave their employment if the Dollar General was approved for a liquor license due to the issues it would bring to the store. Officer Chester discovered that Ms. De Jesus had not seen Mr. Hawkins, the applicant for the liquor license, in 63 days confirming that Mr. Hawking did not come to the store every 45 days or every two weeks as he had indicated.

Officer Chester stated that the best interest of the community would not be served by the issuance of this liquor license, adding businesses in the surrounding area like 7-Eleven, Circle K, La Constantita and Ain't Nick's

Tavern which held liquor licenses provided sufficient public convenience. She stated due to the aforementioned factors, in accordance with Arizona Revised Statute 4-203A, the applicant was not capable, qualified, or reliable to own and operate a liquor license within the City of Phoenix.

A motion was made by Councilwoman Guardado, seconded by Mayor Gallego, that this item be recommended for disapproval based on Officer Chester's recommendation for disapproval and neighborhood protest. The motion carried by the following vote:

Yes: 8 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

Absent: 1 - Councilwoman Pastor

A motion was made by Vice Mayor Stark, seconded by Councilwoman O'Brien, to suspend the rules and change the order of business to take Item 50 last on the formal meeting agenda prior to Citizen Comments. The motion carried by the following voice vote:

Yes: 8 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego

No: 0

Absent: 1 - Councilwoman Pastor

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

Mayor Gallego requested a motion on the remaining agenda items. A motion was made, as appears below.

Discussion

Vice Mayor Stark confirmed with staff that Item 39 could be included in the omnibus motion since Councilwoman Pastor was not present for the vote.

Following the vote, Mayor Gallego explained that Councilwoman Pastor had a conflict with Item 39 related to a Community College and could not vote, noting

that her absence allowed Item 39 to be approved in the omnibus motion.

A motion was made by Vice Mayor Stark, seconded by Councilwoman Guardado, that Items 19-113 be approved or adopted, except Items 26-31, 50, 66, 75, 81 and 109-110; continuing Items 111-112 to the May 15, 2024 City Council Formal Meeting and Item 113 to the May 29, 2024 City Council Formal Meeting; and noting that Item 49 is withdrawn, and Items 50 and 99 are as revised. The motion carried by the following vote:

Yes:	8 -	Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman Pastor

Items 19-25, Ordinance S-50782 was a request to authorize the City Controller to disburse funds, up to amounts indicated, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested 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.

19 City of Goodyear - Annual Water Utility Payment

For $355,225 in payment authority to the City of Goodyear, for Phoenix Goodyear Airport's (GYR) annual water utility charges, as provided in the GYR's annual operating budget for the Aviation Department. The GYR is located in the City of Goodyear and is required to pay for the monthly water utilities received from the City of Goodyear. The airport will be billed by the City of Goodyear for all water and sewer charges, including the tenants' portion. Goodyear Airport will charge back to its tenants monthly for each tenant's responsible portion of the utility payments.

This item was adopted

20 City of Buckeye

For $874,000 in payment authority for Contract 100744 to continue the operation of the City of Phoenix landfill within the City of Buckeye, for the Public Works Department. Payment of royalties is based on 7.5 percent of the gate revenue generated from solid waste received at each transfer

station and disposed of at the State Route (SR) 85 Landfill in Buckeye. The Intergovernmental Agreement requires Phoenix to reimburse Buckeye for its solid waste collection and disposal fees paid on behalf of the prison adjacent to the SR85 Landfill.

This item was adopted.

21 United States Environmental Protection Agency

For $150,000 in payment authority to the United States Environmental Protection Agency (EPA) for oversight of the 19th Avenue Landfill for the Public Works Department. The payment request is necessary for the City to pay costs to the EPA for compliance review and site inspections for the annual regulatory oversight process and five-year review.

This item was adopted.

22 Arizona Department of Environmental Quality

For $811,000 in payment authority for annual payment of regulatory fees for the Public Works Department. The City operates and maintains one open landfill, five closed landfills and two transfer stations that must meet regulatory requirements as mandated by the Arizona Department of Environmental Quality (ADEQ). ADEQ requires the City to pay several routine fees including but not limited to landfill and transfer station registration fees, quarterly landfill fees, storm water permit fees, superfund program oversight fees, aquifer protection permit administration fees, underground storage tank fees, and financial assurance fees.

This item was adopted.

23 Gabriel Roeder Smith & Company Contract 155166

For $80,000 in additional payment authority on Contract 155166 for actuarial services for the Finance Department. The services are required to determine asset and liabilities for other post-employment benefits and compensated absences as required by Government Accounting Standards and other special studies as needed.

This item was adopted.

24 Settlement of Claim(s) Royal v. City of Phoenix

To make payment of up to $250,000 in settlement of claim(s) in *Royal v. City of Phoenix*, CV2023-008200, 22-0651-001, GL, BI, for the Finance

Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Parks and Recreation Department that occurred on July 17, 2022.

This item was adopted.

25 Settlement of Claim(s) Collins v. City of Phoenix

To make payment of up to $275,000 in settlement of claim(s) in *Collins v. City of Phoenix*, CV2023-015830, 22-0847-002, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Water Services Department that occurred on Feb. 9, 2023.

This item was adopted.

32 Call for a Special Meeting of the City Council for Adoption of a Local Alternative Expenditure Limitation for Referral to Electors of the City of Phoenix

Request the City Council call for a special meeting of the City Council in accordance with A.R.S. §41-563.01, at 2:30 p.m., Wed., May 15, 2024, for the purpose of considering the Local Alternative Expenditure Limitation.

A resolution relating to a Local Alternative Expenditure Limitation, providing for referral to the electors of the City of Phoenix of an alternative expenditure limitation proposition pursuant to the provisions of the Arizona Constitution, Article IX, Section 20(9); said proposition to be placed upon the ballot at the regular election for Nov. 5, 2024, and said alternative expenditure limitation to be the Council Adopted Budget of the City of Phoenix.

This item was approved.

33 Call for a Special Meeting and Notice of Legally Required Public Hearings on the Proposed Fiscal Year 2024-25 Budget for the City of Phoenix

Request for the City Council to call for a special meeting of the City Council, as required by Arizona Revised Statute 42-17105, at 2:30 p.m., June 12, 2024, for the purpose of considering adoption of the final Fiscal

Year (FY) 2024-25 budget for the City of Phoenix, including Operating Funds, Capital Funds and Reappropriated Funds.

Request to authorize the City Manager to:

Set 2:30 p.m., May 29, 2024, as the time and date of the legally required public hearing on the adoption of the tentative budget ordinances for the City of Phoenix for FY 2024-25, including Operating Funds, Capital Funds and Reappropriated Funds.

Set 2:30 p.m., May 29, 2024, as the time and date of the public hearing for purposes of receiving public comments on the proposed 2024-29 Capital Improvement Program.

Set 2:30 p.m., June 12, 2024, as the time and date of the legally required public hearing on the adoption of a Property Tax Levy and Truth in Taxation, if applicable, and the final adoption of the budget for the City of Phoenix for FY 2024-25, including Operating Funds, Capital Funds, and Reappropriated Funds.

Set 10:00 a.m., July 1, 2024, as the time and date of the legally required public hearing on the adoption of the Property Tax Levy for FY 2024-25.

Summary

In addition to these legally required public hearings, from April 2 through April 16, 2024, 11 community budget hearings were advertised in various City newspapers and online, and were held for each Council District in locations throughout the City and in City Council Chambers through a hybrid platform. These hearings also provided residents with several opportunities to comment on the proposed FY 2024-25 budget and were video recorded for viewing on the City's YouTube page and on PHXTV. Residents also had the opportunity to provide feedback via phone, email or through the City's online budget tool FundPHX. All comments and messages were summarized and forwarded in City Council reports.

This item was approved.

34 Referral of City of Phoenix General Plan to Voters - Nov. 5, 2024 - General Election (Ordinance S-50840)

Request to adopt an ordinance **(Attachment A)** referring the City of Phoenix General Plan to the qualified electors of the City for their

approval or rejection at the City of Phoenix General Election on Nov. 5, 2024.

Summary

Arizona Revised Statues Section 9-461.06.M requires that City Council refer the adopted General Plan to the voters for ratification. On April 17, 2024, the City Council held a public hearing on the General Plan and adopted it via resolution.

This item was adopted.

35 Proposed 15th Avenue and Happy Valley 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 Charles 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.

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 210-10-028C, located at 15th Avenue and Happy Valley Road (**Attachment A**). The annexation area is approximately 4.953 acres (0.00774 sq. mi.) and population estimate is zero individuals.
Council District: 1

This item was approved.

36 **Proposed 17th Avenue and Happy Valley 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 Stanley Novak Jr. with UA Happy Valley, LLC 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 parcels 210-10-013B and 210-10-005, located at 17th Avenue and Happy Valley Road (**Attachment A**). The annexation area is approximately 7.2772 acres (0.01137 sq. mi.) and population estimate is zero individuals.
Council District: 1

This item was approved.

37 **Proposed 19th Avenue and Park View Lane Annexation (Ordinance S-50829)**

Request City Council authorization to extend and increase the corporate limits of the City of Phoenix, Arizona, by annexing an area not within the present limits of the City of Phoenix, designated as the 19th Avenue and Park View Lane Annexation. Further, request to authorize current Maricopa County zoning to continue in effect until municipal zoning is applied to the annexed territory.

Summary

The annexation was requested by Clark Diepholz with Hawkeye

Development, LLC, 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. The City Clerk Department has received signed petitions representing 100 percent of the assessed value and 100 percent of the owners, excluding utilities, within the proposed annexation area.

Public Outreach

A public hearing was conducted on Feb. 7, 2024, to allow the City Council to gather community input regarding the annexation proposal. Notification of the public hearing was published in the Arizona Business Gazette newspaper, and posted in at least three conspicuous places in the territory proposed to be annexed. Also, notice by first-class mail was sent to each property owner in the area proposed to be annexed.

Location

The proposed annexation area includes Maricopa County Assessor parcels 210-07-015 and 210-07-033E, located at 19th Avenue and Park View Lane (**Attachment A**). The annexation area is approximately 6.39 acres (0.0100 sq. mi.) and the population estimate is zero individuals. Council District: 1

This item was adopted.

38 Proposed Old 27th Avenue 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 Tim Rasnake with Archicon Architecture & Interiors, 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 is a County island within parcel 300-17-002B, located at 27th Avenue and Baseline Road (**Attachment A**). The annexation area is approximately .0527 acres (0.00008 sq. mi.) and population estimate is zero individuals.
Council District: 8

This item was approved.

39 Facilities Use Agreement with the Maricopa County Community College District (Ordinance S-50824)

Request to authorize the City Manager, or his designee, on behalf of the City of Phoenix Women's Commission to enter into a Facilities Use Agreement (FUA) with the Maricopa County Community College District (MCCCD) to use South Mountain Community College located at 7050 S. 24th St., in Phoenix, Arizona, for the Women's Forum event scheduled for May 21, 2024. Further request the City Council to grant an exception pursuant to Phoenix City Code section 42-20 to authorize indemnification and assumption of liability provisions be included in the FUA that would otherwise be prohibited by Phoenix City Code section 42-18.

Summary
This FUA is needed in order to provide a venue for the Phoenix Women's Commission (PWC) to host the "She Matters Equity Forum," which will be held on May 21, 2024, from 8:30 a.m. to noon. The PWC is authorized by Phoenix City Code section 18-305, et.seq., and was created to provide a formal forum for citizen review of the City's diversity efforts and salary equity, and to serve as an Advisory Board to the Council. One of the duties delegated to the PWC is to assist in efforts to provide information and educational programs to improve the status of women. In effecting this duty, the PWC has organized the "She Matters Equity Forum," an event to address equity issues and promote wellness and empowerment for women in the workforce.

Request to authorize an exception to the requirements of Phoenix City

Code section 42-18 to allow inclusion of indemnification and limitation of liability provisions in the FUA. The risk of this exception is low due to the FUA only being in effect for a finite amount of time. MCCCD has requested this exception as a condition of entering into the FUA and providing the venue for "She Matters Equity Forum."

Contract Term
May 21, 2024 between 7:00 a.m. and 1:00 p.m.

Financial Impact
There will be no financial impact to the City as all charges have been waived.

This item was adopted.

40 Easement Exchange Between the City of Phoenix and United States Department of the Interior, for Relocation of Irrigation Facilities within Right-of-Way along Dobbins Road West of 59th Avenue (Ordinance S-50813)

Request to authorize the City Manager, or his designee, to execute the necessary documents and to convey an easement and accept a quitclaim deed for an easement exchange between the City of Phoenix and the United States Department of the Interior, Bureau of Reclamation, for the purpose of relocating irrigation facilities. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary
An easement exchange is required to relocate irrigation facilities from an open ditch to an underground pipeline for the future development of a parcel located at the northwest corner of 59th Avenue and Dobbins Road identified by Maricopa County Assessor parcel number 300-02-022E. The irrigation facilities are currently located within the City's right-of-way, along W. Dobbins Road, and will be relocated to the north, partially within right-of-way and partially within private property.

The City will convey approximately 5,106 square feet to the United States Department of the Interior, and Williams Family Living Trust will convey approximately 19,908 square feet to the United States Department of the

Interior, to accommodate the relocation of the irrigation facilities. In exchange for the new easements, the United States Department of the Interior will convey approximately 35,429 square feet to the City.

Location
Along the north side of Dobbins Road, west of 59th Avenue
Council District: 7

This item was adopted.

41 Grant of Electrical Easement to Salt River Project, for Phase II of the Hazel Hare Center for Plant Science Building at the Desert Botanical Gardens (Ordinance S-50783)

Request to authorize the City Manager, or his designee, to grant an electrical easement to Salt River Project, across City-owned property at the Desert Botanical Garden.

Summary
Desert Botanical Garden, Inc., leases City-owned property at 1201 N. Galvin Parkway pursuant to Lease Agreement 18484, as amended, for the Desert Botanical Garden. Two easement locations totaling approximately 2,099 square foot easements are required for upgrades to the electrical service for Desert Botanical Garden's construction of Phase II of the Hazel Hare Center for Plant Science building.

Location
1201 N. Galvin Parkway, within Maricopa County Assessor parcel number 129-10-006
Council District: 6

This item was adopted.

42 Acceptance and Dedication of Easements for Public Utility, Sidewalk and Multi-use Trail Purposes (Ordinance S-50810)

Request for the City Council to accept and dedicate easements for public utility, sidewalk and multi-use trail purposes; further ordering the ordinance recorded.

Summary

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

Easement (a)
Applicant: Major Auto Sales, LLC; its successor and/or assigns
Purpose: Public Utility and Sidewalk
Location: 3227 W. McDowell Road
File: 240016
Council District: 4

Easement (b)
Applicant: QUIKTRIP Corporation; its successor and/or assigns
Purpose: Sidewalk
Location: 1201 N. 35th Ave.
File: 240014
Council District: 4

Easement (c)
Applicant: Jose Pina and Crescenciana Pina; its successor and/or assigns
Purpose: Public Utility
Location: 730 E. Orangewood Ave.
File: 240017
Council District: 6

Easement (d)
Applicant: Alba Luz Mundo Castro; its successor and/or assigns
Purpose: Sidewalk
Location: 4228 S. 16th St.
File: 240009
Council District: 8

Easement (e)
Applicant: Alba Luz Mundo Castro; its successor and/or assigns
Purpose: Multi-use Trail
Location: 4228 S. 16th St.
File: 240009

Council District: 8

This item was adopted.

43 Outside Bindery Services - IFB 18-227 - Letter of Agreement to Extend Contract for Outside Bindery Services with MG Trust Investments, LLC dba American Bindery & Mailing (Ordinance S-50817)

Request to authorize the City Manager, or his designee, to enter into a Letter of Agreement with MG Trust Investments, LLC, dba American Bindery & Mailing, (Contract 147551) to continue to provide Outside Bindery Services for the City Clerk Department. Request to continue using funds previously approved via Ordinance S-44524. No additional funds are needed. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The purpose of the Letter of Agreement is to continue to provide the City Clerk Department with Outside Bindery Service on an as-needed basis. The City Clerk uses these services to complete projects for various City departments and programs that require specialized equipment. Examples include special folding, cutting, laminating and binding for public awareness and training initiatives, including pocket-sized brochures on domestic violence safety plans, transit route schedules, large reference guides and manuals and other unique items.

The Letter of Agreement is required to provide the City Clerk Department these services until Nov. 14, 2024.

Contract Term

The term of the Letter of Agreement will begin on or about May 15, 2024, and expire on Nov. 14, 2024.

Financial Impact

The aggregate value of the contract will not exceed $105,000 and no additional funds are needed.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

• Outside Bindery Services - Contracts 147551 (Ordinance S-49610) on April 19, 2023;
• Outside Bindery Services - Contracts 147551 (Ordinance S-44524) on May 2, 2018.

This item was adopted.

44 Automatic Doors Service and Supply Contract - IFB-24-0175 - Request for Award (Ordinance S-50787)

Request to authorize the City Manager, or his designee, to enter into a contract with DH Pace Company, Inc., to provide automatic doors service and supply for departments Citywide. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $1,865,160.

Summary
This contract is intended to fulfill the City's ongoing needs for supply, maintenance, and repair of automatic doors. The functionality and durability of these doors are essential to meeting the operational and security requirements of the City. Furthermore, ensuring the ongoing functionality of these doors is imperative, necessitating both preventative maintenance and on-demand repairs.

Procurement Information
An Invitation for Bid procurement was processed in accordance with Administrative Regulation 3.10.

There were two offers submitted and one was deemed to be responsive and responsible. The procurement officer evaluated the offer based on price and recommends award to the following Offeror:
DH Pace Company, Inc.

Contract Term
The contract will begin on or about May 15, 2024, for a five-year term with no options to extend.

Financial Impact
The aggregate contract value will not exceed $1,865,160. Funding is

available in the various department budgets.

This item was adopted.

45 Furniture Products and Services Contract - COOP-24-0177 Request for Award (Ordinance S-50793)

Request to authorize the City Manager, or his designee, to enter into contracts with Atmosphere Commercial Interiors, LLC; Corporate Interior Systems, Inc.; Arizona Furnishings; Elontec, LLC; Goodmans, Inc.; Interior Solutions; Tab Office Resources; Tucson Business Interiors, Inc.; and Wist Business Supplies and Equipment, to provide furniture products and services on an as-needed basis. Further request authorization for the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $22,500,000.

Summary

This contract set will provide departments Citywide the ability to furnish, reconfigure, optimize, and create safe employee workplaces. The contracts will provide furniture for City offices, public seating in high-traffic areas and furniture products compliant with the Americans with Disabilities Act, and allow departments to purchase repair services for existing furniture. The contract is available Citywide, with heavy usage from the Library, Phoenix Convention Center, Planning and Development, and Public Works departments. In addition, the contracts will be used to furnish the Police Department's relocation to their newly purchased building.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Alternative Competition. Utilizing contracts through a cooperative agreement provides departments with vendor options that are advantageous to the City given their wide access to furniture products and manufacturers. These cooperative contracts were awarded through a competitive process consistent with the City’s procurement processes, as outlined in Phoenix City Code, Chapter 43.

Contract Term
The term will begin on or about May 1, 2024, and will continue until Aug. 31, 2028, with a one-year option to extend.

Financial Impact
The aggregate contract value for will not exceed $22,500,000 for the five-year aggregate term. Funding is available in various department operating and Capital Improvement Program budgets.

This item was adopted.

46 Pharmacy Benefit Management Services - RFP HR 22-001 - Amendment 1 (Ordinance S-50788)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 158829 with Elixir Rx Solutions, LLC to amend contract to assigned vendor MedImpact Healthcare Systems, Inc. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-49593.

Summary
This contract will provide sustainable and affordable solutions to optimize the pharmacy care experience of eligible plan participants while keeping costs contained. Other services include claims adjudication, quality customer service to include Opioid Safety program, experience reporting, pass-through network rates at retail reimbursements, and competitive discounts in all areas to include Retail 30 and 90 days, Mail, Brand and Generic medications with performance guarantees in place. On or about Feb. 1, 2024, the agreement was acquired by and assigned to MedImpact Healthcare Systems, Inc., pursuant to proceedings in the U.S. Bankruptcy Court, District of New Jersey. Approval is requested to amend this contract accordingly and continue receiving Pharmacy Benefit Management Services from MedImpact Healthcare Systems, Inc.

Contract Term
The contract term remains unchanged, ending on Dec. 31, 2028.

Financial Impact

The aggregate value of the contract will not exceed $215 million and will be paid by the City's Health Care Benefits Trust Fund. No General Funds are needed. No additional funds are needed.

Concurrence/Previous Council Action

The City Council previously approved this request:
Pharmacy Benefit Management Services, Contract 158829 on April 19, 2023.

This item was adopted.

47 Legal Services - Amendment of Ordinance S-49864 to Include Three Contracts for Outside Counsel Legal Services (Ordinance S-50825)

Request to authorize the City Attorney, through the City Manager or his designee, to amend Ordinance S-49864 to include the following contracts to provide outside counsel legal services to the City on an as-needed basis as determined by the City Attorney: Berry Riddell, LLC; Hull, Holliday & Holliday, PLC; and Spencer Fane, LLP. Further request authorization for the City Controller to disburse all funds related to this item, in an amount not to exceed $19,000,000. The amount was previously authorized in Ordinance S-49864, and no additional funds are needed.

Summary

In accordance with the authority granted by Ordinance S-49864, the City Attorney is permitted to enter into legal services agreements with various law firms and lawyers to provide outside counsel services on an as-needed basis as determined by the City Attorney for Fiscal Years 2023-24 and 2024-25. The law firms and lawyers are set forth in **Attachment A** to Ordinance S-49864 and may include amendments thereto. The purpose of this Ordinance is to memorialize amendment of Attachment A to include the following firms: Berry Riddell, LLC; Hull, Holliday & Holliday, PLC; and Spencer Fane, LLP. These firms will provide outside counsel services to the City in numerous, selected legal areas on an as-needed basis as determined by the City Attorney.

