185925

City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, February 17, 2021 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, Feb. 17, 2021 at 2:33 p.m. in the Council Chambers.

Present: 9 - Councilman Sal DiCiccio, Councilmember Carlos Garcia, Councilwoman Betty Guardado, Councilman Michael Nowakowski, Councilwoman Laura Pastor, Councilwoman Debra Stark, Councilman Jim Waring, Vice Mayor Thelda Williams and Mayor Kate Gallego

The Mayor and Councilmembers attended the meeting virtually. Councilmember Garcia and Councilwoman Guardado joined the voting body prior to the vote on Item 1. Councilwoman Guardado temporarily left the voting body following Item 79 and returned during testimony on Item 81. Councilman DiCiccio left the voting body during Citizen Comments.

Mayor Gallego acknowledged the presence of Mario Barajas, a Spanish interpreter. Mr. Barajas announced his availability to the audience in Spanish.

The City Clerk confirmed that copies of the titles of Ordinances G-6808 through G-6811; S-47290, S-47292 through S-47330; and Resolutions 21894 through 21897 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 minutes relate to documents that were attached to the agenda.

BOARDS AND COMMISSIONS

1 **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 and Councilmembers:

Alhambra Village Planning Committee
Appoint Jim DeGraffenreid, for a term to expire Nov. 19, 2021, as recommended by Councilwoman Guardado
Appoint Maurita Harris, for a term to expire Nov. 19, 2022, as recommended by Councilwoman Guardado

Desert View Village Planning Committee
Appoint Michelle Santoro, for a term to expire Nov. 19, 2022, as recommended by Councilman Waring

Library Advisory Board
Appoint Anne Thorne, for a term to expire Feb. 17, 2024, as recommended by Mayor Gallego

Sister Cities Commission
Appoint Karl Obergh, replacing Anne Thorne, for a term to expire June 30, 2023, as recommended by Mayor Gallego

South Mountain Village Planning Committee
Appoint Trent Marchuk, for a term to expire Nov. 19, 2021, as recommended by Councilman DiCiccio
Appoint Emma Viera, replacing Dolores Levesque, for a term to expire Nov. 19, 2022, as recommended by Councilmember Garcia

NOTE: Councilmember Garcia and Councilwoman Guardado joined the voting body.

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Williams and Mayor Gallego

No: 0

City Attorney Cris Meyer stated members of the public may speak for up to two minutes on agenda items and gave direction on appropriate decorum when providing comments.

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

A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that Items 2-13 be recommended for approval, except Items 8, 11 and 12; and noting that Items 3 and 13 are continued to the March 3, 2021 City Council Formal Meeting. The motion carried by the following voice vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Williams and Mayor Gallego

No: 0

2 Liquor License - Spice Sea

Request for a liquor license. Arizona State License Application 131298.

Summary

Applicant
Yong Huang, Agent

License Type
Series 12 - Restaurant

Location
3345 W. Greenway Road
Zoning Classification: C-2
Council District: 1

This request is for a new liquor license for a restaurant. This location was

previously licensed for liquor sales and does not have an interim permit.

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

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

Other Active Liquor License Interest in Arizona
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.

Lychee Kitchen (Series 12)
23450 N. 19th Ave., Ste. 103, Phoenix
Calls for police service: 9
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 restaurant management for 20 years and I have completed all liquor training courses.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“The Spice Sea is a great new seafood boiler restaurant that is family and budget friendly. It will be a great addition to the neighborhood.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Spice Sea
Liquor License Map - Spice Sea

This item was recommended for approval.