Contract Term

In accordance with the authority granted by Ordinance S-49864, the terms of the contracts may begin any time on or after July 1, 2023, and expire on June 30, 2025, although current legal services for litigation continue under a Letter of Engagement until the case is resolved.

Financial Impact

The aggregate value of the contracts, in conjunction with the other outside counsel legal services agreements permitted by Ordinance S-49864, will not exceed $19,000,000. No additional funds are needed.

This item was adopted.

48 Intergovernmental Agreement with the Superior Court of Arizona in Maricopa County for Jury Services (Ordinance S-50827)

Request to authorize the Phoenix Municipal Court to enter into an Intergovernmental Agreement (IGA) with the Superior Court of Arizona in Maricopa County to provide jury services for cases where defendants have asserted their right to a jury trial. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate value will not exceed $4,180,000 over the life of the IGA, which includes an initial two-year term and the option to extend for four additional two-year terms.

Summary

The Superior Court of Arizona in Maricopa County will provide juror services to Phoenix Municipal Court as part of this IGA. These services include printing and mailing summons to potential jurors from a master jury list in accordance with state law, fielding phone calls about postponements, excuses, and disqualifications, processing payment of jury fees and mileage reimbursements, and providing remote access to their system for juror management. Costs for these services include juror empanelment fees, programming costs, VPN network services, summons creations, and mailings, as well as juror mileage reimbursement.

Contract Term

The initial two-year term will begin on or about July 1, 2024. This IGA includes the option to extend for four additional two-year terms.

Financial Impact

The aggregate value of this IGA, including all options to extend, is estimated at $4,180,000. Funding is available in the Phoenix Municipal Court's operating budget.

This item was adopted.

49 Create New Chapter of City Code for the 5D Network Infrastructure Services License and to Establish an Effective Date (Ordinance G-7250)

Request City Council to adopt an ordinance to establish the Network Infrastructure Services License by creating a new chapter 5D of the Phoenix City Code and to establish an effective date of April 20, 2024.

Summary

In 2022, the City of Mesa approved licenses for five companies to provide fiber-to-the-home (FTTH) services for high-speed internet services. In 2023, the Cities of Chandler and Gilbert approved similar licenses for the same purpose. During this time, representatives from AT&T, Google, Desert iNet, and Zoom Technology Arizona approached City staff to outline their interest and present proposals to build a FTTH network in Phoenix.

City Code currently does not have a Chapter to allow network infrastructure services to be installed and operated in the right-of-way (ROW) and the creation of this code will enable the City to enter into Network Infrastructure Service Licenses with interested providers who desire to install fiber-optic cabling in the City's ROW and provide high-speed internet access to residential customers through a FTTH services network.

The new Code section (**Attachment A**) will establish the framework for the license, the basis for the long-term agreement with these companies, will outline the financial terms and payments that companies will remit to reimburse the City for services provided in the installation and operation of their networks, and establish a fee for the use of the ROW.

Concurrence/Previous Council Action
On June 21, 2023, this item was presented to the Transportation, Infrastructure and Planning Subcommittee for discussion.

Public Outreach
The Street Transportation Department met with stakeholders between May 2022 and November 2023 with representatives of the network infrastructure service industry to discuss the new Code Chapter, applicable fees, and the City's proposed license requirements.

Financial Impact
The new Code section will propose a license fee based on a percentage of gross revenues from FTTH customers and an annual minimum fee based on the number of residential units passed. In addition, the companies will reimburse the City for plan review and permits, inspections, ROW Management, and other fees for staff time that are directly related to the construction, operation, and repair of the facilities required for the FTTH networks.

On Dec. 20, 2023, in accordance with A.R.S. 9-499.15 and City of Phoenix Administrative Regulations 1.98, the City posted on its website that the new fees in Chapter 5D will be on a City Council agenda on Feb. 21, 2024, or later.

This item was withdrawn.

51 Loan Federal HOME Funds for Garfield III Affordable Housing Development (Ordinance S-50801)

Request to authorize the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to $2 million in federal U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME) funds with Garfield Veterans Housing III, LLC, or a City-approved nominee, for the Garfield III Apartments affordable housing development project, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract. There is no impact to the General Fund.

Summary

On Dec. 6, 2023, the Housing Department issued a Call for Interest (CFI) seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing based on the Affordable Housing Community Priorities.

The Community Priorities are:

- Acquisition, rehabilitation and/or new construction of properties that focus on homeless or special needs populations and that provide appropriate services to assist and sustain these populations; and
- Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Program.

Procurement Information

Six proposals were received and reviewed by an evaluation committee comprised of two City staff members and one community representative. The proposals were evaluated on a 1,000-point scale based on the following criteria: Developer Experience; Project Merits/Approach; Financial Feasibility; and Project Impact. All six projects were recommended for funding, as follows:

Garfield III (Pennrose)
Osborn Pointe (Native American Connections, Inc)
Memorial Towers (National Church Residences)
Alex Apartments (Excelerate Housing Group)
Resilient Living @ Sunnyslope (Resilient Health, Inc.)
Kazan Apartments (BNB Development)

Garfield III Apartments, located at 1510 E. Portland St. (District 8), includes the new construction of a 60-unit permanent affordable multifamily housing community. Penrose Holdings, LLC, a for-profit developer, through Garfield Veterans Housing III, LLC, requested $2 million to assist with the development of this project. All units will serve households with incomes at or below 60 percent of the Area Median Income (AMI) with 11 City HOME units serving households at or below 40 percent AMI. Other proposed funding for this project includes permanent debt financing and Low Income Housing Tax Credit (LIHTC) equity.

Project awards are contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Financial Impact

There is no impact to the General Fund. HOME is a federally-funded program. Funding for this CFI is made available from 2023 HOME funds and a forward allocation of 2024 HOME funds. Funding commitments for projects with LIHTC equity are reliant upon receiving a LIHTC award from the Arizona Department of Housing. Funding is budgeted in the Housing Department’s CIP budget. Loan execution is anticipated for Fiscal Year 2024-25, and the loan will be paid to the developer over a two-year period.

Public Outreach

All applicants were required to hold at least one community meeting with the surrounding neighborhood to inform them of their proposed housing development. Per the evaluation criteria, applicants that held more than one community meeting were given additional points.

Location

1510 E. Portland St.
Council District: 8

This item was adopted.

52 Loan Federal HOME Funds for Alex Apartments Affordable Housing Development (Ordinance S-50806)

Request to authorize the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to $1,980,000 in federal U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME) funds with Alex Apartments, LP, or a City-approved nominee, for the Alex Apartments affordable housing development project, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract. There is no impact to the General Fund.

Summary

On Dec. 6, 2023, the Housing Department issued a Call for Interest (CFI) seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing based on the Affordable Housing Community Priorities.

The Community Priorities are:

Acquisition, rehabilitation and/or new construction of properties that focus on homeless or special needs populations and that provide appropriate services to assist and sustain these populations; and

Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Program.

Procurement Information

Six proposals were received and reviewed by an evaluation committee comprised of two City staff members and one community representative. The proposals were evaluated on a 1,000-point scale based on the following criteria: Developer Experience; Project Merits/Approach; Financial Feasibility; and Project Impact. All six projects were recommended for funding, as follows:

Garfield III (Pennrose)
Osborn Pointe (Native American Connections, Inc)
Memorial Towers (National Church Residences)
Alex Apartments (Excelerate Housing Group)
Resilient Living @ Sunnyslope (Resilient Health, Inc.)
Kazan Apartments (BNB Development)

Alex Apartments, located at 77 E. Weldon Ave. (District 4), includes the new construction of a 59-unit affordable multifamily housing community. Excelerate Housing Group, a for-profit developer, through Alex Apartments, LP, requested $1,980,000 to assist with the development of this project. All units will serve households with incomes at or below 60 percent of the Area Median Income (AMI) with 11 City HOME units serving households at or below 40 percent AMI. Other proposed funding for this project includes permanent debt financing, Low Income Housing Tax Credit (LIHTC) equity, and State Housing Trust Funds.

Project awards are contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Financial Impact

There is no impact to the General Fund. HOME is a federally-funded program. Funding for this CFI is made available from 2023 HOME funds and a forward allocation of 2024 HOME funds. Funding commitments for projects with LIHTC equity are reliant upon receiving a LIHTC award from the Arizona Department of Housing. Funding is budgeted in the Housing Department’s CIP budget. Loan execution is anticipated for Fiscal Year 2024-25, and the loan will be paid to the developer over a two-year period.

Public Outreach

All applicants were required to hold at least one community meeting with the surrounding neighborhood to inform them of their proposed housing development. Per the evaluation criteria, applicants that held more than one community meeting were given additional points.

Location

77 E Weldon Ave.
Council District: 4

This item was adopted.

53 Loan Federal HOME Funds for Kazan Apartments Affordable Housing Development (Ordinance S-50808)

Request to authorize the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to $1 million in federal U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME) funds with BNB Development, LLC, or a City-approved nominee, for the Kazan Apartments affordable housing development project, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of

the contract. There is no impact to the General Fund.

Summary

On Dec. 6, 2023, the Housing Department issued a Call for Interest (CFI) seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing based on the Affordable Housing Community Priorities.

The Community Priorities are:

Acquisition, rehabilitation and/or new construction of properties that focus on homeless or special needs populations and that provide appropriate services to assist and sustain these populations; and

Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Program.

Procurement Information

Six proposals were received and reviewed by an evaluation committee comprised of two City staff members and one community representative. The proposals were evaluated on a 1,000-point scale based on the following criteria: Developer Experience; Project Merits/Approach; Financial Feasibility; and Project Impact. All six projects were recommended for funding, as follows:

Garfield III (Pennrose)
Osborn Pointe (Native American Connections, Inc)
Memorial Towers (National Church Residences)
Alex Apartments (Excelerate Housing Group)
Resilient Living @ Sunnyslope (Resilient Health, Inc.)
Kazan Apartments (BNB Development)

Kazan Apartments, located at 2911 and 2941 N. 43rd Ave. (District 4), includes the new construction of a 72-unit permanent multifamily housing community. BNB Development, LLC, a for-profit developer, requested $1 million to assist with the development of this project. All units will serve households with incomes at or below 60 percent of the Area Median Income (AMI) with 11 City HOME units serving households at or below 40 percent AMI. Other proposed funding for this project includes permanent debt financing and Low Income Housing Tax Credit (LIHTC) equity.

Project awards are contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Financial Impact

There is no impact to the General Fund. HOME is a federally-funded program. Funding for this CFI is made available from 2023 HOME funds and a forward allocation of 2024 HOME funds. Funding commitments for projects with LIHTC equity are reliant upon receiving a LIHTC award from the Arizona Department of Housing. Funding is budgeted in the Housing Department’s CIP budget. Loan execution is anticipated for Fiscal Year 2024-25, and the loan will be paid to the developer over a two-year period.

Public Outreach

All applicants were required to hold at least one community meeting with the surrounding neighborhood to inform them of their proposed housing development. Per the evaluation criteria, applicants that held more than one community meeting were given additional points.

Location

2911 and 2941 N. 43rd Ave.
Council District: 4

This item was adopted.

54 Loan Federal HOME Funds for Memorial Towers Affordable Housing Rehabilitation (Ordinance S-50809)

Request to authorize the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to $1 million in federal U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME) funds with Memorial Towers (TC2) Senior Housing Limited Partnership, or a City-approved nominee, for the Memorial Towers affordable housing rehabilitation project, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse

the funds for the life of the contract. There is no impact to the General Fund.

Summary

On Dec. 6, 2023, the Housing Department issued a Call for Interest (CFI) seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing based on the Affordable Housing Community Priorities.

The Community Priorities are:

Acquisition, rehabilitation and/or new construction of properties that focus on homeless or special needs populations and that provide appropriate services to assist and sustain these populations; and

Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Program.

Procurement Information

Six proposals were received and reviewed by an evaluation committee comprised of two City staff members and one community representative. The proposals were evaluated on a 1,000-point scale based on the following criteria: Developer Experience; Project Merits/Approach; Financial Feasibility; and Project Impact. All six projects were recommended for funding, as follows:

Garfield III (Pennrose)
Osborn Pointe (Native American Connections, Inc)
Memorial Towers (National Church Residences)
Alex Apartments (Excelerate Housing Group)
Resilient Living @ Sunnyslope (Resilient Health, Inc.)
Kazan Apartments (BNB Development)

Memorial Towers, located at 1405 S. 7th Ave. (District 8), includes the rehabilitation of a 153-unit permanent affordable multifamily housing community. National Church Residences, a non-profit developer, through Memorial Towers (TC2) Senior Housing Limited Partnership, requested $1 million to assist with the rehabilitation of this project. All units will serve households with incomes at or below 60 percent of the Area Median Income (AMI) with 11 City HOME units serving households at or below 40

percent AMI. Other proposed funding for this project includes permanent debt financing and Low Income Housing Tax Credit (LIHTC) equity.

Project awards are contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Financial Impact

There is no impact to the General Fund. HOME is a federally-funded program. Funding for this CFI is made available from 2023 HOME funds and a forward allocation of 2024 HOME funds. Funding commitments for projects with LIHTC equity are reliant upon receiving a LIHTC award from the Arizona Department of Housing. Funding is budgeted in the Housing Department’s CIP budget. Loan execution is anticipated for Fiscal Year 2024- 25 and the loan will be paid to the developer over a two-year period.

Public Outreach

All applicants were required to hold at least one community meeting with the surrounding neighborhood to inform them of their proposed housing development. Per the evaluation criteria, applicants that held more than one community meeting were given additional points.

Location

1405 S. 7th Ave.
Council District: 8

This item was adopted.

55 Loan Federal HOME Funds for Resilient Living @ Sunnyslope Affordable Housing Development (Ordinance S-50811)

Request to authorize the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to $1,045,000 in federal U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME) funds with Sahuaro Housing, LP, or a City-approved nominee, for the Resilient Living @ Sunnyslope affordable housing development project, and to take all

actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract. There is no impact to the General Fund.

Summary

On Dec. 6, 2023, the Housing Department issued a Call for Interest (CFI) seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing based on the Affordable Housing Community Priorities.

The Community Priorities are:

Acquisition, rehabilitation and/or new construction of properties that focus on homeless or special needs populations and that provide appropriate services to assist and sustain these populations; and

Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Program.

Procurement Information

Six proposals were received and reviewed by an evaluation committee comprised of two City staff members and one community representative. The proposals were evaluated on a 1,000-point scale based on the following criteria: Developer Experience; Project Merits/Approach; Financial Feasibility; and Project Impact. All six projects were recommended for funding, as follows:

Garfield III (Pennrose)
Osborn Pointe (Native American Connections, Inc)
Memorial Towers (National Church Residences)
Alex Apartments (Excelerate Housing Group)
Resilient Living @ Sunnyslope (Resilient Health, Inc.)
Kazan Apartments (BNB Development)

Resilient Living @ Sunnyslope, located at 1815 W. Sahuaro Drive (District 3), includes the new construction of a 40-unit permanent multifamily housing community. Resilient Health, a non-profit developer, through Sahuaro Housing, LP, requested $1,045,000 to assist with the development of this project. All units will serve households with incomes at or below 60 percent of the Area Median Income (AMI) with 11 City

HOME units serving households at or below 40 percent AMI. Other proposed funding for this project includes permanent debt financing and Low Income Housing Tax Credit (LIHTC) equity.

Project awards are contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Financial Impact

There is no impact to the General Fund. HOME is a federally-funded program. Funding for this CFI is made available from 2023 HOME funds and a forward allocation of 2024 HOME funds. Funding commitments for projects with LIHTC equity are reliant upon receiving a LIHTC award from the Arizona Department of Housing. Funding is budgeted in the Housing Department’s CIP budget. Loan execution is anticipated for Fiscal Year 2024-25, and the loan will be paid to the developer over a two-year period.

Public Outreach

All applicants were required to hold at least one community meeting with the surrounding neighborhood to inform them of their proposed housing development. Per the evaluation criteria, applicants that held more than one community meeting were given additional points.

Location

1815 W. Sahuaro Drive
Council District: 3

This item was adopted.

56 Amend Ordinance S-48531 to Increase Federal HOME Award for Osborn Pointe Affordable Housing Development (Ordinance S-50807)

Request to authorize the City Manager, or his designee, to increase the award to Osborn Pointe, LP for federal HOME Investment Partnerships Program (HOME) funding by up to $1 million for a total loan amount of up to $2 million and to amend any and all agreements as necessary or

appropriate to effectuate the increase in funding. Authorization is also requested for the City Controller to disburse funds for the life of the contract. There is no impact to the General Fund.

Summary

On Dec. 6, 2023, the Housing Department issued a Call for Interest (CFI) seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing based on the Affordable Housing Community Priorities.

The Community Priorities are:

Acquisition, rehabilitation and/or new construction of properties that focus on homeless or special needs populations and that provide appropriate services to assist and sustain these populations; and

Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Program.

On April 20, 2022, City Council approved an award of $1 million in HOME funds to Native American Connections, through Osborn Pointe, LP for the development of Osborn Pointe, a 48-unit permanent affordable multifamily housing community. Native American Connections, Inc. is requesting an additional $1 million through this CFI, for a total award of $2 million in HOME funds, the maximum allowed through the CFI process. The increased loan funds will assist with the project's financial gap related to cost increases for construction.

Procurement Information

Six proposals were received and reviewed by an evaluation committee comprised of two City staff members and one community representative. The proposals were evaluated on a 1,000-point scale based on the following criteria: Developer Experience; Project Merits/Approach; Financial Feasibility; and Project Impact. All six projects were recommended for funding, as follows:

Garfield III (Pennrose)
Osborn Pointe (Native American Connections, Inc.)
Memorial Towers (National Church Residences)

Alex Apartments (Excelerate Housing Group)
Resilient Living @ Sunnyslope (Resilient Health, Inc.)
Kazan Apartments (BNB Development)

Osborn Pointe, located at 3406 N. 3rd St. (District 4), includes the new construction of a 48-unit permanent housing community. Native American Connections, Inc., a non-profit developer, through Osborn Pointe, LP, requested an additional $1 million for a total award of $2 million to assist with the development of this project. All units will serve households with incomes at or below 60 percent of the Area Median Income (AMI). In exchange for the additional funding, the owner has agreed to increase the public benefit by including an additional 11 City HOME units, bringing the total HOME units at the project to 22 City HOME units serving households at or below 40 percent AMI. Other proposed funding for this project includes permanent debt financing and Low Income Housing Tax Credit (LIHTC) equity.

Project awards are contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Financial Impact
There is no impact to the General Fund. HOME is a federally-funded program. Funding for this CFI is made available from 2023 HOME funds and a forward allocation of 2024 HOME funds. Funding commitments for projects with LIHTC equity are reliant upon receiving a LIHTC award from the Arizona Department of Housing. Funding is budgeted in the Housing Department's CIP budget. Loan execution is anticipated for Fiscal Year 2024-25, and the loan will be paid to the developer over a two-year period.

Public Outreach
All applicants were required to hold at least one community meeting with the surrounding neighborhood to inform them of their proposed housing development. Per the evaluation criteria, applicants that held more than one community meeting were given additional points.

Concurrence/Previous Council Action
On April 20, 2022, the original funding award of $1 million was approved by City Council through Ordinance S-48531 for Native American Connections, Inc.

Location
3406 N. 3rd St.
Council District: 4

This item was adopted.

57 Financial and Program Advisory Services (Ordinance S-50803)

Request to authorize the City Manager, or his designee, to enter into contracts with Praxis Consulting Group, LLC, JH Brawner & Company Corporation, CSG Advisors Incorporated, and Rounds Consulting Group, Inc., to provide Financial and Program Advisory Services for the Housing Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $200,000. There is no impact to the General Fund.

Summary
These contracts will provide Financial and Program Advisory Services for the Housing Department in affordable housing development and U.S. Department of Housing and Urban Development (HUD) programs to provide various services related to the development of affordable housing and sustainability of housing programs.

The contracts are on an as-needed basis and will provide analyses for the City on its various federally subsidized and other affordable housing programs, including but not limited to: Asset Management Strategies, Public Housing Management and Redevelopment, General Affordable Housing Development, Rental Assistance Demonstration (RAD), Choice Neighborhoods, other HUD development programs, Section 8 Administration, Strategic Planning, Low Income Housing Tax Credit projects, Grant Application Processes and other program requirements.

Procurement Information

A Request for Proposal procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Four proposals were received by the Feb. 29, 2024, deadline. In accordance with City of Phoenix Administrative Regulation 3.10, Section III, Subsection 4, all offers were determined responsive to the Solicitation requirements.

An Evaluation Committee of three City staff evaluated the proposals on the following 1,000-point scale:

Service Methodology	400 points
Organizational Capacity	300 points
Pricing	300 points

The Evaluation Team signed-off on the following final scoring:

Praxis Consulting Group, LLC:	773 points
JH Brawner & Company, Corporation:	736 points
CSG Advisors Incorporated:	733 points
Rounds Consulting Group, Inc.:	689 points

Staff recommends that all four offers be accepted as highest scored, responsive and responsible offers that are the most advantageous to the City. Each of these contractors offers varying areas of financial and program related expertise and will be utilized based on the individual needs of specific projects.

Contract Term
The term of the contracts will be for five years, beginning on June 1, 2024, and ending on May 31, 2029.

Financial Impact
The aggregate contract value will not exceed $200,000 (including applicable taxes). There is no impact to the General Fund. Funds will come from federal grant resources.

This item was adopted.

58 Authorization to Amend Homeless Services Ordinance S-49685 to Increase Payment Authority (Ordinance S-50816)

Request authorization for the City Manager, or his designee, to amend Homeless Services Ordinance S-49685 to add $50,000 in Emergency Solutions Grant (ESG) funding, for a revised aggregate amount not to exceed amount of $16,340,360. Further request authorization for the City Controller to disburse funds for the life of the contracts.

Summary

The City of Phoenix Human Services Department, Office of Homeless Solutions provides support services for persons who are experiencing homelessness. The additional funding will be used to provide continued support in activities including housing stabilization services and/or short- and medium-term rental assistance. The intent of the service is to provide persons enrolled in a housing program with preliminary stabilization services while they participate in activities necessary to obtain appropriate housing. Activities may include all activities outlined in ESG regulations at 24 CFR 576.104-106.

Contract Term

The term for the contracts will remain unchanged. The contract term is from July 1, 2023, through June 30, 2024, with four one-year options to extend.

Financial Impact

Expenditures will not exceed $16,340,360 over the life of the contracts approved in Ordinance S-49685.

Concurrence/Previous Council Action

On May 3, 2023, the City Council approved the Authorization to Enter Into Contracts for Homeless Services- Request for Proposals Contract Awards with Ordinance S-49685.

On Nov.15, 2023, the City Council approved additional funding for contracts 158735 and 158883 for $1.2 million with Ordinance S-50343.

This item was adopted.

59 **2024-25 Neighborhood Services Department Housing Rehabilitation Programs (Ordinance S-50822)**

Request to authorize the City Manager, or his designee, to apply for, accept, and if awarded, enter into any necessary agreements to implement the Neighborhood Services Department (NSD) grant-funded Housing Rehabilitation Programs. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. There is no impact to the General Fund.

Summary

NSD manages a diverse catalogue of Housing Rehabilitation Programs that enhance the quality of life of low- and moderate-income Phoenix residents by repairing single- and multi-family, owner- and tenant-occupied, properties. These programs benefit eligible households by removing health and safety hazards, promoting energy efficiency and sustainability, and supporting accessibility and aging in place. Furthermore, Housing Rehabilitation Programs protect affordability, preserve the aesthetic character of surrounding neighborhoods, and stimulate and expand residential and commercial development in communities across Phoenix. Housing rehabilitation projects are funded through a variety of federal, state and local grant funds, outlined below.

U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds finance housing rehabilitation contracts between low- and moderate-income property owners and contractors on the Approved Contractor List (ACL). These contracts may also be supplemented with funding from the U.S. Department of Energy, utility providers, and other state and local agencies.

HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) funding supports NSD's Lead Safe Program and its ongoing efforts to provide lead testing and lead hazard remediation services in single- and multi-family housing units built before 1978, that are occupied by low-income families with pregnant women and/or children under six years of age. The OLHCHH competitive grant applications also fund the Lead Safe Phoenix program's partnership with the Maricopa County Department of Public Health, and subsidizes direct contracts

with environmental consulting firms.
U.S. Department of Health and Human Services and U.S. Department of Energy Weatherization Assistance Program (WAP) funds provided through the Arizona Department of Housing, Arizona Public Service, Salt River Project, Southwest Gas, the Utility Repair, Replacement and Deposit program, the Low-Income Home Energy Assistance Program and Wildfire support NSD's continuous commitment of providing weatherization assistance services. These services include installing attic insulation, sunscreens, duct sealing, performing room pressure relief/air balancing, and repairing or replacing heating and cooling systems in owner-occupied and rental households that meet federal poverty guidelines.

NSD will maintain an ACL to increase the number of eligible small businesses that perform housing rehabilitation activities, and maintain efficient program operations. In order to be added to the ACL as an eligible contractor and receive bid opportunities to perform construction services on housing rehabilitation projects, contractors must be screened and qualified on an individual basis and meet and maintain all eligibility requirements set forth in NSD's Housing Rehab Contractor Application Packet, located on NSD's website. The ACL will remain open to local contractors that meet the applicable criteria in the Contractor Application Packet to promote and expand small business participation in the program. Contractors on the ACL will be selected to submit bids based on their certifications, licenses, and other criteria determined by Housing Rehabilitation Programs.

NSD seeks authorization to proceed with all actions necessary or appropriate to implement and administer its grant-funded Housing Rehabilitation programs, including applying for and accepting up to $13.1 million in funding. In addition to allocating up to $5.3 million in CDBG funds, NSD expects to be awarded approximately:
$6.5 million in WAP funds;
$1.3 million in OLHCHH funds;

Actions include:
If awarded, enter into any necessary contracts or agreements with the grantor(s) to fund existing and future contracts in accordance with the

grant terms.

Enter into and amend contracts with eligible property owners to perform rehabilitation services; enter into contracts with private contractors; issue Request for Proposals, Request for Qualifications, Calls for Interest, and Requests for Bids for Housing Rehabilitation Program services; award, negotiate, and execute contracts with the successful responders; and negotiate and/or amend existing contracts with various contractors and service providers to perform work on eligible housing and rental rehabilitation projects.

Maintain an ACL of qualified contractors to enter into agreements with low- and moderate-income property owners funded by NSD, pursuant to the grant terms. These funds may be disbursed to the property owner or contractor.

Take all other action necessary or appropriate to carry out the purposes of this item and implement and administer the Housing Rehabilitation Program grants according to their terms.

Procurement Information

As needed to implement and administer NSD's Housing Rehabilitation Programs, services may be procured using procurement procedures in accordance with Administrative Regulation 3.10.

Financial Impact

These programs are funded with federal, state and local grants. There is no impact to the General Fund.

Public Outreach

The ACL and/or other procurement opportunities will be advertised in local print media and will also be posted on NSD's website.

This item was adopted.

60 2024-25 Community Development Block Grant Neighborhood Enhancement and Infrastructure Programs (Ordinance S-50838)

Request to authorize the City Manager, or his designee, to procure services and amend existing contracts as necessary or appropriate to implement the Neighborhood Services Department's (NSD) grant-funded Enhancement and Infrastructure Programs in an aggregate amount not to

exceed $7,600,000. All existing contract spending limits are included in the aggregate total for this item. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

NSD administers enhancement and infrastructure projects that benefit low- and moderate-income residents of Phoenix, and prevent or eliminate blight by improving the physical infrastructure of neighborhoods. Enhancement and Infrastructure Programs are designed and implemented in partnership with active neighborhood organizations, City of Phoenix departments, including Library, Parks and Recreation, and Street Transportation, and local non-profit organizations to provide additional resources and support to execute strategies that achieve basic neighborhood improvement goals. The U.S. Department of Housing and Urban Development (HUD), through the Community Development Block Grant (CDBG) and Community Development Block Grant CARES Act (CDBG-CV), funds the following Enhancement and Infrastructure Programs:

The Neighborhood Enhancement Program (up to $6.1M)

Activities that address neighborhood needs with projects that include but are not limited to: improving public and nonprofit owned public facilities, such as parks, youth centers, and community facilities, and other enhancement projects that provide a public benefit to residents with low- and moderate-income in the City of Phoenix. All projects are subject to federal regulations and requirements.

The Neighborhood Infrastructure Program (up to $1.5M)

Activities that improve streets and street lighting, median landscaping, traffic and speed mitigation, water and sewer, drainage, and other infrastructure projects that serve low- and moderate-income areas. All projects are subject to federal regulations and requirements.

Additional activities include the acquisition, disposition, and rehabilitation of public facilities to address slum and blight on a spot or area basis.

NSD seeks authorization to proceed with all actions necessary or

appropriate to implement and administer the grant-funded Neighborhood Enhancement and Infrastructure Programs in Fiscal Year 2024-25.

If approved, procure and/or amend any necessary contracts or agreements with subrecipients and contractors to fund existing and future contracts in accordance with the grant terms.

Acquire or dispose of real property meeting the applicable federal rules and regulations and take all actions necessary to carry out acquisition, rehabilitation, and/ or disposition activities in accordance with grant terms.

Take all other action necessary or appropriate to carry out the purposes of the item and implement and administer the Neighborhood Enhancement and Infrastructure Programs in accordance with federal regulations and requirements.

Applicant and Review Process

Neighborhood Enhancement and Infrastructure applications and needs assessments may be submitted any time and are reviewed by City of Phoenix staff as they are received to determine the eligibility, feasibility, and risk of the proposed projects. Successful applications must benefit and serve low- and moderate-income residents of Phoenix and prevent or eliminate blight by improving the physical infrastructure of neighborhoods.

Procurement Information

Services may be procured, as needed, utilizing procurement procedures in accordance with Administrative Regulation 3.10 and 3.25 to implement and administer NSD's Neighborhood Enhancement and Infrastructure Programs.

Financial Impact

These programs are funded by HUD through CDBG and CDBG-CV funds. There is no impact to the General Fund.

This item was adopted.

61 2024-25 Community Development Block Grant Neighborhood Economic Development Programs (Ordinance S-50839)

Request to authorize the City Manager, or his designee, to enter

contracts and amend existing contracts as necessary or appropriate to implement the Neighborhood Services Department's (NSD) grant-funded Neighborhood Economic Development (NED) Programs. All existing contract spending limits are included in the aggregate total of this item. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. There is no impact to the General Fund.

Summary

NSD administers several economic development programs that make a significant and positive impact on Phoenix neighborhoods by expanding economic opportunities for low- and moderate-income individuals through job creation and training and providing valuable and timely resources to the small businesses that serve their community including consultations, technical assistance, financing opportunities and forgivable loans for rehabilitation projects. The U.S. Department of Housing and Urban Development (HUD), through the Community Development Block Grant (CDBG), funds the NED Programs listed below.

Management Technical Assistance (MTA) and Other Business Consultant Programs

These programs support and help sustain micro- and small businesses in low- to moderate-income neighborhoods by providing business management consulting assistance through one-on-one consultations and group workshops that focus on topics that include, but are not limited to: marketing, management of business accounts, credit building and investing, and managing digital presence. Available services and resources will be made available in various languages.

Neighborhood Commercial Rehabilitation Programs

Neighborhood Commercial Rehabilitation (NCR) programs encourage neighborhood revitalization. NCR provides financial and technical assistance to existing business and commercial property owners along targeted City of Phoenix business corridors. Program support, through capital improvements, ensure the long-term sustainability of the community and structures.

Other Small Business Assistance Programs

To respond to the changing needs of the micro-business community, NSD may develop additional tools and program resources to promote their sustainability and success. Program funding could include grants, loans or other assistance for businesses that operate in, or predominately serve, low- to moderate-income communities. In addition, partnerships with non-profit agencies or other organizations could be established to leverage funding options and other services.

Program Eligibility for NSD's NED Programs

Business owners must meet a CDBG National Objective to take part in NED Programs. Under Special Economic Development Activities, owners must provide a public benefit or deliver neighborhood enhancements, including job creation for local residents, blight elimination, or the provision of qualified goods and services to residents of targeted, low- to moderate-income Phoenix neighborhoods, to be eligible to participate in economic development programs. Additionally, under 24 CFR 570.208, services must benefit low- to moderate-income residents and/or low- to moderate-income Phoenix neighborhoods.

NSD estimates using up to $1.1 million in CDBG funds from current and prior HUD allocations to implement economic development programs.

Activities include:

Issuing Notices of Funding Opportunities, Requests for Proposals, Requests for Qualifications, Calls for Interest, Invitations for Bids, Requests for Bids and other procurements in accordance with Administrative Regulations 3.10 and 3.25;

Receiving program proposal applications and needs assessments and review of them by City of Phoenix staff to determine the eligibility, feasibility, and risk of proposed projects;

Delivering economic development services with various business and/or property through the utilization of financial tools such as grants and loans;

Entering new contracts and amending existing contracts with various business or property owners, or agencies such as non- and for-profit organizations and other agencies, to provide targeted economic development services and implement and administer the Neighborhood Economic Development Program activities;

Maintaining an ACL of qualified contractors to enter into agreements with low- and moderate-income property owners funded by NSD pursuant to the grant terms. These funds may be disbursed to the property owner or contractor; and

Taking all other action necessary or appropriate to carry out the purposes of this item and implement and administer the NED Program grants according to their terms.

Financial Impact

These programs are funded by HUD through CDBG funds. There is no impact to the General Fund.

This item was adopted.

62 Apply for Department of Energy Energy Efficiency Community Block Grant Funding Opportunity for Federal Fiscal Year 2024-25 - Federal Bipartisan Infrastructure Law Funding (Ordinance S-50795)

Request to retroactively authorize the City Manager, or his designee, to apply for, accept and, if awarded, enter into an agreement for disbursement of Federal funding from the U.S. Department of Energy (DOE) through the Federal Fiscal Year 2024-25 Energy Efficiency Community Block Grant (EECBG) grant opportunity. If awarded, the funding will be used for solar projects in libraries, parks and possibly other City facilities. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Funding for this grant opportunity is available through the Federal Bipartisan Infrastructure Law. The total grant funds applied for will not exceed $1,340,660, with no local match required.

Summary

The EECBG funding is allocated by DOE based on population size and requires participating municipalities to apply the funds toward energy conservation and greenhouse gas reduction projects. The City of Phoenix allocation is $1,340,660, for which it is proposing to commit to the installation of solar covered parking projects. Rather than allocate all the funds to one solar project, staff are proposing to use the funds to "buy-down" the cost of parking lot solar shading at multiple libraries and

parks through Solar Service Agreements whereby the vendor will be required to build, own, operate, and maintain the solar equipment throughout its life - while the City's contractual obligation will be to purchase the energy it produces throughout its life at an agreed to rate that is below or close to the current utility electricity rate. The Public Works Department will assist on this project by providing oversight of the vendor's connections to City infrastructure at the properties selected by the City project team.

As part of the EECBG program, the City may also be eligible to receive support from a DOE "energy fellow" who will assist with the implementation of the funded project(s) and assist with other energy efficiency projects for up to 18 months at no cost to the City. If the City is selected to receive assistance, the City may host the fellow for a period of time within City facilities, however the fellow will remain an employee of the U.S. DOE.

The EECBG grant submittal deadline was April 30, 2024.

Contract Term
The grants funds would be awarded in calendar year 2024 and disbursed in calendar years 2024 through 2026 as each specific project is installed.

Financial Impact
The EECBG award is $1,340,660. No matching funds are required. Departments will be reviewing solar covered parking proposals from vendors, approving specific projects, and negotiating with vendors on specific Solar Services Agreements to be agreed to at a later date.

This item was adopted.

63 Custodial Services for Parks and Recreation Department Facilities Contract Extension (Ordinance S-50826)

Request to authorize the City Manager, or his designee, to amend the contracts for Commercial Custodial Services, LLC, Contract 150078, and Bio Janitorial Services, Inc., Contract 150077, by extending the contracts beyond term. Further request additional funding in the amount of $590,000 and authorize the City Controller to disburse all funds related to

this item. The aggregate contract values will not exceed $5,010,000.

Summary
The City entered into five-year contracts for custodial services with Commercial Custodial Services, LLC, and Bio Janitorial Services, Inc., in 2019. These contracts provide custodial services, including labor, cleaning supplies, materials, equipment, tools, vehicles, and supervision necessary to clean various Parks and Recreation Department community centers, the Natural Resources Division Administration Office, Special Operations Administration Office, Steele Indian School Park - 1922 Memorial Hall, Encanto Park Clubhouse, and S'edav Va'aki Museum (formerly Pueblo Grande Museum).

A six-month extension of these contracts and additional funds are needed to continue essential department operations to maintain the cleanliness at the department's public facilities. This approval will allow staff adequate time to perform a thorough solicitation process.

Contract Term
The initial term of the contracts was for five years beginning May 31, 2019, through June 30, 2024. Upon City Council approval, the term of the six-month extension will expire Dec. 31, 2024.

Financial Impact
The additional funding authority will not exceed $590,000. The aggregate value of the contracts will not exceed $5,010,000. This amount includes regular monthly custodial services and ancillary services to clean, set-up, and tear down for special events. Funds are available in the Parks and Recreation Department's budget.

Concurrence/Previous Council Action
The City Council approved:

Custodial Services for Parks and Recreation Department Locations - Ordinance S-45611 approved on May 1, 2019.
Custodial Services (Parks and Recreation Department) - Ordinance S-48457 approved on April 6, 2022.

This item was adopted.

64 Rolling List for Recreation Instructor Services (Ordinance S-50828)

Request to authorize the City Manager, or his designee, to establish a rolling list of qualified instructors and enter into contracts with such instructors to provide recreational services for the Parks and Recreation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total cost of the contracts will not exceed $3,000,000 during the five-year term. There is no impact to the General Fund.

Summary

The Parks and Recreation Department (Parks) offers instructors the opportunity to provide a multitude of classes, programs and other services to the community. Some of the activities include art, dance, fitness, language, music, sports and theater instruction. Instructors can apply through an application process with Parks. After completing a process that ensures instructor qualification through minimum requirements, instructors will be added to a rolling list for use at Parks facilities. The rolling list may be amended by Parks at any time during the five-year term.

Procurement Information

Instructors will complete an application through the Parks process. Applications will be evaluated and instructors who pass all minimum requirements that include experience, background checks and insurance will enter into a Recreation Instructor Services Agreement with Parks.

Upon advance authorization from City Council for this rolling list of qualified instructors, this process will be compliant with the Phoenix City Code where it is outside the scope as set forth in section I(2)(B)(7).

Contract Term

These contracts may be entered into for a maximum term of five years, beginning on or about May 1, 2024, through April 30, 2029. Instructors added to the rolling list after May 1, 2024 must have a contract term that concludes no later than April 30, 2029.

Financial Impact

There is no financial impact to the General Fund. Costs for instructor services are paid from fees charged to program participants. The total cost of the contracts will not exceed $3,000,000.

This item was adopted.

65 Authorization to Enter into Contracts for Parks and Recreation Fireworks Events (Ordinance S-50831)

Request to authorize the City Manager, or his designee, to execute contracts with multiple vendors to provide fireworks display services and event activities for the Parks and Recreation Department. Further request to authorize the City Controller to disburse all funds related to this item and to grant an exception pursuant to Phoenix City Code 42-18 authorizing indemnification or assumption of liability provisions that otherwise would be prohibited for the agreements. The aggregate value of the contracts will not exceed $150,000.

Summary

Under the contracts, pyrotechnic entertainment and related activities will be provided for Fourth of July events sponsored by the Parks and Recreation Department. Anticipated events that provide firework displays at various locations throughout the City include After Dark in the Park, Light Up the Sky and the Phoenix Fabulous Fourth. Firework displays are presented for the benefit of City of Phoenix residents attending Parks and Recreation Department Fourth of July events.

Procurement Information

An informal solicitation for the Planning and Production of Firework and Pyrotechnic display events was issued on Feb.16 2024, and conducted in accordance with City of Phoneix Administrative Regulation 3.10. Three quotes were received, and Fireworks Productions of Arizona, LLC was the most cost effective for all three events.

In addition, production of the event includes other firework-related services in which vendors on an existing qualified vendor list will be utilized for some events. The list was procured in 2020 in accordance with City of Phoenix Administrative Regulation 3.10 and is effective

through June 2025.

Contract Term
The contract terms will be for the agreed upon events schedule for 2024.

Financial Impact
Funds are available in the Parks and Recreation Department's budget.

Location
Council Districts: 1, 4 and 5

This item was adopted.

67 Public Health Fellowship Intergovernmental Agreement (Ordinance S-50837)

Request to authorize the City Manager, or his designee, to amend contract 156982 to extend the Intergovernmental Agreement (IGA) (Attachment A) for the Public Health Fellowship program with Maricopa County Department of Public Health (MCDPH) to August 31, 2024.

Summary
In 2021, the City of Phoenix joined cities, towns, and counties across Arizona by signing onto the One Arizona Memorandum of Understanding (MOU). The One Arizona MOU provides the framework for the distribution of opioid settlement dollars across Arizona and directs how funds may be spent. In June 2022, City Council approved an IGA with the Maricopa County Department of Public Health for the Public Health Fellowship program. Through the program, the City of Phoenix was provided with a Public Health Fellow (Fellow) for a period of two years with the potential for extension. The role of the fellow is to support the City in the development of its plan to utilize opioid settlement funds.

The MCDPH has requested to extend the fellow to Aug. 31, 2024 from the original contract term ending June 30, 2024.

Contract Term
The contract term shall be from July 1, 2022, through August 31, 2024.

Financial Impact

There is no impact to the General Fund. The Public Health Fellowship Program is funded through the MCDPH utilizing funds from the U.S. Department of Health and Human Services. The Fellow will be an employee of the MCDPH and there will be no financial compensation from the City under the terms of this IGA.

Concurrence/Previous Council Action

City Council approved the Intergovernmental Agreement between the City of Phoenix and the Maricopa County Department of Public Health (MCDPH) on June 15, 2022.

This item was adopted.

68 Issuance of Lease Revenue Bonds (AGES-SLB, LLC Project), Series 2024 (Resolution 22200)

Requests City Council approval for the issuance of Lease Revenue Bonds (AGES-SLB, LLC Project), Series 2024, to be issued in one or more tax-exempt and/or taxable series in an aggregate principal amount not to exceed $6,000,000.

Summary

Request City Council adoption of a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Arizona (the “Phoenix IDA”) has previously resolved to issue up to $6,000,000 of Lease Revenue Bonds (the “Revenue Bonds”) in one or more tax-exempt and/or taxable series, the proceeds of which will be loaned to AGES-SLB, LLC (the “Borrower”), an Arizona limited liability company, whose sole member is Community Enhancement Corporation, an Arizona nonprofit corporation and an exempt organization described under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, to:

a.) Finance or refinance, as applicable, the acquisition, construction, improvement, equipping and/or operation of land and building to be leased to and operated by Arizona Goodwill Education Services as an adult charter school in Phoenix, Arizona, and;

b.) Pay certain costs related to the issuance of the Revenue Bonds.

Concurrence/Previous Council Action
The Phoenix IDA Board has previously resolved to issue the Revenue Bonds at its meeting held on April 18, 2024.