3 Liquor License - Special Event - M.U.S.I.C. Foundation of Arizona, Inc.

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

Summary

Applicant
Bradley Laughlin

Location
5410 E. High St.
Council District: 2

Function
Food and Music Festival

Date(s) - Time(s) / Expected Attendance
March 27, 2021 - 2:00 p.m. to 10:30 p.m. / 2,450 attendees
March 28, 2021 - 12:00 Noon to 8:30 p.m. / 2,450 attendees

Staff Recommendation

Staff recommends approval of this application noting that approval of this application is based on criteria set forth in Title IV of the Arizona Revised Statutes and noting that the applicant has agreed to adhere to the implementation and enforcement of safety precautions consistent with the guidance issued by both the Centers for Disease Control and Prevention and the Arizona Department of Health Services.

This item was continued to the March 3, 2021 City Council Formal Meeting.

4 Liquor License - Dickey's Barbecue

Request for a liquor license. Arizona State License Application 132095.

Summary

Applicant

Theresa Morse, Agent

License Type

Series 7 - Beer and Wine Bar

Location

402 E. Greenway Pkwy., Ste. 2
Zoning Classification: C-2
Council District: 3

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

The 60-day limit for processing this application is March 1, 2021.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public

convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona
This 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:
"The owners have experience in owning and operating liquor licensed establishments. The existing liquor establishments have had no violations with city, state or county. Their establishments are geared towards the community by providing a clean and healthy environment for families. Their other businesses average at least 95 percent food sales. Liquor law training for all staff is conducted on a regular basis to ensure compliance with current 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:
"This location has been operating without a liquor license for approximately 3 years. Customers have inquired about service of alcohol to complement the service of food. Therefore, the ownership decided to apply for a liquor license for the location."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Dickey's Barbecue
Liquor License Map - Dickey's Barbecue

This item was recommended for approval.

5 Liquor License - 7-Eleven #20622F

Request for a liquor license. Arizona State License Application 126664.

Summary

Applicant
Amarpal Hayer, Agent

License Type
Series 10 - Beer and Wine Store

Location
646 W. Indian School Road
Zoning Classification: C-2 SAUMSO
Council District: 4

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 may currently operate with an interim permit.

The 60-day limit for processing this application is Feb. 21, 2021.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have worked in 7-Eleven stores for many years, as both a sales associate and Assistant Manager and so I am familiar with the operation and management of 7-Eleven stores. I have completed an extensive corporate training program regarding the operation of 7-Eleven stores and have completed basic and management liquor training by an authorized trained, as required by Arizona liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location has been a 7-Eleven store since 2007. I will operate the store in the same responsible manner and with the high standards required of 7-Eleven franchisees. I plan to continue to provide quality service to the neighbors of this store, and to the general public which they have enjoyed and have come to rely on for many years."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - 7-Eleven #20622F
Liquor License Map - 7-Eleven #20622F

This item was recommended for approval.

6 Liquor License - OG Liquor

Request for a liquor license. Arizona State License Application 09070527.

Summary

Applicant
JJ Bazzi, Agent

License Type
Series 9 - Liquor Store

Location
4820 N. 27th Ave.
Zoning Classification: C-2
Council District: 4

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

The 60-day limit for processing this application is March 1, 2021.

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

Other Active Liquor License Interest in Arizona
The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and

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

Chevron (Series 10)
3501 W. Camelback Road, Phoenix
Calls for police service: 69
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:
"In the last 5 years I've owned and operated another business which along with this one I will continue to operate as a responsible retailer abiding and always following all the rules and regulations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I will bring additional jobs and revenue to the area along with providing a convenient location to the residents in the area with no means of transportation."

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

Attachments
Liquor License Data - OG Liquor

Liquor License Map - OG Liquor

This item was recommended for approval.

7 Liquor License - Chevron

Request for a liquor license. Arizona State License Application 131418.

Summary

Applicant
JJ Bazzi, Agent

License Type
Series 9 - Liquor Store

Location
3501 W. Camelback Road
Zoning Classification: C-2
Council District: 5

This request is for a new liquor license for a liquor store. This location is currently licensed for liquor sales with a Series 10 - Beer and Wine Store, liquor license.

The 60-day limit for processing this application is Feb. 21, 2021.

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

Other Active Liquor License Interest in Arizona
The ownership of this business has an interest in other active liquor

license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Chevron (Series 10)
3501 W. Camelback Road, Phoenix
Calls for police service: 69
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:
"In the last 5 years and currently operating as a responsible retailer that abides and always follow all the rules and regulations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I will bring additional jobs and revenue to the area along with providing a convenient location to the residents in the area with no means of transportation."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Chevron
Liquor License Map - Chevron

This item was recommended for approval.

9 Liquor License - Carioca Shell #67

Request for a liquor license. Arizona State License Application 131395.

Summary

Applicant
Howard Magee, Agent

License Type
Series 10 - Beer and Wine Store

Location
6675 W. Lower Buckeye Road
Zoning Classification: C-1 (Approved C-2)
Council District: 7

This request is for a new liquor license for a convenience store that sells gas. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow package liquor sales. This business is currently under construction with plans to open in March 2021.

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

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

Other Active Liquor License Interest in Arizona
This 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:
"I am the agent/applicant for approx. 40 C-Store locations for the Carioca Company."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The Carioca Company operates 40 C-Store locations in Arizona. The Carioca Company has operated C-Store / gas stations in Arizona / Phoenix metro area for over 40 years."

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

Attachments
Liquor License Data - Carioca Shell #67
Liquor License Map - Carioca Shell #67

This item was recommended for approval.

10 Liquor License - Paddock Lounge

Request for a liquor license. Arizona State License Application 131391.

Summary

Applicant
Brian Petersen, Agent

License Type
Series 12 - Restaurant

Location
2425 S. 21st St.
Zoning Classification: A-2 RSIO AIO
Council District: 8

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

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

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

Applicant's Statement
The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are

shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I am a businessman who has operated and managed 35 separate K1 Speed kart racing facilities across the U.S. since the first one was opened in Carlsbad, CA in 2005. This business is a safe and popular entertainment activity which occupies between 40,000 sf and 75,000 sf leased spaces, depending upon the center. I employ over 1,000 employees successfully. During this period, I have had no legal or criminal issues. No reasons exist which would disqualify me from holding a liquor license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The proposed addition of beer & wine to the concession area restaurant (Paddock Lounge) will improve the environment and experience of K1 Speed clientele. This clientele is primarily high-end corporate users. The facility provides a clean, upscale entertainment center as an alternative to expensive corporate retreats or motivational presentations. The alcohol license will allow for a minor increase in tax revenue generated. No schools or churches are located within the area which could be a conflict."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Paddock Lounge
Liquor License Map - Paddock Lounge

This item was recommended for approval.

13 Liquor License - El Pueblo Restaurant

Request for a liquor license. Arizona State License Application 128136.

Summary

Applicant
Amanda Arriaza, Agent

License Type
Series 12 - Restaurant

Location
2270 N. 75th Ave., Ste. 101
Zoning Classification: C-2
Council District: 7

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

The 60-day limit for processing this application was Feb. 1, 2021. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

Applicant's Statement
The applicant submitted the following statement in support of this

application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
“I Amanda consider myself a very responsible, honest person with good moral standings, and I believe that I have the ability to handle a liquor license.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“They will have more options for alcoholic beverage with their meals.”

Staff Recommendation
Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on possible hidden ownership concerns, falsifying information on both City and State questionnaires, and concerns associated with financing of the business. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments
Liquor License Data - El Pueblo Restaurant
Liquor License Map - El Pueblo Restaurant
Liquor License Police Department Recommendation - El Pueblo Restaurant

This item was continued to the March 3, 2021 City Council Formal Meeting.

8 Liquor License - West Side Smoke Shop

Request for a liquor license. Arizona State License Application 132070.

Summary

Applicant
Sarkhdon Yonathan, Agent

License Type

Series 10 - Beer and Wine Store

Location
2709 W. Northern Ave.
Zoning Classification: C-2
Council District: 5

This request is for a new liquor license for a tobacco shop. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow package liquor sales.