Location
The Project is located at or near 4837 E McDowell Road in Phoenix, Arizona.
Council District: 6

This item was adopted.

69 Issuance of Lease Revenue Bonds (GW-SLB II, LLC Project), Series 2024 (Resolution 22199)

Requests City Council approval for the issuance of Lease Revenue Bonds (GW-SLB II, LLC Project), Series 2024, to be issued in one or more tax-exempt and/or taxable series in an aggregate principal amount not to exceed $10,000,000.

Summary
Request City Council adoption of a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Ariz. (the “Phoenix IDA”) has previously resolved to issue up to $10,000,000 of Lease Revenue Bonds (the “Revenue Bonds”) in one or more tax-exempt and/or taxable series, the proceeds of which will be loaned to GW-SLB II, LLC (the “Borrower”), an Arizona limited liability company, whose sole member is Community Enhancement Corporation, an Arizona nonprofit corporation and an exempt organization described under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, to:
a.) Finance or refinance, as applicable, the acquisition, construction, improvement, equipping, and/or operation of land and building to be leased to and operated by Goodwill of Central and Northern Arizona as a retail site in Peoria, Arizona, and;

b.) Pay certain costs related to the issuance of the Lease Revenue

Bonds.

Concurrence/Previous Council Action
The Phoenix IDA Board has previously resolved to issue the Revenue Bonds at its meeting held on April 18, 2024.

Location
The Project is located at or near 8517 W. Grand Ave, in Peoria, Arizona.

With the exception of certain housing bonds, the Phoenix IDA can finance projects located anywhere in Arizona. In addition, the Phoenix IDA may issue bonds to finance projects outside of Arizona, if the out-of-state project provides a benefit within the State.

This item was adopted.

70 Request to Apply for and Accept 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant (Ordinance S-50819)

Request to retroactively authorize the City Manager, or his designee, to apply for, and accept, if awarded, up to $9,016,008 from the Federal Fiscal Year (FFY) 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program funds. If awarded, request to create new firefighter positions. Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item. If not approved, the grant if awarded would be declined.

Summary
SAFER grants are designed to bolster fire safety by ensuring that fire departments maintain staffing levels that meet or exceed industry standards, crucial for continuous, 24/7 operational readiness. This application requests $9,016,008 for the hiring of 24 firefighters to address attrition from retirements and resignations. The expansion in personnel is projected to significantly extend our service area and sharpen our emergency response capabilities. The grant covers salaries and benefits for these positions over three years. The grant application period opened on March 11, 2024, and closed on April 12, 2024.

If awarded, the Fire Department requests to create 24 new firefighter 56-hour (Job code 61010) positions.

Contract Term

The grant period of performance is three years and is estimated to begin on or around March 2025, with a program end date on or around February 2028.

Financial Impact

If awarded, the City of Phoenix Fire Department will receive up to $9,016,008 in grant funding for 24 firefighter positions. No match will be required from the City.

This item was adopted.

71 Powered Gurneys, Stair Chairs, Parts, and Accessories - RFA 19-008 - Letter of Agreement to Extend Contract for Powered Gurneys, Stair Chairs, Parts, and Accessories with Howmedica Osteonics Corporation dba Stryker Sales LLC (Ordinance S-50812)

Request to authorize the City Manager, or his designee, to enter into this Letter of Agreement with Howmedica Osteonics Corporation, dba Stryker Sales LLC, to continue to provide Powered Gurneys, Stair Chairs, Parts, and Accessories to the Fire Department. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-50320.

Summary

The purpose of this Letter of Agreement is to continue to provide the Fire Department's Emergency Medical Services (EMS) with powered gurneys, stair chairs, parts, and accessories. The Fire Department has an annual replacement plan due to the manufacturer seven-year life cycle of the gurneys. The stair chairs, parts, and accessories are used to safely lift and transport non-ambulatory patients without interruption. The powered gurneys and stair chairs are crucial, as they protect the patient during transport and help prevent injuries to the firefighters. Additionally, powered gurneys are a critical part of the Fire Department's efforts to provide lifesaving transport services to the public.

Contract Term
The term of the Letter of Agreement will expire on Dec. 31, 2024.

Financial Impact
The aggregate value of the contract will not exceed $1,600,000. No additional funds are needed.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
Powered Gurneys, Stair Chairs, Parts, and Accessories, Contract 150774, (Ordinance S-45298) on Jan. 9, 2019;
Powered Gurneys, Stair Chairs, Parts, and Accessories, Contract 150774, (Ordinance S-50320) on Nov. 15, 2023.

This item was adopted.

72 Qualtrax Document Management System Contract - RFA 24-0237 Request for Award (Ordinance S-50834)

Request to authorize the City Manager, or his designee, to enter into a contract with Qualtrax, Inc. to provide annual maintenance and support of the document management system for the Laboratory Services Bureau of the Police Department. Further request an exception to the indemnity and assumption of liability provision of Phoenix City Code section 42-18. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $87,940.

Summary
This contract will provide the Laboratory Services Bureau an annual software license and support to maintain the laboratory's policies, procedures and forms that are comprised within the controlled management system, as required by the City's ISO/IEC 17025 accreditation for the Police Department. The software allows the laboratory to control approximately 1,000 management system documents, track quality assurance activities, and document training and testing.

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

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. The document management system has been in continuous use since 2012 and the software has been heavily customized and leveraged since its inception. Continued use of the application will reduce the risk of errors and meet ongoing accreditation requirements.

Contract Term

The contract will begin on or about May 1, 2024 for a five-year term with three one-year options to extend.

Financial Impact

The aggregate contract value for will not exceed $87,940 for the five-year aggregate term with three one-year options to extend. Funding is available in the Police Department's budget.

This item was adopted.

73 Reagents, Consumables, Supplies and Service Support For Forensic Equipment Contract - RFA 24-0192 Request for Award (Ordinance S-50815)

Request to authorize the City Manager, or his designee, to enter into a contract with QIAGEN, LLC to provide reagents, consumables, supplies, and service support for forensic equipment for the Police Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $570,325.

Summary

The contract will provide the Police Department's Laboratory Service Bureau, Forensic Biology Section, with consumables for QIAGEN instruments and maintenance and repair services on the QIAsymphony and QIAcube equipment. The forensic instruments are used to process

deoxyribonucleic acid (DNA) evidence collected from crime scenes. The consumables provide DNA profiles for law enforcement to investigate leads of potential criminal suspects and routine maintenance of the instruments is vital to sustain the appropriate International Organization for Standardization (ISO) standards.

Procurement Information
In accordance with Administrative Regulations 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. QIAGEN, LLC is the only vendor certified to perform any repairs, calibrations, upgrade, preventative maintenance, and move QIAGEN instrumentations; all QIAGEN warranties will be voided if provided by another source.

Contract Term
The contract will begin on or about June 1, 2024, for a five-year term with one-year option to extend.

Financial Impact
The aggregate contract value will not exceed $570,325 for the five-year aggregate.

Funding is available in the Police Department and various departments' operating budgets.

Location
621 W. Washington St.
Council District: 7

This item was adopted.

74 Gary Sinise Foundation Grant (Ordinance S-50796)

Request the City Manager, or his designee, to allow the Police Department to apply for, accept and enter into an agreement with the Gary Sinise Foundation in the amount not to exceed $300,000. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary
The Police Department is requesting grant funding from the Gary Sinise Foundation who is looking to support the Department's unique programs designed to educate, inspire, strengthen, and build communities by providing financial assistance to first responders. The Gary Sinise Foundation is a 501(c)(3) charitable organization.

The Police Department proposes to use the grant funding to assist the Department in supplying patrol squads with newly designed ballistic shields for use during critical incidents involving firearms. The shields are designed to be more agile, tactically sound, and lighter in weight. The shields can be used in a variety of ways and for a longer period of time. Each patrol squad supervisor will be assigned a ballistic shield resulting in reduced response times in delivering essential tools when needed.

If approved, the Police Department will move forward with submitting our application.

Contract Term
The contract term is for one year from the date of signed agreement.

Financial Impact
No matching funds are required.

This item was adopted.

76 Authorization to Apply for the Community Policing Development Microgrant (Ordinance S-50836)

Request to authorize the City Manager, or his designee, to allow the Police Department to apply for, accept, and enter into an agreement with the Office of Community Oriented Policing Services for the Community Policing Development Microgrant. The grant amount is not to exceed $175,000.

Summary
The Community Policing Development (CPD) Microgrant provides funding for recruitment and retention or the advancement of diverse representation in law enforcement that includes quantitative measures of

success in better reflecting the diversity of the community.

The Police Department's Recruiting Unit will use this grant, if awarded, to help educate the public about sworn and civilian career opportunities with the Police Department. Funding will be used to provide materials, presentations and police partnerships toward those looking to start their professional career. Outreach efforts will be coordinated with community groups, high schools, colleges and vendors willing to work with the Recruiting Unit in hiring individuals who are reflective of the diverse Phoenix community. The goal is to increase hiring efforts so more police officers and civilian support staff would be available for crime suppression efforts.

The grant application is due on May 14, 2024. If approved, the Police Department will move forward with submitting their application.

Contract Term
The project period is for two years and will begin on Oct. 1, 2024.

Financial Impact
No matching funds are required.

This item was adopted.

77 Authorization To Enter Into Intergovernmental Agreement With Arizona Department of Health Services (Ordinance S-50830)

Request to authorize the City Manager, or his designee, to allow the Police Department to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Health Services (ADHS) to enforce laws regarding unlawful marijuana trafficking taking place outside the laws and regulations that govern the Arizona Medical Marijuana Program and the Adult-Use Marijuana Program. The current contact amount is $150,000; however, the Police Department requests to accept additional funds should they become available, not to exceed $750,000. The funding period is from July 1, 2024, through June 30, 2029. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The Arizona Medical Marijuana Act (AMMA) and the Smart and Safe Arizona Act (SSAA) were passed on Nov. 2, 2010, and Nov. 3, 2020, respectively. These two programs allow for the registration, certification, and regulation of ADHS licensed medical marijuana dispensaries and adult-use marijuana dispensaries.

Funding provided by ADHS will reimburse the Police Department for overtime and related fringe benefits for the enforcement of laws on marijuana sales within the City of Phoenix that fall outside of the AMMA, SSAA, and Arizona Revised Statutes Title 13. These activities include, but are not limited to, unlawful marijuana trafficking taking place by individuals or groups of individuals who distribute marijuana without obtaining proper ADHS licensing and approval.

Contract Term

The term of the contract is from July 1, 2024, through June 30, 2029.

Financial Impact

No matching funds are required.

This item was adopted.

78 2024 DNA Capacity Enhancement and Backlog Reduction Formula Grant Program (CEBR) (Ordinance S-50832)

Request to authorize the City Manager, or his designee, to allow the Police Department to apply for, accept, and enter into an agreement for federal grant funds through the Bureau of Justice Assistance for the 2024 DNA Capacity Enhancement and Backlog Reduction (Formula) grant program in the amount not to exceed $761,359. 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's Laboratory Services Bureau (LSB) has applied for and been awarded funds through this grant program for several years. This grant funding is to provide for the processing, recording, screening, and analysis of forensic DNA and/or DNA database samples. The grant

objective is to increase the capacity of public forensic DNA and DNA database laboratories to process more samples, thereby, reducing the backlog. All DNA profiles will be entered into the combined DNA Index System and, where applicable, uploaded to the National DNA Index System.

If awarded, grant funding will be utilized for forensic scientist overtime, related fringe benefits, equipment, travel, training, consultants for outsourcing DNA testing, and other costs to improve the quality and timeliness of forensic DNA analysis.

The grant application is due on May 22, 2024. If approved, the Police Department will move forward with submitting their application.

Contract Term
The contract term will be for two years beginning Oct. 1, 2024, through Sept. 30, 2026.

Financial Impact
No matching funds are required.

This item was adopted.

79 2024 DNA Capacity Enhancement and Backlog Reduction Competitive Grant Program (CEBR) (Ordinance S-50833)

Request to authorize the City Manager, or his designee, to allow the Police Department to apply for, accept, and enter into an agreement for federal grant funds through the Bureau of Justice Assistance for the 2024 DNA Capacity Enhancement and Backlog Reduction (Competitive) grant program in the amount not to exceed $1,000,000. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary
This grant funding is to provide for the processing, recording, screening, and analysis of forensic DNA and/or DNA database samples. The grant objective is to increase the capacity of public forensic DNA and DNA database laboratories to process more samples, thereby, reducing the

backlog. All DNA profiles will be entered into the combined DNA Index System and, where applicable, uploaded to the National DNA Index System.

If awarded, grant funding will be utilized for consultants for outsourcing DNA testing and other costs to improve the quality and timeliness of forensic DNA analysis.

The grant application is due on May 22, 2024. If approved, the Police Department will move forward with submitting their application.

Contract Term
The contract term will be for two years beginning Oct. 1, 2024 through Sept. 30, 2026.

Financial Impact
No matching funds are required.

This item was adopted.

80 Legal Services - Authorization to Enter into a Legal Services Agreement with Dentons US to Provide Outside Counsel Services for Department of Justice Investigation (Ordinance S-50841)

Request to authorize the City Attorney, through the City Manager or his designee, to enter into a legal services agreement with Dentons US to provide legal services to assist the City during the Department of Justice (DOJ) civil pattern or practice investigation, including any potential negotiations or litigation that may result from the investigation. Further request authorization for the City Controller to disburse all funds related to this item in an amount not to exceed $2,000,000.

Summary
The purpose of this agreement is to provide legal services to assist the City on any legal issues, including potential negotiation and litigation, related to the DOJ civil pattern or practice investigation.

Procurement Information
Legal services are exempt from the Procurement Code, and a formal

solicitation was not required. However, a thorough process was completed for these legal services. The Law Department sought proposals from all lawyers and firms on the City's current outside counsel list and several firms not currently on the list. Proposals were evaluated by the DOJ project team, and finalists were selected and provided an opportunity to interview with the DOJ executive team.

Contract Term
The term of the agreement is one year, with two one-year starting on or about May 1, 2024.

Financial Impact
The aggregate value of the agreement will not exceed $2,000,000 for the three-year term. Funding is available in the Police and Law department budgets.

This item was adopted.

82 San Francisco International Airport Purchase of Fourteen Phoenix Sky Harbor International Airport Buses (Ordinance S-50785)

The Aviation Department (AVN) requests authorization from the City Manager, or his designee, to conduct a noncompetitive sale with San Francisco International Airport (SFO), who has offered to purchase a maximum of 14, 40-foot ElDorado National Axess low-floor buses (Buses) at a price of $25,000 per bus. Further request to authorize the City Treasurer to accept all funds related to this item. The sale will not exceed a value of $350,000.

Summary
With the opening of Stage 2 of the Phoenix Sky Train on Dec. 20, 2022, AVN determined it no longer needed its fleet of 84, 40-foot buses.

Commencing on Sept. 22, 2022, SFO initiated a pilot program named GoSFO, which expanded airport shuttle service to areas not covered by other transit options. In an endeavor to expand their airport shuttle service, SFO approached AVN about the possibility of a direct purchase of fourteen buses.

The entire fleet of 40-foot shuttle buses owned by AVN are at or near the end of their useful life. AVN has retained six buses for use as a contingency to support special events, irregular airport operations, and PHX Sky Train maintenance operations. AVN has also retained six buses to be used for spare parts inventory. With the exception of the 14 buses requested by SFO, the remainder of the bus fleet have been sold at auction.

Procurement Information
According to Phoenix City Code 43-23B, surplus, unclaimed, or lost property not needed by City departments may be disposed of through a non-competitive sale with any other public entities, provided that such disposition is made pursuant to a request submitted to the CIty Manager. Disposal transactions estimated to exceed the payment ordinance threshold will be submitted to City Council for authorization.

Based on recent bus disposals through auction, AVN has determined it will receive significantly more revenue selling the 14 buses through this non-competitive offer than through auction.

Financial Impact
AVN has adhered to the City's salvage protocol to dispose of the remaining 58 buses. The average auction proceeds per bus were $1,458, for a total of $84,550.

On Sept. 7, 2023, the SFO Airport Commission granted approval to procure a maximum of fourteen buses from AVN at a rate of $25,000 per bus, with total a sale amount of $350,000.

Location
Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road
Council District: 8

This item was adopted.

83 Phoenix Sky Harbor International Airport Terminal 4 Infrastructure North Concourse 4 Passenger Boarding Bridges Replacement - 2-Step Construction Manager at Risk Services - AV21000112 FAA

(Ordinance S-50791)

Request to authorize the City Manager, or his designee, to enter into an agreement with Clayco, Inc. to provide Construction Manager at Risk Preconstruction and Construction Services for the Phoenix Sky Harbor International Airport Terminal 4 Infrastructure North Concourse 4 Passenger Boarding Bridges Replacement project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $12 million.

Summary

The purpose of this project is to replace six City-owned Passenger Boarding Bridges (PBBs) at Gates B23, B24, B25, B26, B27 and B28 of Phoenix Sky Harbor International Airport Terminal 4 North Concourse 4 (T4N4) with modern jet bridges that operate more efficiently, safely, and improve the passenger experience.

Clayco, Inc. will begin in an agency support role for Construction Manager At Risk Preconstruction Services. Clayco, Inc. will assume the risk of delivering the project through a Guaranteed Maximum Price (GMP) agreement.

Clayco, Inc.’s Preconstruction Services include, but are not limited to: project site survey and inventory of existing conditions; validate site constraints, site investigations and utility locations; attend all project meetings as necessary to maintain the project objectives; coordinate work with Owner and Design Team to secure all permits and approvals from various agencies; federal, state, county and local utility authorities; identify GMP packaging strategy and present alternate strategies to optimize the sequence of construction; provide detailed cost estimating and reconciliation with third party estimator for each design phase; provide value engineering / cost reduction efforts to optimize project budget; provide for construction phasing and scheduling; evaluate sequencing based on stakeholder feedback and minimize interruption to City operations; and participating with the City in a process to establish a Small Business Enterprise (SBE) goal for the project.

Clayco, Inc.'s initial Construction Services will include preparation of a GMP proposal provided under the agreement. Clayco, Inc. will be responsible for construction means and methods related to the project and fulfilling the SBE program requirements. Clayco, Inc. will be required to solicit bids from pre-qualified subcontractors and to perform the work using the City's subcontractor selection process. Clayco, Inc. may also compete to self-perform limited amounts of work.

Clayco, Inc.'s additional Construction Services include: demolish and remove six PBBs and installing new bridges located at T4N4; provide the necessary associated infrastructure required to support the new bridges; demolish and remove the glycol plant after installation of the six new bridges; provide the necessary associated electrical infrastructure to support the preconditioned air units on each bridge; provide additional distribution panel in support of the new bridge installation(s); provide necessary security access and ACAMS door controls for new bridges; prepare subcontractor selection plan; prepare a GMP proposal that meets City approval; arrange for procurement of materials and equipment; develop as needed time-scaled logic construction schedule and manage site operations; develop bid package instruction to bidders and solicit subcontractor bid proposals; maintain a safe work site for all project participants; maintain all project records in electronic format; and other work as required for a complete project.

Procurement Information

The selection was made using a two-step qualifications and price-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received, including the scoring results, until an agreement is awarded. Two firms submitted proposals and are listed below.

Selected Firm

Rank 1: Clayco, Inc.

Additional Proposer

Rank 2: M. A. Mortenson Company

Contract Term
The term of the agreement is five years from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for Clayco, Inc. will not exceed $12 million, including all subcontractor and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. The Aviation Department anticipates grant funding for a portion of the project. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action
The City Council approved Engineering Services Agreement 159048 (Ordinance S-50049) on July 3, 2023.

Location
Phoenix Sky Harbor International Airport: 2485 E. Buckeye Road
Council District: 8

This item was adopted.

84 Request to Issue Terminal 4 Lobby Retail Revenue Contract Solicitation and Extend Current Retail Contract (Ordinance S-50820)

Request to authorize the City Manager, or his designee, to issue a Revenue Contract Solicitation (RCS) for a concession lease of a single Terminal 4 Lobby Retail Space at Phoenix Sky Harbor International Airport, and to extend Lease No.116300 with NewsWatch & Partners @ PHX, LLC f.k.a. NewsWatch, Inc./ a.k.a Delstar Companies, Inc.

(NewsWatch) on a month-to-month basis until the new contract is awarded.

Summary
The goal of the RCS is to optimize sales and revenue over the term of the lease, provide quality and unique retail merchandise to passengers, emphasize local culture in the design of the facility and merchandise offerings, and select a Respondent with experience operating successful retail concessions in the United States and/or abroad.

This 1,715 square foot pre-security location will provide essential merchandise as a convenience, news, and gift store including reading materials, sundries, pre-packaged snacks, bottled/canned beverages, high tech accessories, souvenirs, gifts, and other miscellaneous merchandise.

The new RCS is scheduled to be issued on or about May 2024, with an estimated award in January 2025. The retail contract for this location is currently with NewsWatch (now owned by Paradies Lagardere) and will expire before the completion of the new solicitation and new lease execution. Extending the contract on a month-to-month basis will ensure uninterrupted service to airport passengers and employees during the solicitation process.

Procurement Information
The Aviation Department intends to conduct the RCS to select a vendor for the contract.

Responsive and Responsible Respondents will be evaluated according to the following criteria:

Proposed Concept and Merchandise Plan
Design and Quality of Tenant Improvement
Management, Marketing, Operations, and Technology Plans
Experience and Qualifications of respondent and partners (if any)
Proposed Business Plan
Financial Return to the City

The highest ranked Respondent will be recommended for the concession lease award. The Aviation Department intends to issue this solicitation on or about May 2024, with an estimated contract award in January 2025. The City's Transparency Policy will be in effect with the release of the RCS and throughout the process.

Contract Term
The contract term from the new concession lease will be 10 years with no renewal options.

The extension of the current lease with NewsWatch will be month-to-month and terminate upon execution of the new lease associated with this RCS award.

Financial Impact
Rent will be Minimum Annual Guarantee (MAG) or percentage of annual gross sales, whichever is greater. After the first year, MAG will be established at 85 percent of the prior year's annual rent or 100 percent of the MAG for the first year, whichever is greater. Rent shall not be less than the first year's MAG.

Concurrence/Previous Council Action
The Business Development Subcommittee recommended this item for approval on March 7, 2024, by a vote of 3-0.

The Phoenix Aviation Advisory Board recommended this item for approval on March 21, 2024, by a vote of 9-0.

The Transportation, Infrastructure, and Planning Subcommittee recommended this item for approval on April 17, 2024, by a vote of X-X.

Public Outreach
This process will include all standard and required outreach efforts and conduct targeted outreach efforts to attract interest.

Location
Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road
Council District: 8

This item was adopted.

85 Automated Passenger Counting System Maintenance and Repair Contract RFA 24-0281 - Request for Award (Ordinance S-50823)

Request to authorize the City Manager, or his designee, to enter into a contract with Bridge Technology, Inc. to provide Automated Passenger Counting (APC) System maintenance and repair services at the Phoenix Sky Harbor International Airport. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will be up to $1,200,000.

Summary

The APC System is installed at all Phoenix Sky Train stations and counts passengers boarding and deboarding from the Phoenix Sky Trains. The passenger counting data is collected, processed, and stored in a web portal that can be accessed by the Aviation Department (Aviation). Aviation uses this data to ensure ongoing Phoenix Sky Train operations meet the daily and projected passenger demand.

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

Procurement Information

In accordance with City of Phoenix Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on Special Circumstances Without Competition.

Contract Term

The contract will begin on or about May 25, 2024, for a two-year term with three one-year options to extend for a total five-year contract.

Financial Impact

The aggregate contract value for the new contract will be up to $1,200,000 for the total five-year contract term.

Funding is available in the Aviation Department Operating Budget.

Location
Phoenix Sky Harbor International Airport - 2485 E. Buckeye Road
Council District: 8

This item was adopted.

86 One-Time Purchase of One Airfield Rescue and Fire Fighting Truck (Ordinance S-50799)

Request to authorize the City Manager, or his designee, to enter into a contract with Hughes Fire Equipment Inc. for the purchase of one Airfield Rescue and Fire Fighting (ARFF) truck. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $3,000,000.

Summary
The Public Works Department seeks authorization to purchase an ARFF truck to replace an aging unit that has exceeded its 15-year life cycle. This unit will be utilized at the Phoenix Sky Harbor Airport in accordance with Federal Aviation Administration (FAA) regulations. ARFF trucks are essential to airfield rescue and required to support air carrier operations.

Procurement Information
In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. Due to the unique build specifications reviewed and deemed acceptable by the Aviation and Public Works departments, Hughes Fire Equipment Inc. is being used.

Contract Term
The item will be for the one-time purchase of an ARFF truck, starting on or about Council approval, May 1, 2024.

Financial Impact
The contract value will not exceed $3,000,000.

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

Location
Phoenix Sky Harbor International Airport: 2485 E. Buckeye Road
Council District: 8

This item was adopted.

87 Intergovernmental Agreement with Regional Public Transportation Authority for RideChoice Program Services (Ordinance S-50835)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Regional Public Transportation Authority (RPTA) for the transition to, and use of, the Valley Metro RideChoice Program for users of Phoenix's Alternative Transportation Programs. Further request to authorize the City Controller to disburse funds related to this request.

Summary
In addition to bus, light rail, and Dial-a-Ride services, the City of Phoenix Public Transit Department (PTD) provides Alternative Transportation Programs (ATP) for Phoenix senior citizens and residents with disabilities through multiple subsidy programs. ATP allows flexibility for seniors and Americans with Disabilities Act (ADA)-certified individuals to plan taxi-based trips based on their individual needs. ATP services include:

ADA Cab: Provides ADA-certified individuals the ability to schedule trips at their convenience and to locations of their choice.
Senior Cab: Provides individuals 65 and older flexible transportation at their convenience and to locations of their choice.
Jobs and Employment Transportation: Supports travel to and from jobs or employment training programs for residents with disabilities.
Repetitive Medical Trips: Supports travel to and from repetitive medical appointments, such as dialysis treatment.

In 2023, PTD issued a Request for Proposals for ATP services and received no bids. As a result, PTD negotiated with the incumbent contractor, MV Transportation, and received City Council approval to extend ATP services through June 30, 2024. During this one-year extension, PTD staff has been working to seamlessly transition the

approximately 600 users of Phoenix's ATP services to the similar Valley Metro RideChoice Program.

Effective July 1, 2024, RideChoice will serve eligible participants' transportation needs, making it easy to access a larger network of rideshare transportation providers, including Uber, Lyft, local taxicabs, and other wheelchair-accessible vehicles. Like ATP, RideChoice will offer continued flexibility to eligible Phoenix residents to plan trips based on their unique schedules.

RideChoice provides alternative travel options for ADA-certified individuals and seniors 65 years and older. Program features include on-demand travel, no requirements to book ahead, and no need for shared rides. RideChoice currently costs riders $3 for each one-way trip up to eight miles, with additional miles costing $2 each. Wheelchair-accessible services are also available, at no additional charge.

Phoenix Dial-a-Ride service is a separate program, and is not affected by this transition.

Contract Term
The IGA term will be effective from July 1, 2024, through June 30, 2034, with one option to extend the term an additional 10 years, if an extension is in the City's best interest.

Financial Impact
The estimated cost for the first year of the program is $956,000. This request is for a funding amount not to exceed $12 million for the agreement's ten-year term. Like current ATP services, the program will be funded with T2050 and federal grant funds.

This item was adopted.

88 Scrap Metal Recycling Contract IFB 24-SW-036 - Request for Award (Ordinance S-50797)

Request to authorize the City Manager, or his designee, to enter into contracts with Rush Auto Recyclers, Inc., dba We Buy Scrap and

Southwest Metals, LLC, to provide scrap metal recycling services, as needed, for ferrous and non-ferrous metals citywide. The total estimated revenue over the life of the contract is $1,850,000, with an estimated annual revenue of $370,000. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

This contract will provide scrap metal recycling services to include ferrous and non-ferrous metals such as sheet iron, aluminum, and brass. Consistent with the City's waste diversion and Climate Action Plan goals, this contract allows for the diversion of ferrous and non-ferrous metals from the landfill and repurposes these metals to contribute to a more sustainable future. Revenue generated from the sale of scrap metals will be used to offset operational expenses.

Procurement Information

An Invitation for Bid was processed in accordance with City of Phoenix Administrative Regulation 3.10. Two vendors submitted bids deemed responsive to posted specifications, and responsible to provide the required services. Revenue estimates were based on Fastmarkets and the iScrap Application. Following an evaluation based on percentage of index paid to the City of Phoenix, the procurement officer recommends award to the following vendors:

We Buy Scrap, LLC

Percentage of Index Paid:
Sheet Iron = 80%
Unprepared Iron = 80%
Aluminum Mid = 80%
Aluminum High = 80%
Manhole Covers = 80%
Brass Water Meters = 80%

Southwest Metals, LLC:

Percentage of Index Paid:
Sheet Iron = 201%
Unprepared Iron = 119%
Aluminum Mid = 51%

Aluminum High = 101%
Manhole Covers = 127%
Brass Water Meters = 91%

Contract Term
The contracts will begin on or about June 1, 2024, for an initial three-year term with two one-year options to extend.

Financial Impact
The estimated aggregate revenue is approximately $1,850,000 over the five-year term of the contracts. Actual revenue generation will fluctuate depending on market conditions and tonnage delivered.

This item was adopted.

89 Agreement with Phoenix Union High School District to Accept and Process Recyclable Materials (Ordinance S-50802)

Request to authorize the City Manager, or his designee, to enter into an Agreement with the Phoenix Union High School District to accept and process recyclable materials collected in the Phoenix Union High School District and delivered to the City of Phoenix's Material Recovery Facilities (MRF). Additionally, request the City Council to grant an exception pursuant to Phoenix City Code section 42-20(B) to authorize inclusion of mutual indemnification language that otherwise would be prohibited by Phoenix City Code section 42-18(A) and (B). Further request to authorize the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary
The Phoenix Union High School District has requested to enter into an Agreement with the City of Phoenix to accept and process its recyclable material. The City of Phoenix can accept these materials with terms to address changing market conditions, resulting in lower commodity prices and increased processing costs from contamination in the recyclables. This Agreement will authorize the City of Phoenix to charge a processing fee to the Phoenix Union High School District for recycling tonnage processed at the City MRFs, which is designed to ensure all costs associated with processing recyclables are recovered by the fee. The

terms of this Agreement include:

In a market with low recycling commodity prices, the City of Phoenix will charge a processing fee to the Phoenix Union High School District, and no revenue share to the Phoenix Union High School District will be available.
In a market with high recycling commodity prices, the Phoenix Union High School District will pay a processing fee and will receive 50 percent of the net revenue share and the City of Phoenix will receive the remaining 50 percent.

Annually, the Phoenix Union High School District will deliver up to 2,000 tons of recyclable materials to City of Phoenix facilities.

Contract Term
The one-year term of this Agreement will begin on or about July 1, 2024 and conclude on or about June 30, 2025. Provisions of the Agreement include four, one-year options to extend the agreement.

Financial Impact
The Phoenix Union High School District will be paying Phoenix to accept recyclables to cover all expenses associated with proper handling of the materials. If recycle market prices increase during the term of the agreement, Phoenix and Phoenix Union High School District would share the additional revenue at a 50/50 split. Funds for the revenue share payments to the Phoenix Union High School District are available in the Public Works Department's budget.

Location
North Gateway Material Recovery Facility, 30205 N. Black Canyon Hwy.
27th Avenue Material Recovery Facility, 3060 S. 27th Ave.
Council Districts: 2 and 7

This item was adopted.

90 Reciprocal Agreement with Waste Management for Disposal of Solid Waste (Ordinance S-50805)

Request to authorize the City Manager, or his designee, to enter into a

Reciprocal Agreement with Waste Management to manage solid waste materials delivered for processing or disposal at City facilities. This agreement will be conducted as a true balanced reciprocal agreement to a ton-for-ton basis with no monetary exchange required.

Summary

The City of Phoenix and Waste Management mutually agree it is beneficial and good business for each party to use the transfer station owned by the other on a reciprocal basis to support operations. This agreement allows business efficiency for managing refuse collection and disposal with vehicle routing that reduces excessive travel time and distances, reduces air pollution, and maximizes fuel economy.

Contract Term

The initial one-year contract shall begin on or about May 1, 2024, with four one-year options to extend.

Financial Impact

This agreement will be conducted as a ton-for-ton exchange with no monetary value. In the event of an emergency that requires either party to exceed the agreed upon amount of tonnage, the exceeding party will be compensated by paying the disposal associated gate rate or price per ton.

This item was adopted.

91 Maintenance and Repair of Truck, Cylinder and Other Industrial Scales IFB 19-115 - Amendment (Ordinance S-50789)

Request to authorize the City Manager, or his designee to allow additional expenditures under Contract 151122 with Southwestern Scale Co, Inc. to provide maintenance and repairs of truck, cylinder, and other industrial scales used by the Public Works and Water Services departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $136,000.

Summary

This contract will provide services to replace and repair the scales used

at City-owned transfer stations and open landfill as needed. Working scales are imperative to operations, as all transactions inbound must be weighed to ensure proper billing is conducted. Repair and calibration of truck scales is necessary for regulatory compliance at several Wastewater Treatment Plants and Water Treatment Plants. The vendor is paid by the weight of the haul, so it is extremely important the truck scales, at every location, are accurate and in good condition.

Contract Term
The contract term remains unchanged, expiring on Oct. 31, 2024.

Financial Impact
Upon approval of $136,000 in additional funds, the revised aggregate value of the contract will not exceed $1,068,000. Funds are available in the Public Works and Water Services departments' budgets.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• Maintenance and Repair of Truck, Cylinder and Other Industrial Scales - Contract 151122 (Ordinance S-46106) on Oct. 16, 2019.

This item was adopted.

92 Large Diameter Sanitary Sewer Rehabilitation - Job Order Contracting Services - JOC228 (Ordinance S-50784)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with five contractors listed below, to provide Citywide Large Diameter Sanitary Sewer Rehabilitation Job Order Contracting services for the Water Services Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for all services will not exceed $100 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of

the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council 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 should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The Job Order Contracting (JOC) contractors' services will be used on an as-needed basis to provide large diameter sanitary sewer rehabilitation services for the wastewater collection system, utilizing primarily the cured-in-place (CIPP) felt and resin lining process. Occasionally, the work may include dig-and-replace in lieu of CIPP lining of existing pipe. Additionally, the JOC contractors will be responsible for fulfilling Small Business Enterprise program requirements.

Procurement Information

The selections were made using a qualifications-based selection process set forth in section 34-604 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-604(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Seven firms submitted proposals and are listed below.

Selected Firms

Rank 1: TF Contracting Services LLC
Rank 2: SAK Construction LLC
Rank 3: B & F Contracting, Inc.
Rank 4: Iron Horse Pipeline Services LLC
Rank 5: IRC West LLC dba Insta-Pipe SW

Additional Proposers

Rank 6: Achen-Gardner Construction, L.L.C.
Rank 7: Vortex Lining Systems, LLC

Contract Term

The term of each master agreement is for up to five years, or up to $20 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact

The master agreement value for each of the JOC contractors will not exceed $20 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed $20 million.

Request to authorize the City Manager, or his designee, to execute job order agreements performed under these master agreements for up to $4 million each. In no event will any job order agreement exceed this limit without Council approval to increase the limit.

Funding is available in the Water Services Department's Capital Improvement Program and/or Operating budgets. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

This item was adopted.

93 16-Inch Zone 1 Carver Road to Elliot Road from 51st Avenue to 35th Avenue - Construction Manager at Risk Construction Services Amendment - WS85500440 (Ordinance S-50786)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 156126 with PCL Construction, Inc. to provide additional Construction Manager at Risk Construction services for the 16-Inch Zone 1 Carver Road to Elliot Road from 51st Avenue to 35th Avenue project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed $4.5 million.

Summary

The purpose of this project is to install approximately 11,339 feet of 16-inch combination transmission and distribution pipe, valves, fittings, hydrants and service connections from Carver Road to Elliot Road and from 51st Avenue to 35th Avenue. The project will help provide water services to future developments in the Laveen area.

This amendment is necessary because of increased scope of work to meet agency requirements and higher than anticipated budgeted cost due to the escalation in materials and labor cost for the project. This amendment will provide additional funds and time to the agreement.

Contract Term

The term of the agreement amendment is three years from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The initial agreement for Construction Manager at Risk Preconstruction Services was approved for an amount not to exceed $30,000, including all subcontractor and reimbursable costs.

The initial agreement for Construction Manager at Risk Construction Services was approved for an amount not to exceed $7,731,000, including all subcontractor and reimbursable costs.

This amendment will increase the agreement by an additional $4.5 million, for a new total amount not to exceed $12,261,000, including all subcontractor and reimbursable costs.

Funding for this amendment is available in the Water Services Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to the execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action
The City Council approved:
Construction Manager at Risk Preconstruction Services 154549 (Ordinance S-47674) on June 16, 2021; and
Construction Manager at Risk Construction Services Agreement 156126 (Ordinance S-48508) on April 20, 2022.

Location
Carver Road to Elliot Road from 51st Avenue to 35th Avenue
Council District: 8

This item was adopted.

94 Traffic Count Services Contract - RFQ 24-0196 - Request for Award (Ordinance S-50790)

Request to authorize the City Manager, or his designee, to enter into a contract with United Civil Group Corporation to provide traffic count services for the Street Transportation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $203,000.

Summary
This contract will provide traffic count services for the Street Transportation Department for the purpose of collecting vehicle, pedestrian, and bicycle counts, including turning movement counts at mid-block, signalized or unsignalized intersections, or any other location identified by the City. The traffic data collected under this contract will be used for the City Traffic Volume Map, traffic signal and High intensity Activated CrossWalK (HAWK) pedestrian signal warrant studies, speed studies, and all other special studies that support traffic operations' functions.

Procurement Information
A Request for Quote procurement was processed in accordance with Administrative Regulation 3.10.

Two offerors submitted quotes and were deemed to be responsive and responsible per the posted specifications. Following an evaluation based

on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services, the following low-price bid vendor has been selected for the award recommendation.

Selected Offer
United Civil Group Corporation

Contract Term
The contract will begin on or about April 1, 2024, for a two-year term with three, one-year options to extend.

Financial Impact
The aggregate contract value will not exceed $203,000. Funding is available in the Street Transportation Department's operating budget.

This item was adopted.

95 Generator Maintenance, Inspection, and Repair Services - IFB 22-FMD-044-Amendment (Ordinance S-50794)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 156295 with Loftin Equipment Company to add the Street Transportation Department as a contract user and to increase expenditure authority for the contract. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $21,000.

Summary
This contract will provide annual and interval inspections, maintenance, and repair services on an as-needed basis for generators within the Street Transportation Department facilities. The generators provide electrical power to critical locations and systems in the event of a utility electrical power loss. This agreement also provides services for the facilities maintained by the Aviation, Phoenix Convention Center, Public Works, and Water Services departments.

Contract Term
The contract term remains unchanged, ending on May 31, 2027.

Financial Impact

Upon approval of $21,000 in additional funds, the revised aggregate value of the contract will not exceed $1,110,600. Funds are available in the Street Transportation Department's operating budget.

Concurrence/Previous Council Action

The City Council previously approved this request:
Generator Maintenance, Inspection, and Repair Services Contract 156295 (Ordinance S-48559) on May 11, 2022.

This item was adopted.

96 Upside Down Marking Paint Supply - Requirements Contract - IFB 21-129 - Amendment (Ordinance S-50800)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 155140 with Arizona Water Works Supply for the purchase of upside down marking paint for Citywide use. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $91,000.

Summary

This contract provides upside down marking paint to Citywide departments on an as-needed basis to complete field markings on a variety of surfaces during events and projects throughout the City of Phoenix. The upside down paint is used for layout lines on new black top asphalt to guide the application of permanent traffic paint.

Contract Term

The contract term remains unchanged, ending on Sept. 7, 2026.

Financial Impact

Upon approval of $91,000 in additional funds, the revised aggregate value of the contract will not exceed $316,000. Funds are available in the Street Transportation Department's budget.

Concurrence/Previous Council Action

The City Council previously approved this request:
Upside Down Marking Paint Supply - Requirements Contract 155140

(Ordinance S-47846) on Aug. 25, 2021.

This item was adopted.

97 Rio Reimagined: 3rd Street Rio Salado Bicycle/Pedestrian Bridge - Engineering Services Amendment - ST87600140 (Ordinance S-50821)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 159422 with T.Y. Lin International, Inc. to provide additional Engineering Services for the Rio Reimagined: 3rd Street Rio Salado Bicycle/Pedestrian Bridge project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed $1,113,000.

Summary

The purpose of this project is to design a bicycle and pedestrian bridge across the Rio Salado River along the 3rd Street alignment and to improve the southern bank trails of the Rio Salado River by adding low-emitting solar pedestrian-scale lighting and pathway amenities in the south side of the Rio Salado River footprint between Central Avenue and 40th Street.

This amendment is necessary to complete the final design of the project together with completing environmental requirements, independent design check for the bridge design, and collaborative work with the Construction Manager At Risk Contractor. This amendment will provide additional funds to the agreement.

Contract Term

The term of the agreement will remain unchanged. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The initial agreement for the Engineering Services was approved for an amount not to exceed $2,800,000, including all subconsultant and reimbursable costs.

This amendment will increase the agreement by an additional $1,113,000, for a new total amount not to exceed $3,913,000, including all subconsultant and reimbursable costs.

Funding for this amendment will utilize federal funds and is subject to the requirements of the Rebuilding American Infrastructure with Sustainability and Equity program. The funding is available in the Street Transportation Department's Capital Improvement Program. The Budget and Research Department will separately review and approve funding availability prior to the execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The City Council approved Engineering Services Agreement 159422 (Ordinance S-50284) on Nov. 1, 2023.

Location

3rd Street alignment across the Rio Salado/Salt River and along the south side of the Salt River from Central Avenue to 40th Street
Council District: 8

This item was adopted.

98 Apply for Federal Funding for Transportation Projects in Federal Fiscal Years 2027 and 2028 (Ordinance S-50798)

Request to retroactively authorize the City Manager, or his designee, to apply for, accept and if awarded, disburse funds and enter into agreements for federal transportation funding passed through the Arizona Department of Transportation (ADOT) in coordination with the Maricopa Association of Governments (MAG). Further request an exemption from the indemnification prohibition set forth in Phoenix City Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20. If awarded, further request to authorize the City Treasurer to

accept, and the City Controller to disburse, all funds related to this item.

Summary
On Jan. 4, 2024, MAG announced a Call for Projects for Federal Fiscal Years (FFYs) 2027 and 2028 Highway Safety Improvement Program (HSIP) grant applications. HSIP funds are programmed statewide on a competitive basis. The grant application process is managed through MAG in collaboration with ADOT. Grant applications are being accepted for qualifying road safety improvements in FFYs 2027 and 2028. MAG member agencies are encouraged to apply.

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 was an opportunity to leverage City dollars while increasing the City's ability to complete more transportation-related projects that enhance the community. Staff prepared and submitted several grants consistent with adopted goals and objectives; two applications focused on traffic signal upgrades and two on new High-intensity Activated Crosswalks (HAWKs).

The grant deadline was April 11, 2024.

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 submitted several applications for consideration. The minimum local match would require the City to fund approximately $400,000 to obtain $4,500,000 in federal funds for construction.

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

This item was adopted.