The 60-day limit for processing this application is March 1, 2021.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion
Four 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 Lane Avenue Block Watch, North Glen Square Neighborhood Association, Alta Vista Neighborhood Block Watch and Ocotillo Glen Neighborhood Association. There are concerns regarding the proximity to a nearby school, and they feel the need and convenience of the community is already met with the existing two licenses that are directly across the street from the proposed location. There are also concerns the issuance

of the license in a high crime area will create instability within the neighborhood.

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 an a responsible member of society and have never been arrested or convicted of any crimes. I have previouly owned a liquor store and managed the sales within all local and fereral regulations. I have registered for all required classes and will comply with all regulations to insure all sales will be legal. I plan on being present and involved in all daily activities pertaining to the business and daily sales."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We will provide personalized service to members of the community to ensure their grocery needs are met with daily provision."

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

Attachments

Liquor License Data - West Side Smoke Shop
Liquor License Map - West Side Smoke Shop

Discussion

Sarkhdon Yonathan stated when he applied for the liquor license there was opposition, but he worked with the residents and there was now neighborhood agreement.

Councilwoman Guardado thanked the applicant for working with the neighbors to create a safer intersection, such as lighting and increased security measures. She also thanked the neighborhood groups for working with the owner to collaborate on solutions.

A motion was made by Councilwoman Guardado, seconded by Councilwoman Stark, that this item be recommended for approval. The motion carried by the following voice vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Williams and Mayor Gallego

No: 0

11 (CONTINUED FROM FEB. 3, 2021) - Liquor License - Lucky Market

Request for a liquor license. Arizona State License Application 09070322.

Summary

Applicant
Geeta Bhatt, Agent

License Type
Series 9 - Liquor Store

Location
16401 N. Cave Creek Road
Zoning Classification: C-2
Council District: 2

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

The 60-day limit for processing this application was Jan. 12, 2021. However, the applicant has submitted a written request for more time.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only

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

Other Active Liquor License Interest in Arizona

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.

Jerry's Drive In Liquor (Series 9)
1217 S. Rural Road, Tempe
Calls for police service: N/A - not in Phoenix
Liquor license violations: In October 2017, a fine of $750 was paid for selling liquor to an intoxicated or disorderly person. In October 2018, a fine of $750 was paid for failure to request ID from underage buyer and for selling, giving or furnishing underage person with alcohol. In November 2019, a fine of $750 was paid for employee consuming on duty and off-sale open container on premises.

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 the experience since 2002 in the liquor business. It is a good community store and I have ability to handle the business.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“I should get the license because the commity is safe to sell liquor and it is a good small store and it is convenient to the community.”

Staff Recommendation
Staff recommends disapproval of this application based on a Police Department recommendation of disapproval. The Police Department disapproval is based on concerns regarding multiple recent violations demonstrating a lack of control over another liquor establishment operated by the same applicant. The applicant has not demonstrated the capability, qualification and reliability to hold and control a liquor license.

Attachments
Liquor License Data - Lucky Market
Liquor License Map - Lucky Market
Liquor License Police Department Recommendation - Lucky Market

Discussion
Jared Repinski, the agent for Lucky Market, emphasized the issuance of the interim permit meant the location was already qualified for this type of license, noting there were no public protests. He pointed out the owner, Mrs. Geeta Bhatt, was qualified under A.R.S. 4-202 and had not been cited under A.R.S. 4-210.A.2, so she was capable, qualified and reliable to hold a liquor license. He conveyed Mrs. Bhatt had challenges with Jerry's Liquor and paid $750 per incident, noting the maximum administrative fine was $3,000 per law violated in Title 4. He indicated Mrs. Bhatt had operated Used Stock Convenience Store and Sun Devil Liquor, each for five years, without violations or issues. He said Mrs. Bhatt required all employees to be trained under Title 4, plus there were scanners used at both stores, educational signage posted throughout the stores and surveillance. He added Mrs. Bhatt conducted regular meetings with employees and emphasized the aspects of Title 4. He concluded it was for these reasons Mrs. Bhatt demonstrated that she was

capable, qualified and reliable.