99 ***ITEM REVISED (SEE ATTACHED MEMO)* Request to Amend**

Development Agreement with Chamberlain Development, LLC (Ordinance S-50804)

Request authorization for the City Manager, or his designee, to execute an amendment to Agreement 155403 with Chamberlain Development, LLC, to provide additional funding to address the increased project cost to construct a 15-inch sewer line on 59th Avenue south of Lower Buckeye Road. Further request to authorize execution of this amendment to the agreement as necessary within the Council approved expenditure authority as provided below, and for the City Controller to distribute the necessary funds related to this item.

Summary

The development is 15 acres of real property, located at the northeast corner of 59th Avenue and Lower Buckeye Road within the City of Phoenix. Chamberlain Development, LLC (referred to here in as the "Developer") agreed to design, construct, and dedicate to the City a 600 foot 15-inch sewer main extension, and the City has agreed to reimburse the cost of design and constructing of the new sewer main.

The Developer completed the construction of the sewer main in January 2024. Due to field condition change orders and inflation, the final project cost increased from $410,000 to $886,309. The City agrees to amend the agreement to increase both the project cost and reimbursement payment to reflect the increased cost.

Contract Term

The contract will expire on Oct. 25, 2026, or when the City issues final acceptance to the new sewer main, whichever occurs first.

Financial Impact

The initial authorization for the agreement was for an expenditure not to exceed $410,000. This amendment will increase the authorization by $476,309 for a new total not to exceed of $886,309. The additional funding will come out of the City's Estrella South Wastewater Impact Fee.

Concurrence/Precious Council Action

The City Council approved:
Development Agreement between the City of Phoenix and Chamberlain

Development LLC (Ordinance S-47946) on Sept. 15, 2001.

Location
Council District 1

This item was adopted as revised.

100 Abandonment of Easement - ABND 230068 - 3131 W. Via Dona Road (Resolution 22198)

Abandonment: ABND 230068
Project: 13-1972
Applicant: Heidi Tilson; Coe & Van Loo Consultants
Request: To abandon a one-foot vehicular non-access easement, adjacent to the west of property line of 3131 W Via Dona Road
Date of Decision: Feb. 22, 2024

Location
Generally located at 3131 W. Via Dona Road
Council District: 1

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

This item was adopted.

101 Approval of Phil Gordon Threatened Building Grant - Yaun Ah Gim Groceries - 1002 S 4th Ave. (Ordinance S-50818)

This report requests the City Manager, or his designee, to enter into the necessary agreements and conveyances with Omar Fabian related to a Phil Gordon Threatened Building Grant of up to $200,000 to assist with the rehabilitation of the historic Yaun Ah Gim Groceries located at 1002 S. 4th Ave. Further request for the City Controller to disburse all funds related to this item.

Summary

Located at the southwest corner of 4th Avenue and Tonto Street in the Grant Park Neighborhood, Yaun Ah Gim Groceries is a rare, Chinese-owned, commercial and multi-unit residential complex dating to the 1920s. The property was listed in the National Register of Historic Places in 1984 and is currently being listed on the Phoenix Historic Property Register, with City Council approval scheduled for May 1, 2024.

The buildings have been vacant for several decades and are currently in poor condition. Portions of the brick wall of the store have crumbled, and the roof of the duplex has collapsed. The fourplex also has serious issues, with gaps in the walls. A significant amount of repair will be required to bring the buildings back to productive use.

Given the state of the property, the owner, Omar Fabian (who acquired it in September 2023), has indicated his desire to apply for an historic preservation threatened building grant.

To help gain a better understanding of the work that will be required to rehabilitate the property, the Historic Preservation (HP) Office has contracted for a building condition assessment report. This report will provide an overview of the most critical items that need to be addressed and will provide cost estimates for rehabilitation. It will also consider possible new uses for the store, duplex, and fourplex, as well as code considerations.

At this time, the HP Office has $200,000 in threatened building grant funds available for the current fiscal year that ends on June 30, 2024. Staff recommends allocating those funds to this project, while the building condition assessment report is in-progress to move the project forward. Once the report is completed, staff will develop a scope of work for the grant project that is consistent with the report recommendations and grant program guidelines. It will likely consist of foundation repairs, roof repairs and replacement, structural reinforcement, masonry repair and mortar repointing, door and window repair and replacement, and repainting.

If approved, the grant funds will be disbursed to the applicant on a reimbursement basis. The applicant will be required to provide evidence of a dollar-for-dollar match.

Financial Impact
The requested amount is $200,000. In exchange for the grant funds, the City will receive a 30-year conservation easement. The easement will require that the property be preserved and that it be insured and maintained in good repair once rehabilitation is completed.

Concurrence
The Historic Preservation Commission recommended approval of this item on March 18, 2024, by a 8-0 vote.
The Transportation, Infrastructure and Planning Subcommittee recommended approval of this item on April 17, 2024, by a 4-0 vote.

Location
1002 S. 4th Ave.
Council District: 8

This item was adopted.

102 Approval of Phil Gordon Threatened Building Grant - First Baptist Church - 302 W Monroe St. (Ordinance S-50792)

This report requests the City Manager, or his designee, to enter into the necessary agreements and conveyances with Abbey Historic Restoration Limited Partnership related to a Phil Gordon Threatened Building Grant of up to $137,000 to assist with the rehabilitation of the historically designated First Baptist Church located at 302 W. Monroe St. Further request for the City Controller to disburse all funds related to this item.

..Report
Summary
The First Baptist Church was constructed in 1929 and dedicated in 1930. It was listed in the National and Phoenix historic property registers for its architectural significance as an example of the Italian Gothic Style with Moderne overtones as applied to religious architecture. Although the building was originally of substantial construction with high quality

materials, finishes, and detailing, it suffered serious damage in 1984, when a fire broke out in the building. The roof structure over the west wing remained intact, while the bell tower's hipped tile roof was damaged, such that it was eventually determined hazardous and its tiles had to be removed. Water damage from fighting the fire also caused additional damage and loss of the building's features and ornamentation.

Previous rehabilitation work on the property includes the following:

1984 - Emergency stabilization after the fire and the erection of temporary bracing
1992 - City-mandated work in accordance with a stabilization plan to reduce the hazardous conditions and remove bracing from the public rights-of-way
1999 - AZ Heritage Fund grant project (No. 649404) rehabilitating the south facade features, fixtures and ornamentation and the window and doors of the church
2014-2015 - Installation of interior steel supports connected to exterior masonry to meet City structural requirements
2019-2023 - Repair of the historic stucco and plaster and reconstruction of the historic doors and windows

In 2015, the City provided a Demonstration Project grant in the amount of $82,156 to repair the portions of the roof that remain on the building and to reimburse for structural engineering expenses. In exchange for the grant funds, the City received a 25-year conservation easement on the exterior of the building.

In 2019, the Community and Economic Development Department provided a Demonstration Project grant in the amount of $200,000 for stucco and plaster repairs and reconstruction of doors and windows. In exchange for the grant funds, the City received an additional 30-year conservation easement that will terminate in 2071.

The applicant is requesting additional funding to continue rehabilitation of the historic building. The proposed work includes the repair of the rose window and the columns which once held the proscenium arch, courtyard plaster, exterior stucco, as well as repair of broken brickwork

(**Attachment A**). The larger rehabilitation project is being undertaken as a federal Historic Preservation Tax Credit project, so all work will conform to the Secretary of the Interior's Standards for Rehabilitation, as well as the City of Phoenix General Design Guidelines for Historic Properties.

The cost of the proposed work is estimated to be $387,809 (**Attachment B**). If approved, the grant funds will be disbursed to the applicant on a reimbursement basis. The applicant will be required to provide evidence of a dollar-for-dollar match.

Financial Impact

The requested amount is $137,000. In exchange for the grant funds, the City will add 25 years to the term of the existing conservation easement, providing protection for the building through Jan. 15, 2096. The other terms of the easement will remain the same. Funding is available in the Historic Preservation Office Program Budget for grants and subsidies under the classification of the Phil Gordon Threatened Building Program.

Concurrence/Previous Council Action

The Historic Preservation Commission recommended approval of this item on Feb. 12, 2024, by a 7-0 vote.

The Transportation, Infrastructure and Planning Subcommittee recommended approval of this item on April 17, 2024, by a 8-0 Vote.

Location

302 W. Monroe St.
Council District: 7

Summary

The First Baptist Church was constructed in 1929 and dedicated in 1930. It was listed in the National and Phoenix historic property registers for its architectural significance as an example of the Italian Gothic Style with Moderne overtones as applied to religious architecture. Although the building was originally of substantial construction with high quality materials, finishes, and detailing, it suffered serious damage in 1984, when a fire broke out in the building. The roof structure over the west wing remained intact, while the bell tower's hipped tile roof was damaged, such that it was eventually determined hazardous and its tiles had to be

removed. Water damage from fighting the fire also caused additional damage and loss of the building's features and ornamentation.

Previous rehabilitation work on the property includes the following:

1984 - Emergency stabilization after the fire and the erection of temporary bracing
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2014-2015 - Installation of interior steel supports connected to exterior masonry to meet City structural requirements
2019-2023 - Repair of the historic stucco and plaster and reconstruction of the historic doors and windows

In 2015, the City provided a Demonstration Project grant in the amount of $82,156 to repair the portions of the roof that remain on the building and to reimburse for structural engineering expenses. In exchange for the grant funds, the City received a 25-year conservation easement on the exterior of the building.

In 2019, the Community and Economic Development Department provided a Demonstration Project grant in the amount of $200,000 for stucco and plaster repairs and reconstruction of doors and windows. In exchange for the grant funds, the City received an additional 30-year conservation easement that will terminate in 2071.

The applicant is requesting additional funding to continue rehabilitation of the historic building. The proposed work includes the repair of the rose window and the columns which once held the proscenium arch, courtyard plaster, exterior stucco, as well as repair of broken brickwork (**Attachment A**). The larger rehabilitation project is being undertaken as a federal Historic Preservation Tax Credit project, so all work will conform to the Secretary of the Interior's Standards for Rehabilitation, as well as the City of Phoenix General Design Guidelines for Historic Properties.

The cost of the proposed work is estimated to be $387,809 (**Attachment B**). If approved, the grant funds will be disbursed to the applicant on a reimbursement basis. The applicant will be required to provide evidence of a dollar-for-dollar match.

Financial Impact

The requested amount is $137,000. In exchange for the grant funds, the City will add 25 years to the term of the existing conservation easement, providing protection for the building through Jan. 15, 2096. The other terms of the easement will remain the same. Funding is available in the Historic Preservation Office Program Budget for grants and subsidies under the classification of the Phil Gordon Threatened Building Program.

Concurrence/Previous Council Action

The Historic Preservation Commission recommended approval of this item on Feb. 12, 2024, by a 7-0 vote.

The Transportation, Infrastructure and Planning Subcommittee recommended approval of this item on April 17, 2024, by a 8-0 Vote.

Location

302 W. Monroe St.
Council District: 7

This item was adopted.

103 Amend City Code - Ordinance Adoption - Rezoning Application Z-5-24-1 - Northeast Corner of 43rd Avenue and Thunderbird Road (Ordinance G-7256)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-5-24-1 and rezone the site from C-O (Commercial Office) to C-2 (Intermediate Commercial) to allow a restaurant with drive-through.

Summary

Current Zoning: C-O
Proposed Zoning: C-2
Acreage: 1.69

Proposal: Restaurant with drive-through

Owner: 43rd Thunderbird, LLC
Applicant/Representative: Wendy Riddell, Berry Riddell, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The North Mountain Village Planning Committee heard this item on March 20, 2024, and recommended approval, per the staff recommendation, by a vote of 11-1-1.
PC Action: The Planning Commission heard this item on April 4, 2024, and recommended approval, per the North Mountain Village Planning Committee recommendation, by a vote of 8-0.

Location
Northeast corner of 43rd Avenue and Thunderbird Road
Council District: 1
Parcel Address: 4250 W. Thunderbird Road and 4138 W. Boca Raton St.

This item was adopted.

104 PCD Major Amendment - Rezoning Application Z-237-L-85-2 - Southeast Corner of Cave Creek Road and Desert Willow Parkway

Request to approve Rezoning Application Z-237-L-85-2 and rezone the site from C-1 PCD (Neighborhood Retail, Planned Community District) to C-2 PCD (Intermediate Commercial, Planned Community District) for a major amendment to the Tatum Ranch PCD to allow a wine bar.

Summary
Current Zoning: C-1 PCD
Proposed Zoning: C-2 PCD
Acreage: 0.98
Proposed Use: Wine bar

Owner: Tuscany Village Center, LLC c/o Randall Raskin
Applicant: Ellie Brundige, Gammage and Burnham, PLC
Representative: Chloe Plaisance, Gammage and Burnham, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Desert View Village Planning Committee heard this item on April 2, 2024, and recommended approval, per the staff recommendation, by a vote of 8-0.
PC Action: The Planning Commission heard this item on April 4, 2024, and recommended approval, per the Desert View Village Planning Committee recommendation, by a vote of 8-0.

Location
Southeast corner of Cave Creek Road and Desert Willow Parkway
Council District: 2
Parcel Addresses: 30835 N. Cave Creek Road

This item was approved.

105 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-24--Z-29-20-6 - Southeast Corner of 44th Street and Calle Allegre (Ordinance G-7249)

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 March 20, 2024. This ratification requires formal action only.

Summary
Application: PHO-1-24--Z-29-20-6
Existing Zoning: R-O
Acreage: 0.48

Owner: Chris Morrison
Applicant/Representative: Jordan Greenman, Greenman Law

Proposal:
1) Request to modify Stipulation 1 regarding general conformance with the elevations date stamped June 11, 2020.
2) Request to modify Stipulation 3 regarding the landscape setback.
3) Request to modify Stipulation 6 regarding the sidewalk easement.
4) Request to delete Stipulation 9 regarding the Special Flood Hazard Area.

VPC Action: The Camelback East Village Planning Committee chose not to review the application.
PHO Action: The Planning Hearing Officer recommended denial as filed and approval with a modification.

Location
Southeast corner of 44th Street and Calle Allegre
Council District: 6
Parcel Address: 4633 N. 44th St.

This item was adopted.

106 Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-8-23-6 - Southeast Corner of 20th Street and Camelback Road (Ordinance G-7251)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-8-23-6 and rezone the site from C-2 CEPCSP (Intermediate Commercial, Camelback East Primary Core Specific Plan) to C-2 SP CEPCSP (Intermediate Commercial, Special Permit, Camelback East Primary Core Specific Plan) to allow massage therapy and all underlying C-2 uses.

Summary
Current Zoning: C-2 CEPCSP
Proposed Zoning: C-2 SP CEPCSP
Acreage: 0.09
Proposed Use: Massage therapy and all underlying C-2 uses

Owner: Town & Country Camelback LLC, et al.
Applicant: Nicholas and Tricia Karabas
Representative: Dennis Colwell

Staff Recommendation: Approval, subject to a stipulation.
VPC Action: The Camelback East Village Planning Committee heard this item on March 5, 2024, and recommended approval, per the staff recommendation, by a 15-0 vote.

PC Action: The Planning Commission heard this item on April 4, 2024, and recommended approval, per the Camelback East Village Planning Committee recommendation, by a 8-0 vote.

Location
Southeast corner of 20th St. and Camelback Road
Council District: 6
Parcel Address: 4869 N. 20th St.

This item was adopted.

107 Amend City Code - Ordinance Adoption - Rezoning Application Z-116-23-8 - Southwest Corner of 4th Avenue and Tonto Street (Ordinance G-7253)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-116-23-8 and rezone the site from R-4 CCSIO (Multifamily Residence District, Central City South Interim Overlay District) to R-4 HP CCSIO (Multifamily Residence District, Historic Preservation Overlay, Central City South Interim Overlay District) to allow for a Historic Preservation Overlay for Yaun Ah Gim Groceries / Concrete Block Duplex & Fourplex.

Summary
Current Zoning: R-4 CCSIO
Proposed Zoning: R-4 HP CCSIO
Acreage: 0.32
Proposal: Historic Preservation Overlay for Yaun Ah Gim Groceries / Concrete Block Duplex & Fourplex

Owner: Omar Fabian
Applicant: City of Phoenix, Historic Preservation Commission
Representative: Kevin Weight, City of Phoenix, Historic Preservation Office

Staff Recommendation: Approval.
HPC Action: The Historic Preservation Commission heard this item on Feb. 12, 2024, and recommended approval, per the staff recommendation, by a vote of 7-0.

VPC Action: The Central City Village Planning Committee heard this item on March 11, 2024, and recommended approval, per the staff recommendation, by a vote of 13-0.
PC Action: The Planning Commission heard this item on April 4, 2024, and recommended approval, per the Central City Village Planning Committee and Historic Preservation Commission recommendations, by a vote of 8-0.

Location
Southwest corner of 4th Avenue and Tonto Street
Council District: 8
Parcel Address: 1002, 1004, and 1006 S. 4th Ave.

This item was adopted.

108 Amend City Code - Ordinance Adoption - Rezoning Application Z-103-23-8 - Approximately 355 Feet East and 340 Feet South of the Southeast Corner of 19th Avenue and Buckeye Road (Ordinance G-7252)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-103-23-8 and rezone the site from R-4 CCSIO (Multifamily Residence District, Central City South Interim Overlay District) to C-3 CCSIO (General Commercial, Central City South Interim Overlay District) to allow parking ancillary to office and mechanic shop.

Summary
Current Zoning: R-4 CCSIO
Proposed Zoning: C-3 CCSIO
Acreage: 1.01
Proposal: Parking ancillary to office and mechanic shop

Owners: Dealers Auto Auction of the Southwest, LLC and Del Norte, LLC
Applicant: Michelle Green, Lazarus & Silvyn, P.C.
Representative: Larry Lazarus, Lazarus & Silvyn, P.C.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Central City Village Planning Committee heard this item

on March 11, 2024, and recommended approval, per the staff recommendation, by a vote of 13-0.
PC Action: The Planning Commission heard this item on April 4, 2024, and recommended approval, per the Central City Village Planning Committee recommendation, by a vote of 8-0.

Location
Approximately 355 feet east and 340 feet south of the southeast corner of 19th Avenue and Buckeye Road
Council District: 8
Parcel Address: 1219 and 1839 S. 19th Ave.

This item was adopted.

111 Public Hearing and Resolution Adoption - General Plan Amendment GPA-LV-3-22-8 - Approximately 860 Feet South of the Southwest Corner of 51st Avenue and Carver Road (Resolution 22196)

Request to hold a public hearing on a General Plan Amendment to consider adopting the Planning Commission's recommendation and the related resolution if approved. Request to amend the General Plan Land Use Map designation on 284.19 acres from Residential 1 to 2 dwelling units per acre, Residential 2 to 3.5 dwelling units per acre, Residential 3.5 to 5 dwelling units per acre, Residential 5 to 10 dwelling units per acre, Residential 15+ dwelling units per acre, Public / Quasi-Public, Commercial, and Resort to Commercial / Commerce/Business Park, Commercial / Commerce/Business Park / Residential 1 to 2 dwelling units per acre / Residential 3.5 to 5 dwelling units per acre / Residential 5 to 10 dwelling units per acre / Residential 10 to 15 dwelling units per acre / Residential 15+ dwelling units per acre, Commercial / Residential 1 to 2 dwelling units per acre / Residential 3.5 to 5 dwelling units per acre / Residential 5 to 10 dwelling units per acre / Residential 10 to 15 dwelling units per acre / Residential 15+ dwelling units per acre, Residential 1 to 2 dwelling units per acre / Residential 3.5 to 5 dwelling units per acre / Residential 5 to 10 dwelling units per acre / Residential 10 to 15 dwelling units per acre / Residential 15+ dwelling units per acre, and Resort. This item is a companion case to Z-53-22-8 and must be heard prior to Z-53-22-8.

Summary

Application: GPA-LV-3-22-8
Current Designation: Residential 1 to 2 dwelling units per acre (54.23 acres), Residential 2 to 3.5 dwelling units per acre (41.64 acres), Residential 3.5 to 5 dwelling units per acre (84.24), Residential 5 to 10 dwelling units per acre (57.14 acres), Residential 15+ dwelling units per acre (4.09 acres), Public / Quasi-Public (17.51 acres), Commercial (25.43 acres), and Resort
Proposed Plan Designation: Commercial / Commerce/Business Park (100.01 acres), Commercial / Commerce/Business Park / Residential 10 to 15 dwelling units per acre / Residential 15+ dwelling units per acre (65.14 acres), Commercial / Residential 10 to 15 dwelling units per acre / Residential 15+ dwelling units per acre (40.46 acres), Residential 10 to 15 dwelling units per acre / Residential 15+ dwelling units per acre (78.58 acres), and Resort.
Acreage: 284.19
Proposed Use: Commercial, Commerce/Business Park, various residential designations, and resort

Owner: Lines Ruskin R JR, et. al
Applicant: Alex Stedman, RVi Planning and Landscape Architecture
Representative: Wendy Riddell, Berry Riddell, LLC

Staff Recommendation: Approval.
VPC Information Only: The Laveen Village Planning Committee heard the item on Nov. 14, 2022, for information only.
VPC Action: The Laveen Village Planning Committee heard the item on Feb. 12, 2024, and continued the item, by a vote of 8-0. The Laveen Village Planning Committee heard the item on March 18, 2024, and recommended denial as filed, approval with modifications, by a vote of 8-0.
PC Action: The Planning Commission heard the item on March 7, 2024, and continued the item, by a vote of 8-0. The Planning Commission heard this item on April 4, 2024, and recommended approval, per the Laveen Village Planning Committee recommendation, by a vote of 8-0.

Location

Approximately 860 feet south of the southwest corner of 51st Avenue and Carver Road
Council District: 8
Parcel Addresses: 11842 and 12000 S. 51st Ave. and 4951 and 5141 W. Estrella Drive

This item was continued to the May 15, 2024 City Council Formal Meeting.

112 Public Hearing and Ordinance Adoption - Rezoning Application Z-53-22-8 (Gila Foothills PUD) - Approximately 860 Feet South of the Southwest Corner of 51st Avenue and Carver Road (Ordinance G-7257)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-53-22-8 and rezone the site from S-1 (Ranch or Farm Residence), S-1 (Approved C-2 PCD) (Ranch or Farm Residence, Approved Intermediate Commercial, Planned Community District), S-1 (Approved R-2 PCD) (Ranch or Farm Residence, Approved Multifamily Residence District, Planned Community District), S-1 (Approved R-3 PCD) (Ranch or Farm Residence, Approved Multifamily Residence District, Planned Community District), S-1 (Approved R-3A PCD) (Ranch or Farm Residence, Approved Multifamily Residence District, Planned Community District), S-1 (Approved R1-10 PCD) (Ranch or Farm Residence, Approved Single-Family Residence District, Planned Community District), S-1 (Approved R1-18 PCD) (Ranch or Farm Residence, Approved Single-Family Residence District, Planned Community District), S-1 (Approved R1-8 PCD) (Ranch or Farm Residence, Approved Single-Family Residence District, Planned Community District), S-1 (Approved RH/R1-10 PCD) (Ranch or Farm Residence, Approved Resort District/Single-Family Residence District, Planned Community District) to PUD (Planned Unit Development) to allow single and multifamily residential, commercial uses, and some commerce park. This is a companion case to GPA-LV-3-22-8 and should be heard following GPA-LV-3-22-8.

Summary
Current Zoning: S-1 (2.17 acres), S-1 (Approved C-2 PCD) (27.20

acres), S-1 (Approved R-2 PCD) (40.77 acres), S-1 (Approved R-3 PCD) (3.84 acres), S-1 (Approved R-3A PCD) (5.04 acres), S-1 (Approved R1-10 PCD) (9.58 acres), S-1 (Approved R1-18 PCD) (76.33 acres), S-1 (Approved R1-8 PCD) (50.30 acres), and S-1 (Approved RH/R1-10 PCD) (73.40 acres)
Proposed Zoning: PUD
Acreage: 288.63
Proposed Use: Single and multifamily residential, commercial uses, and some commerce park

Owner: Lines Ruskin R. JR, et al.
Applicant: RVi Planning and Landscape Architecture
Representative: Wendy Riddell, Berry Riddell, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Information Only: The Laveen Village Planning Committee heard this item on Nov. 14, 2022, for information only.
VPC Action: The Laveen Village Planning Committee heard this item on Feb. 12, 2024, and continued the item, by a vote of 8-0. The Laveen Village Planning Committee heard this item on March 18, 2024, and recommended approval, per the staff memo with modifications and additional stipulations, by a vote of 8-0.
PC Action: The Planning Commission heard this item on March 7, 2024, and continued the item, by a vote of 8-0. The Planning Commission heard this item on April 4, 2024, and recommended approval, per the staff memo dated April 4, 2024, with a modification and deleted stipulation, by a vote of 6-2.

The Planning Commission recommendation was appealed by a community member on April 9, 2024.

Location
Approximately 860 feet south of the southwest corner of 51st Avenue and Carver Road
Council District: 8
Parcel Address: 11842 and 12000 S. 51st Ave. and 4951 and 5141 W. Estrella Drive

This item was continued to the May 15, 2024 City Council Formal Meeting.

113 Public Hearing and Ordinance Adoption - Rezoning Application Z-117-23-7 - Approximately 450 Feet North of the Northeast Corner of 7th Avenue and Van Buren Street (Ordinance G-7254)

Request to hold a public hearing on a proposal to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, and adopting Rezoning Application Z-117-23-7 to rezone the site from DTC-Van Buren (Downtown Code, Van Buren Character Area) to DTC-Van Buren HP (Downtown Code, Van Buren Character Area, Historic Preservation Overlay) to allow for a Historic Preservation Overlay for the Phoenix Laundry & Dry Cleaning Company.

Summary
Current Zoning: DTC-Van Buren
Proposed Zoning: DTC-Van Buren HP
Acreage: 1.31
Proposal: Historic Preservation Overlay for the Phoenix Laundry & Dry Cleaning Company

Owner: Milum Textile Services Co.
Applicant: City of Phoenix, Historic Preservation Commission
Representative: Kevin Weight, City of Phoenix, Historic Preservation Office

Staff Recommendation: Approval of the Historic Preservation Overlay
HPC Action: The Historic Preservation Commission heard this item on Feb. 12, 2024, and recommended approval, per the staff recommendation, by a vote of 7-0.
VPC Action: The Central City Village Planning Committee heard this item on March 11, 2024, and recommended approval, per the staff recommendation, by a vote of 7-6.
PC Action: The Planning Commission heard this item on April 4, 2024, and recommended denial, by a vote of 4-3-1.

The Planning Commission recommendation was appealed by a community member on April 11, 2024.

Location
Approximately 450 feet north of the northeast corner of 7th Avenue and Van Buren Street
Council District: 7
Parcel Address: 333 and 337 N. 7th Ave.

This item was continued to the May 29, 2024 City Council Formal Meeting

26 Public Comment on Proposed MOU Between City of Phoenix and Laborers' International Union of North America, LIUNA Local 777 (Unit 1)

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) (**Attachment A**) with the Laborers' International Union of North America, LIUNA Local 777 (Unit 1).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon".

Discussion
Mayor Gallego stated there were a series of Memorandum of Understandings submitted from different groups and the City hosted public hearings as part of the Labor Relations process. She stated that Item 26 was the memorandum of understanding between the City of Phoenix and Laborers' International Union of North America, LIUNA Local 777 (Unit 1). Mayor Gallego declared the public hearing open. Noting there were no members of the public present to speak, she declared the public hearing closed.

The hearing was held.

27 Public Comment on Proposed MOU Between City of Phoenix and American Federation of State, County, and Municipal Employees,

AFSCME Local 2384 (Unit 2)

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) (**Attachment A**) with the American Federation of State, County and Municipal Employees, AFSCME Local 2384 (Unit 2).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon."

Discussion

Mayor Gallego stated that Item 27 was the memorandum of understanding between the City of Phoenix and American Federation of State, County, and Municipal Employees, AFSCME Local 2384 (Unit 2). Mayor Gallego declared the public hearing open. Noting there were no members of the public present to speak, she declared the public hearing closed.

The hearing was held.

28 Public Comment on Proposed MOU Between City of Phoenix and American Federation of State, County and Municipal Employees, AFSCME Local 2960 (Unit 3)

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) (**Attachment A**) with the American Federation of State, County and Municipal Employees, AFSCME Local 2960 (Unit 3).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon."

Discussion

Mayor Gallego stated that Item 28 was the memorandum of understanding between the City of Phoenix and American Federation of State, County, and Municipal Employees, AFSCME Local 2960 (Unit 3). Mayor Gallego declared the public hearing open. Noting there were no members of the public present to speak, she declared the public hearing closed.

The hearing was held.

29 Public Comment on Proposed MOU Between City of Phoenix and Phoenix Law Enforcement Association, PLEA (Unit 4)

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) (**Attachment A**) with the Phoenix Law Enforcement Association, PLEA (Unit 4).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon."

Discussion

Mayor Gallego stated that Item 29 was the memorandum of understanding between the City of Phoenix and Phoenix Law Enforcement Association, PLEA (Unit 4). Mayor Gallego declared the public hearing open. Noting there were no members of the public present to speak, she declared the public hearing closed.

The hearing was held.

30 Public Comment on Proposed MOU Between City of Phoenix and Phoenix Fire Fighters Association (IAFF, Local 493) (Unit 5)

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) (**Attachment A**) with the Phoenix Fire Fighters Association (IAFF, Local 493) (Unit 5).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its

ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon."

Discussion

Mayor Gallego stated that Item 30 was the memorandum of understanding between the City of Phoenix and Fire Fighters Association (IAFF Local 493) (Unit 5). Mayor Gallego declared the public hearing open. Noting there were no members of the public present to speak, she declared the public hearing closed.

The hearing was held.

31 Public Hearing Prior to Adopting the Local Alternative Expenditure Limitation for the Nov. 5, 2024 Ballot

This is the first of two public hearings required prior to placing a Local Alternative Expenditure Limitation on the Nov. 5, 2024 ballot. The proposed Local Alternative Expenditure Limitation would be the annual budget adopted by Council for Fiscal Years 2025-26 through 2028-29. This Local Alternative Expenditure Limitation was recommended by the 2024 Expenditure Limit Task Force and by the City Council at its policy session on April 9, 2024. The second public hearing will be held on May 15, 2024. Immediately following the second hearing, a resolution may be adopted by the City Council.

Discussion

Mayor Gallego stated that Item 31 was the public hearing related to the local alternative expenditure limit for the November 5, 2024 ballot. Mayor Gallego declared the public hearing open. Noting there were no members of the public present to speak, she declared the public hearing closed.

The hearing was held.

66 Public Hearing and Resolution to Amend the Downtown Enhanced Municipal Services District Boundaries to Add Additional Parcels (Resolution 22197)

Request to hold a public hearing and adopt a resolution amending the Downtown Enhanced Municipal Services District (Downtown EMSD)

boundary to add additional parcels. Further request the resolution exempt Phoenix Union High School District No. 210 of Maricopa County from the Downtown EMSD assessment. There is no financial impact as a result of this action.

Summary

The City Council authorized formation of the Downtown EMSD in 1990 to provide enhanced municipal services, above and beyond the level of services provided in the remainder of the City. The Downtown EMSD is generally bound by Fillmore Street, 7th Street, 3rd Avenue, and the railroad tracks south of Jackson Street. The Fillmore Street boundary currently bisects the Phoenix Bioscience Core (PBC) campus and effectively excludes the northern half of the PBC from the Downtown EMSD. In an effort to maintain cohesiveness for the PBC, the stakeholders in the northern half of the PBC have requested to join the Downtown EMSD. The property being added to the Downtown EMSD is owned or leased by the City of Phoenix, Arizona State University (ASU), University of Arizona (UA), or Phoenix Union High School District and is generally bound by 4th Street, 7th Street, Fillmore Street, and Garfield Street. Existing developments within the expanded area include the Dignity Health Cancer Institute, 850 PBC and the Bioscience High School (**Attachment A**). No privately owned properties are included in this Downtown EMSD expansion request.

In addition, Arizona Revised Statues 48-575 allows any government property owner to be exempt from assessment through a resolution passed by City Council upon finding the property owner is not benefited by being part of the Downtown EMSD. Due to the limited funding the Phoenix Union High School District has available and the limited benefit the district's school would receive, the school district will be exempt from assessment.

The costs for the Downtown EMSD's services are paid through assessments on property owners within the boundaries of the district. The expansion of the Downtown EMSD boundary does not have any financial impact on the stakeholders in 2024. The City of Phoenix parcels are managed by the Community and Economic Development Department utilizing the Genomic Facilities and Operations Fund to pay

for maintenance of the vacant land. Future financial impacts will be presented to City Council for consideration in later this calendar year for the 2025 EMSD budget. Estimated 2025 financial impacts are:
City of Phoenix - $52,000
ASU - $76,000
UA - $56,000

Financial Impact
There is no financial impact as a result of this action.

Concurrence/Previous Council Action
The item was recommended for approval by the Economic Development and Housing Subcommittee at the March 20, 2024 meeting by a vote of 3-0.

Public Outreach
Staff presented to the following organizations:
Bioscience High School - Jan. 10, 2024
Phoenix Bioscience Core Stakeholder meeting - Jan. 12, 2024
Downtown Voices Coalition - Jan. 13, 2024
Central City Village Planning Committee - Feb. 12, 2024
Evans Churchill Neighborhood Association - Feb. 14, 2024

On April 17, 2024, a total of 14 days prior to the hearing as legally required, all property owners were notified by mail of the public hearing. Notice of the public hearing was also published in the Arizona Republic as specified below. No further notification is required after the public hearing.

To be published:
The Arizona Republic
April 15, 2024
April 16, 2024
April 17, 2024
April 18, 2024
April 19, 2024

Location

The Downtown EMSD is currently generally bounded by Fillmore Street, 7th Street, 3rd Avenue and the railroad tracks south of Jackson Street. The expansion area is generally bounded by Fillmore Street, 7th Street, 4th Street and Garfield Street. The expansion area includes the following parcel numbers:
111-46-153
111-46-156
111-44-145
111-44-146A
111-44-146B
111-44-147
111-44-143
111-46-081A
111-44-104
111-44-105
111-44-106
111-44-107
111-44-108

Council Districts: 7 & 8

Discussion
Mayor Gallego stated that Item 66 was the public hearing to amend Downtown EMSD boundaries to add additional parcels. Mayor Gallego declared the public hearing open. Noting there were no members of the public present wishing to speak, she declared the public hearing closed.

The hearing was held. A motion was made by Vice Mayor Stark, seconded by Councilwoman O'Brien, that this item be adopted. The motion carried by the following vote:

Yes:	8 -	Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman Pastor

75 Donation from Phoenix Police Foundation for the Wellness Center

Gym and Police Memorial Wall (Ordinance S-50814)

Request to authorize the City Manager, or his designee, to accept a donation from the Phoenix Police Foundation up to $750,000 to build a Wellness Center Gym and up to $150,000 for a Police Memorial Wall within the new Phoenix Police Headquarters at 100 W. Washington St. Further request authorization for the City Treasurer to accept all funds, and for the City Controller to disburse all funds related to this item.

Summary

Wellness Center Gym

An central focus of the Police Department has been to support employee mental, physical and emotional health and wellness. This effort includes the development of a wellness center and gym to provide a space for both sworn and professional staff to improve their physical and mental wellbeing. Through the support of the Police Foundation, the new wellness center will be integrated into the Employee Wellness Unit to help address the physical and mental demands encountered by law enforcement professionals. The donation from the Police Foundation will be used for the new space and equipment, which will be accessible to all Police Department staff.

Police Memorial Wall

To date, 45 police officers have been placed on the memorial wall due to a death in the line of duty. Currently, the Police Memorial wall is in the northeast corner of the Chief’s conference room. The new Police Headquarters at 100 West Washington St. provides an opportunity for the Police Department to build a memorial that is more accessible to families and the public. With the support of from the Police Foundation, the wall will be placed in the atrium area of the 100 West Washington St. lobby. This location will allow guests to visit the memorial without making an appointment or requiring additional access into the facility.

The Phoenix Police Foundation is a 501(c)(3) charitable organization. The Foundation is committed to addressing unmet capital needs of the Police Department, providing financial assistance in crisis situations, and recognizing those who protect our community.

Financial Impact

The creation of the Wellness Center gym will have an anticipated cost of $750,000 and Police Memorial Wall will have an anticipated to cost $150,000. The Phoenix Police Foundation is raising funds pending approval by the City Council.

Location

100 W. Washington St.
Council District: 7

Discussion

Councilwoman O'Brien thanked the Phoenix Police Foundation for honoring Phoenix officers and supporting the needs of the community. She mentioned the annual Honor Run, donation to the police memorial for the new headquarters, and a wellness center to support the well-being of Phoenix officers. She added that the Phoenix Police Foundation had helped fund the renovations at the new Family Advocacy Center where victims of sexual assault would be in a warm and more comforting environment. She thanked Tim Thomas for his leadership of the Phoenix Police Foundation and expressed her gratitude of their support for the Phoenix Police Department.

A motion was made by Vice Mayor Stark, seconded by Councilwoman O'Brien, that this item be adopted. The motion carried by the following vote:

Yes:	8 -	Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman Pastor

81 Legal Services - Contract for Legal Services with Steptoe & Johnson LLP (Ordinance S-50842)

Request to authorize the City Attorney, through the City Manager or his designee, to execute a contract with Steptoe & Johnson LLP (Steptoe). Further request authorization for the City Controller to disburse all funds related to this item. Expenditures will not exceed $2,000,000.

Summary
The purpose of this contract is to continue legal services with Steptoe to assist the City on legal issues related to the Department of Justice civil pattern or practice investigation. Such legal services shall include reimbursement for costs associated with subject matter experts and consultants hired by outside counsel. The last contract was extended by a letter agreement for continuing legal services until June 30, 2024, but additional funds are needed.

Procurement Information
Legal services are exempt from the Procurement Code. This contract is required to continue legal services critical to the City.

Contract Term
Upon approval, the term of the contract will be until June 30, 2025, with an option to renew through June 30, 2026.

Financial Impact
Additional funds are required in the amount of $2,000,000.

Concurrence/Previous Council Action
The City Council previously approved these legal services with Steptoe:
Legal Services - Contract 155707 (Ordinance S-48214) on Dec. 15, 2021.
Legal Services - Letter of Agreement extension (Ordinance S-50391) on Dec. 6, 2023.

Discussion
Mayor Gallego introduced Item 81 as the contract for Legal Services with Steptoe and Johnson LLP.

Darrell Kriplean, president of Phoenix Law Enforcement Association, expressed his opposition to continuing the contract with Steptoe and Johnson, specifically attorney Michael Bromwich. He stated Steptoe and Johnson had been awarded additional money several months prior to extend the contract through June 30, 2024. Mr. Kriplean expressed his

concerns for the proposed extension to June 30, 2025 with an option through June 30, 2026 at an additional $2 million. He mentioned that Item 80 was to enter into a new contract with Dentons US to provide legal services related to the DOJ investigation moving forward. He questioned the benefit the City gained from continuing their contract with Steptoe and Johnson, and Mr. Bromwich, especially when Mr. Bromwich and three other attorneys with Steptoe and Johnson had been deputized as Special Assistant County Attorneys for Hennepin County to serve as the prosecution team in the trial of a Minnesota state trooper. He stated it was fiscally irresponsible to continue with the contract suggesting that the money be reallocated to help offset the huge loss of state tax revenue the City could experience in the near future.

Mayor Gallego stated that speaker Anne Ender indicated she was in agreement with the previous speaker's testimony.

One electronic comment was submitted for the record in opposition of this item.

Councilman Waring said he would be voting against Item 81 commending the work done with Item 80. He disagreed with Mr. Kriplean stating there was a need for a second set of eyes. He added that he could not support the tenure of Steptoe and Johnson and was confident the team selected with Item 80.

Councilwoman Hodge Washington asked City Attorney Julie Kriegh if the retention of an out-of-state case proved a conflict of interest for the City.

Ms. Kriegh replied attorneys are bound by rules of ethics and did not see the law firm's representation as a violation of any ethics rules which would be perceived as conflict of interest under the rules.

Councilwoman Hodge Washington questioned if there was anything in the contract that prohibits the City from terminating the relationship with Steptoe and Johnson should a conflict arise.

Ms. Kriegh responded the law firm would have to request a waiver if there was a specific conflict that arose. She stated the City would have

discretion to review the contract and review their scope of representation.

Councilwoman O'Brien asked if the contract could be discontinued if the attorneys were unavailable.

Ms. Kriegh confirmed the City could carry on further conversations with the law firm regarding their scope of representation and terminate the contract if the firm became unavailable to represent the City at a time they were needed.

Prior to her vote, Councilwoman Hodge Washington stated she would be supporting the continuation of the contract because there was no conflict of interest that had arisen. She explained that because the City had the ability to terminate a contract if a conflict of interest occurred, she would be supporting the item.

Prior to her vote, Councilwoman O'Brien explained that Steptoe and Johnson had been part of the case for two and a half years and she would be supporting the item.

Prior to his vote, Councilman Robinson stated he understood the importance of continuity but would not be voting in support of the item.

Prior to his vote, Councilman Waring stated that Steptoe and Johnson was the City's lead attorneys, noting he looked forward to new leadership in the City's legal team.

NOTE: Councilman Waring temporarily left the voting body after the vote.

A motion was made by Vice Mayor Stark, seconded by Councilwoman Guardado, that this item be adopted. The motion carried by the following vote:

Yes:	6 -	Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Vice Mayor Stark and Mayor Gallego
No:	2 -	Councilman Robinson and Councilman Waring
Absent:	1 -	Councilwoman Pastor

109 Public Hearing and Resolution Adoption - General Plan Amendment GPA-CE-2-23-6 - Southwest Corner of 52nd Street and McDowell Road (Resolution 22195)

Request to hold a public hearing on a General Plan Amendment to consider the Planning Commission's recommendation and the related resolution if approved. Request to amend the General Plan Land Use Map designation on 66.38 acres from Commerce/ Business Park and Residential 5 to 10 dwelling units per acre to Mixed Use (Industrial/ Commerce/Business Park/ Commercial). This is a companion case to Z-54-23-6 and must be heard prior to Z-54-23-6.

Summary

Application: GPA-CE-2-23-6
Current Designation: Commerce/ Business Park and Residential 5 to 10 dwelling units per acre
Proposed Designation: Mixed Use (Industrial/ Commerce/Business Park/ Commercial)
Acreage: 66.38
Proposed Use: General commercial, commerce park, and industrial

Owners: BDC Park 52, LLC and Melrose Park WHB, LLC
Applicant/Representative: Wendy Riddell, Berry Riddell, LLC

Staff Recommendation: Approval.
VPC Info: The Camelback East Village Planning Committee heard this item on Jan. 9, 2024, for information only.
VPC Action: The Camelback East Village Planning Committee heard this item on March 5, 2024, and recommended approval, per the staff recommendation, by a vote of 15-0.
PC Action: The Planning Commission heard this item on April 4, 2024, and recommended approval, per the Camelback East Village Planning Committee recommendation, by a vote of 8-0.

Location

Southwest corner of 52nd Street and McDowell Road
Council District: 6
Parcel Addresses: 1110 N. 52nd St. and 5005 E. McDowell Road

Discussion

Mayor Gallego stated that Items 109 and 110 were both related at the southwest corner of 52nd Street and McDowell Road. She added there would only be one public hearing but two separate votes. She confirmed with Councilman Robinson that a staff report was not necessary.

Mayor Gallego declared the public hearing open. Noting there were no members of the public present to speak for Items 109 and 110, she declared the public hearing closed.

The hearing was held. A motion was made by Councilman Robinson, seconded by Vice Mayor Stark, that this item be approved per the Planning Commission recommendation with adoption of the related resolution. The motion carried by the following vote:

Yes:	7 -	Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Vice Mayor Stark and Mayor Gallego
No:	0	
Absent:	2 -	Councilwoman Pastor and Councilman Waring

110 Public Hearing and Ordinance Adoption - Rezoning Application Z-54-23-6 (52nd Street & McDowell PUD) - Southwest Corner of 52nd Street and McDowell Road (Ordinance G-7255)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-54-23-6 and rezone the site from IND. PK. (Industrial Park), R-3A (Multifamily Residence District), C-2 (Intermediate Commercial), and P-1 (Passenger Automobile Parking, Limited) to PUD (Planned Unit Development) to allow general commercial, commerce park, and industrial. This is a companion case to GPA-CE-2-23-6 and must be heard following GPA-CE-2-23-6.

Summary

Current Zoning: IND. PK., R-3A, C-2, and P-1
Proposed Zoning: PUD
Acreage: 66.38

Proposal: General commercial, commerce park, and industrial

Owners: BDC Park 52, LLC and Melrose Park WHB, LLC
Applicant: Baker Development, BDC 44, LLC
Representative: Wendy Riddell, Berry Riddell, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Info: The Camelback East Village Planning Committee heard this item on Jan. 9, 2024, for information only.
VPC Action: The Camelback East Village Planning Committee heard this item on March 5, 2024, and recommended approval, per the staff recommendation, by a vote of 15-0.
PC Action: The Planning Commission heard this item on April 4, 2024, and recommended approval, per the Camelback East Village Planning Committee recommendation, by a vote of 8-0.

Location
Southwest corner of 52nd Street and McDowell Road
Council District: 6
Parcel Address: 1110 N. 52nd St. and 5005 E. McDowell Road

NOTE: Refer to Item 109 for discussion on this item.

The hearing was held. A motion was made by Councilman Robinson, seconded by Vice Mayor Stark, that this item be approved per the Planning Commission recommendation with adoption of the related ordinance. The motion carried by the following vote:

Yes:	7 -	Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Vice Mayor Stark and Mayor Gallego
No:	0	
Absent:	2 -	Councilwoman Pastor and Councilman Waring

50 Amend Phoenix City Code Chapter 20: Office of Accountability and Transparency (Ordinance G-7258)

Request to approve Ordinance for amendments to Phoenix City Code

(PCC) Chapter 20 for the Office of Accountability and Transparency to adopt language to establish a Civilian Review Board and amend portions of PCC Chapter 20 to comply with state law.

Summary

The Phoenix City Council and Mayor established the Office of Accountability and Transparency (OAT) in 2021 to perform independent civilian oversight of the Phoenix Police Department (Police). OAT monitors Police administrative investigations of incidents involving sworn personnel and provides community members a way to freely communicate complaints, commendations, and concerns about officers and the Police Department without fear of retaliation.

In 2022, state legislators proposed and passed a bill, later codified as Arizona Revised Statutes (A.R.S.) 38-1117, that altered the landscape of civilian oversight in Arizona. OAT shifted the scope and manner of its work to remain within the confines of the Code and A.R.S. 38-1117. However, to align OAT's practice, Phoenix City Code (PCC) sections 20-1 through 20-13 require amendments eliminating reference to OAT conducting investigations or influencing officer discipline.

The Ordinance also establishes a Civilian Review Board (Board) to further OAT's work.

Concurrence/Previous Council Action

At the March 19, 2024 Policy Session, Staff requested City Council direction on the proposed amendments to current PCC Chapter 20, sections 20-1 to 20-13 and suggested additions of sections 20-14 through 20-17 to establish the Civilian Review Board.

Discussion

City Clerk Denise Archibald read the title of Ordinance G-7258.

A motion was made and seconded to approve this item.

NOTE: Councilman Waring rejoined the voting body.

Councilwoman O'Brien said she had a friendly amendment for Section 20-14(A1) to instead read:
all voting members shall either reside or work in the City of Phoenix;
members must be at least 21 years of age; and
no current or former sworn law enforcement officer or individual who has filed a claim or lawsuit related to actions by the City of Phoenix Police Department are eligible to serve as a voting member of the board.

Councilman Robinson and Vice Mayor Stark accepted the friendly amendment as the maker of the motion and the second, respectively.

Councilwoman O'Brien stated it was important to constantly improve the Phoenix Police Department mentioning the Department of Justice (DOJ) investigation. She added the City was making reforms like providing body-worn cameras to all officers and investments to the Community Assistance Program so that mental health professionals can respond to emergency calls related to mental health needs. She continued the Office of Accountability and Transparency (OAT) had been created to work with the Police Department to review policies and provide suggested changes. She mentioned that Phoenix had a record of self-correcting and being proactive in self-policing and did not need a costly consent decree and monitor from the DOJ to reform the Phoenix Police Department. She added her friendly amendment to exclude individuals who may use their position for a personal agenda on a claim or lawsuit provided balance.

Councilman Waring remarked he voted against the original OAT and expressed his concerns with the $3.5 million spent mentioning that OAT no longer completed the same functions as it had previously. He said he would be supporting the OAT amendment.

Vice Mayor Stark stated the amendment was a tool to address the issues with the Police Department. She thanked Councilman Robinson for his input and work on the item as a former law enforcement officer.

Councilwoman Guardado thanked City Manager Jeffrey Barton and Assistant City Manager Lori Bays for their work in producing OAT. She stated OAT represented the cornerstone of building trust and

understanding in the community as well as bringing the Police Department and the community together. She thanked staff for their work and expressed her support for the item.

NOTE: Councilwoman Pastor rejoined the voting body virtually.

Councilwoman Hodge Washington said she had concerns regarding Councilwoman O'Brien's friendly amendment as it was a fundamental change to who could serve on the Civilian Review Board. Councilwoman Hodge Washington mentioned criticisms the Civilian Review Board had received about the City dismissing individuals who could bring a unique perspective to positively improve the Police Department. She stressed there were ample safeguards to protect the Police Department during the DOJ investigation, noting that two-thirds of the Council had to approve of the members of the board. She reiterated it was inappropriate to not articulate the level of claim that would prevent an individual from participating on the board. She added her concerns with an individual who has a claim due to an auto accident who would be excluded with the friendly amendment. She emphasized she would be voting in opposition or suggesting a change to the amendment. She suggested all members of the board have equal access to information if they believe additional or supplemental information is necessary to be subject to Section 20-15(D) which required all five voting members vote in favor of any item requiring action, including any request for supplemental information. She said she wanted to ensure all voting members received the same information to make a unified decision. She added the importance of not omitting the individuals who had an experience with the Police Department.

Councilwoman Guardado said she agreed with Councilwoman Hodge Washington and added the friendly amendment was sudden and asked that the Council be able to review.

Councilwoman Pastor remarked she entered the meeting when Councilwoman Hodge Washington was speaking and was unaware of the item being discussed.

Mayor Gallego asked City Clerk Denise Archibald to share the proposal.

Ms. Archibald recited the item on the floor was Item 50 to be approved with an amendment to Section 20-14(A1) which stated all voting members shall either reside or work in the City of Phoenix. She continued members must be at least 21 years of age and no current or former sworn law enforcement officer or individual who has filed a claim or lawsuit related to actions by the City of Phoenix Police Department are eligible to serve as a voting member of the board. She added there was a motion and a second for the friendly amendment proposed by Councilwoman O'Brien and accepted by the maker of the motion and the second.

Councilwoman Guardado asked for examples of who would be excluded with the language of the friendly amendment.

Ms. Kriegh replied the Law Department would have to evaluate the language further and conduct a search for examples.

Councilwoman Guardado inquired if there were any examples available.

Ms. Kriegh reiterated a search would have to be conducted.

Councilwoman Guardado asked if the item could be continued or suggested the friendly amendment language be removed to approve the item.

Councilwoman O'Brien asked Councilwoman Guardado to clarify her question to Ms. Kriegh.

Councilwoman Guardado restated she wanted examples of who would not eligible to be part of the board with the friendly amendment language.

Ms. Kreigh conveyed any named individual would be ineligible. She explained that a person who was shot by police and survived or if their family member made a claim against the City related to actions by Phoenix Police they would not be eligible under the provision.

Councilwoman Guardado asked if the amendment included individuals with issues with the Police Department or the City as a whole.

Ms. Kriegh replied it was only related to the Police Department. She added another example stating if a person claimed that in an arrest there had been injury and made a claim or lawsuit they would not be able to be on the board.

Councilwoman Guardado requested confirmation on if it was claims for the Police Department only.

Ms. Kreigh affirmed it was only for claims filed against the Police Department.

Councilwoman Hodge Washington asked if an individual who was in an auto accident involving a police officer and filed a claim could serve on the board. She explained that City cases include the husband and wife's names emphasizing both individuals, whether directly impacted or involved in the claim, are excluded. She requested Ms. Kreigh confirm her interpretation.

Ms. Kreigh affirmed she would interpret the situation to exclude those individuals from being able to serve on the board.

Councilwoman Hodge Washington asked if the intent of the amendment was to prevent a search for additional information to support the potential claims against the City of Phoenix Police Department.

Councilwoman O’Brien responded Councilwoman Hodge Washington was correct.

Councilwoman Hodge Washington said she continued to advocate for not excluding the proposed demographic of individuals from serving on the review board.

Councilwoman O’Brien stated there were already existing exclusions for individuals with law enforcement backgrounds from serving on the Civilian Review Board. She explained her goal with the friendly amendment was to create a balance of individuals who could serve.

Councilwoman Hodge Washington reiterated that during the process to exclude former sworn law enforcement from serving on the Civilian Review Board was sent out to the community for feedback. She expressed concerns for the friendly amendment expanding the individuals that were unable to serve without adequate feedback.

Councilman Robinson emphasized the importance was to seat a Civilian Review Board that would be unbiased prior to understanding the facts. He expressed support for the friendly amendment reiterating the goal to seat unbiased individuals.

Mayor Gallego asked if there could be an amendment to the language, noting it was not meant to exclude individuals with reports for a car accident.

Councilwoman Hodge Washington restated her suggested change to Section 20-15(D) to read that five voting members of the board should constitute a quorum for the purpose of conducting business and five voting members must vote in favor of any item requiring action, including any request for supplemental information. She explained it would prohibit individuals from receiving information specific to their case mandating that five members approve information acquired. She remarked her proposal acknowledged Councilwoman O'Brien's intent in her friendly amendment without changing the content and the composition of the Civilian Review Board.

Councilwoman O'Brien reiterated the board needed checks and balances to prevent individuals with a perceived negative agenda from being on the Civilian Review Board.

Councilwoman Hodge Washington emphasized there were existing provisions like the two-thirds vote required from Council. She explained an individual with a perceived negative agenda would not receive the two-thirds vote in the Council. She reiterated she was opposed to excluding individuals who have valuable experience form serving on the Civilian Review Board. She mentioned her experience with an individual who had a negative experience with the Police Department and was wanting to be involved in improving the department who would be

excluded with Councilwoman O'Brien's friendly amendment.

Councilman Waring provided an example of unbiased selection of a court jury. He added he supported the amendment but would re-evaluate if it was changed. He stated the amendment did not exclude a large portion of Phoenicians.

Councilwoman Pastor asked for examples of individuals who would not qualify or be able to apply to be on the Civilian Review Board.

Ms. Kreigh replied individuals who had made claims if they are involved in an auto accident, use of force which may or may not include a shooting, in which case family members might make a claim against the City of Phoenix, would not be eligible.

Councilwoman Pastor stated the Police Department filed gang charges on a group of protestors sparking a class action. She questioned if the individuals involved would be ineligible to participate.

Ms. Kreigh responded cases involving a violation of First Amendment rights would also be precluded.

Councilwoman Pastor expressed concerns with the friendly amendment as bias was inevitable.

Mayor Gallego stated OAT provided thoughtful reports emphasizing the importance of gathering best practices from across the county. She added not one tool solved public safety problems. She asked if the language could be changed to clarify that individuals with cases under the mandatory oversight of the OAT, like in custody deaths, would be ineligible.

Ms. Kriegh inquired if the Mayor wanted her to read Section 20-6 of the proposed ordinance.

Mayor Gallego affirmed yes.

Ms. Kriegh read that the OAT had mandatory review over any shooting

involving uniform personnel whether duty related or not any in custody death or any duty related incident during which or as a result of which anyone dies or suffers serious bodily injury as that term is defined in A.R.S. 13-105.39 as it may be amended from time to time.

Councilwoman Hodge Washington restated her concerns with modifying the language during the meeting without public input. She said her preference would be to vote on the item as presented and ask staff to make a proposal on the considerations of any subsequent revisions.

Councilwoman O'Brien stated she was open to the Mayor's suggestion to narrow the scope of the amendment. She added the community in District 1 had provided feedback regarding the ineligibility of former law enforcement personnel.

Councilwoman Guardado made a secondary motion to strike the friendly amendment.

Councilwoman Hodge Washington seconded the motion.

Mayor Gallego requested Ms. Kriegh to confirm the motion.

Ms. Kreigh advised Councilwoman Guardado would be making a substitute motion to approve the ordinance as written without changes.

A substitute motion was made by Councilwoman Guardado, seconded by Councilwoman Hodge Washington, that this item be adopted as recommended by staff.

Mayor Gallego stated the Council would be voting on Councilwoman Guardado's motion and if it did not pass then the Council would vote on Councilman Robinson's motion.

Councilwoman Pastor asked if the work being done with OAT was to comply with state law.

Ms. Kreigh responded one of the reasons changes were being made to existing sections in Chapter 20 was to come into compliance with state

law.

Councilwoman Pastor mentioned there were several ordinances that were not in compliance with state law and asked Ms. Kriegh who requested to make the proposed changes.

Ms. Kriegh responded staff was returning to Council with changes to Chapter 20 to add the Civilian Review Board and wanted to include the proposed changes to comply with state law.

Councilwoman Pastor questioned Ms. Kreigh who she worked with on the Council to make the proposed changes.

Ms. Kreigh replied she did not work with any specific Council Member to make the changes to Sections 20-1 through 20-13.

Councilwoman Pastor inquired which Council Office was sought out for advisement.

Ms. Kreigh replied that a Council Office worked on the board language but the changes to Cection 20 came from the Law Department and then from the review after the Policy meeting. She stated the Law Department worked with all the Council Offices on the new language so it would be consistent with other sections of the code.

Councilwoman Pastor conveyed the intent of OAT was to file a complaint and protect the police. She stated there needed to be further conversation regarding the proposed friendly amendment.

Vice Mayor Stark said she understood Councilwoman O'Brien's concern regarding ineligibility of current or former law enforcement. She suggested provisions to the language regarding law enforcement officers to specify those who served in the state of Arizona. She stressed the need to move forward but empathized with the need to address the exclusions.

Councilman Galindo-Elvira expressed concerns with the lack of community input for the proposed change, noting he would support

Councilwoman Guardado's substitute motion.

Councilman Robinson stated police officers get their strength, power and authority from the public. He reiterated there would never be complete acceptance from everyone and added that he was comfortable with the ordinance and the friendly amendment. He emphasized the need to have a review board with credibility and perception of being unbiased. He agreed with the need to move forward and have the review board in place mentioning that Phoenix had been at the cutting edge of citizen community involvement. He added that citizens sat on use of force and disciplinary review boards since 1983 repeating the importance to move forward.

Councilwoman Hodge Washington clarified she did not wish to hold back the implementation of the review board. She emphasized her intent was to ensure that changes regarding exclusion of eligible individuals be shared with the community. She explained the City ran the risk of appearing biased by excluding all individuals with a claim against law enforcement. She reiterated the need for more time to review and get community feedback regarding the proposed change to eligibility.

Mayor Gallego emphasized that Council wanted the board to be fair, adding the Council acknowledged any previous shortcomings and had the desire to learn. She agreed with Councilman Robinson that the Council wanted a body that people on both sides of the issue could respect. She clarified individuals with strong opinions would still be able to present before the body. She restated the goal was to choose individuals to serve who could hear and support all perspectives and respond. She said she would be supporting the second motion.

Councilwoman O'Brien asked Mayor Gallego to clarify the motions.

Mayor Gallego asked Ms. Archibald to state the motions.

Ms. Archibald stated the current motion on the table was the substitute motion for approval of the ordinance as recommended by staff. She added the original motion made by Councilman Robinson and seconded by Vice Mayor Stark was to approve as recommended by staff but also

included the friendly amendment from Councilwoman O’Brien regarding Section 20-14(A1).

Councilwoman O’Brien asked if the suggestion from Mayor Gallego was included in the original motion.

Ms. Archibald requested clarification if the acceptance was for the friendly amendment from Councilwoman O'Brien or Councilwoman Hodge Washington.

Councilwoman O'Brien interjected it was the acceptance from Mayor Gallego regarding Section 20-6 about the mandatory oversight by the OAT.

Mayor Gallego affirmed she had suggested to consider Councilwoman Pastor's comments that people who were involved in protests should be able to serve on this board and Councilwoman Hodge Washington's comments that people involved in car accidents should be able to serve as well. Mayor Gallego pointed out her stance was to take into account what colleagues said as well as meet multiple goals.

Councilman Waring requested confirmation that the first vote was Councilwoman Guardado’s motion and the second vote, if the first vote failed, would be the original motion with the proposed changes. He pointed out if the first vote passed then the amended motion would not take place.

Mayor Gallego confirmed Councilman Waring's inquiry.

Councilwoman Pastor asked for clarification on the first motion.

Mayor Gallego clarified the order of voting would be to approve as introduced.

Councilwoman Pastor requested clarification on the amended motion.

Mayor Gallego repeated the motion to approve the language that all voting members should either reside or work in the City of Phoenix;

members must be at least 21 years of age; no current or former sworn law enforcement officer or an individual who has filed a claim or lawsuit related to the actions by the City of Phoenix Police Department mentioned in Section 20-6, mandatory oversight, is eligible to serve as a voting member of the board. She requested Councilwoman O'Brien to confirm the motion.

Councilwoman O'Brien affirmed that was correct.

Mayor Gallego called for a vote on the substitute motion.

Yes: 4 - Councilman Galindo-Elvira, Councilwoman Guardado, Councilwoman Hodge Washington and Councilwoman Pastor

No: 5 - Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark, and Mayor Gallego

Ms. Archibald announced the substitute motion failed 5-4.

Mayor Gallego called for a vote on the original motion as amended.

Prior to his vote, Councilman Galindo-Elvira expressed his disappointment for the lack of community input on the amended ordinance.

Prior to her vote, Councilwoman Guardado expressed her opposition and thanked staff for their work on the Civilian Review Board. She added that changing the ordinance during the meeting without community feedback was irresponsible.

Prior to her vote, Councilwoman Hodge Washington asked who could bring a motion for reconsideration if the motion passed.

Ms. Kreigh replied only a member on the prevailing side could bring a motion for reconsideration.

Councilwoman Hodge Washington questioned if members on the prevailing side needed the support of others on the prevailing side.

Ms. Kreigh advised it only took one council member on the prevailing side to file a motion for reconsideration and have it come back on a future agenda.

Councilwoman Hodge Washington thanked Ms. Kreigh for the clarification and said she was voting yes to be on the prevailing side to make a motion for reconsideration.

Prior to her vote, Councilwoman Pastor stated the purpose of the Civilian Review Board was to advance trust from the community, but expressed concerns with the amendment.

Prior to his vote, Councilman Waring asked Ms. Archibald to explain the process of a motion for reconsideration.

Ms. Archibald explained a reconsideration request can be filed by a council member with the City Clerk within seven business days following the original action. She conveyed that Council could reconsider an item at the meeting, unless the ordinance failed to pass which would be a separate motion. She asked Councilwoman Hodge Washington to confirm if the reconsideration would be filed with the City Clerk.

Councilwoman Hodge Washington confirmed the motion for reconsideration with the City Clerk was her intention.

Ms. Archibald restated if the motion passed, Councilwoman Hodge Washington could submit a motion for reconsideration and it would be brought back in front of the Council for another vote.

Following the vote, Mayor Gallego thanked staff that worked on the creation of OAT. She also congratulated Police Chief Sean Connolly who would be leaving Phoenix Police and serving as the police chief in Flagstaff, Arizona.

NOTE: Councilwoman Pastor left the voting body after the vote.

A motion was made by Councilman Robinson, seconded by Vice Mayor Stark, that this item be adopted as amended as follows: that all voting members shall either reside or work in the City of Phoenix; members must be at least 21 years of age; and no current or former sworn law enforcement officer or individual who has filed a claim or lawsuit related to actions by the City of Phoenix Police Department are eligible to serve as a voting member of the board. The motion carried by the following vote:

Yes:	6 -	Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilman Waring, Vice Mayor Stark and Mayor Gallego
No:	3 -	Councilman Galindo-Elvira, Councilwoman Guardado and Councilwoman Pastor

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 CITIZEN COMMENTS

City Attorney Julie Kriegh stated during Citizen Comment, members of the public may address the City Council for up to three minutes on issues of interest or concern to them. She advised the Arizona Open Meeting Law permits the City Council to listen to the comments, but prohibits council members from discussing or acting on the matters presented.

Dianne Barker expressed concerns about the protests occurring at several universities across the United States. She mentioned Global Love Day and expressed her love for Phoenix.

Nicole Rodriguez thanked Councilwoman Hodge Washington for her comments on the Civilian Review Board. Ms. Rodriguez also thanked Councilman Robinson for nominating a woman to the Vision Zero Advisory Board. She expressed concerns regarding reverse lanes.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 4:18 p.m.

MAYOR

ATTEST:

CITY CLERK

SLR

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 1st day of May, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of November, 2024.

CITY CLERK