License Services Manager Jenni Wingenroth stated this was a request for an ownership transfer of a liquor license for a liquor store. She noted this location was previously licensed for liquor sales and may operate with an interim permit. She conveyed staff recommended disapproval of this application based on a Police Department recommendation for disapproval.

Police Detective David Hurt, with the Black Mountain Precinct, indicated his original recommendation for denial was based on four serious violations at Mrs. Bhatt's current liquor mart in Tempe known as Jerry's Drive-in Liquor. He said he set up a meeting on Feb. 10 at 1:30 p.m. and met with Mr. Repinski and Mrs. Bhatt at Lucky's Market to discuss the violations. He explained while at the location he observed two gentlemen come in and grab individual beers, noting only one of them approached the counter area to purchase the two beers as the other individual appeared to be young. He asked Mr. Repinski and Mrs. Bhatt to check the identification of the young gentleman who was walking toward the doors. Detective Hurt stated he assisted as the individual spoke Spanish and asked for identification which the young individual did not have, so he asked for date of birth and age which did not match. He said at that point Mrs. Bhatt told the young gentleman he could not buy beer without a passport. He concluded Mrs. Bhatt showed through the previous violations and this incident that she lacked institutional control over the liquor establishments, so the Police Department recommended disapproval of this application.

A motion was made by Vice Mayor Williams, seconded by Councilman Waring, that this item be recommended for disapproval based on the Police Department's recommendation for disapproval. The motion carried by the following vote:

Yes:	9 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Williams and Mayor Gallego
No:	0	

12 Liquor License - Tennessee Grill

Request for a liquor license. Arizona State License Application 125380.

Summary

Applicant
Phillip Ladiser, Agent

License Type
Series 12 - Restaurant

Location
4220 W. Summit Walk Court, Ste. 1202
Zoning Classification: C-2 PCD
Council District: 1

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. This business is currently being remodeled.

The 60-day limit for processing this application was Jan. 9, 2021. However, the applicant has submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have worked in the food sales industry for over 10 years. I have completed the Title 4 basic and management liquor law training courses with ALIC. All employees will be required to attend the liquor class."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This restaurant has been open for several years. I would like to continue to offer my patrons great food and beverages while dining at the Tennessee Grill."

Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on concerns of undisclosed funding and significant discrepancies between the application and statements made during the police interview. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments

Liquor License Data - Tennessee Grill
Liquor License Map - Tennessee Grill
Liquor License Police Department Recommendation - Tennessee Grill

Discussion

Philip Ladiser, the applicant, stated he worked for Shamrock Foods as a consultant for the restaurants; however, when COVID hit he decided to become a business owner and take over a restaurant. He expressed he was disappointed in the Police Department's report as he had used his own money to transition ownership. He pointed out the previous owner

was in a dispute with the landlord and he brokered a deal that saved 20 jobs as well as a family-owned restaurant. He indicated liquor sales were only 15 percent which needed to improve from a business standpoint, but he stressed this location would remain a restaurant. He explained the construction process of switching the dining and bar areas was the only option to open up more seating due to COVID.

Craig Miller, with Arizona Liquor Industry Consultants, worked with Mr. Ladiser and visited the location, noting it made sense to move tables to the bar area as it would provide more seating due to COVID. Mr. Miller indicated Mr. Ladiser had experience from working at Shamrock Foods for 12 years as a consultant with successful bars and restaurants. Mr. Miller remarked Mr. Ladiser did not have funds to add a patio yet, but was doing cosmetic changes and creating more room in the dining area for people to eat.

License Services Manager Jenni Wingenroth stated this was a request for a new liquor license for a restaurant, noting this location was previously licensed for liquor sales and may operate with an interim permit. She conveyed staff recommended disapproval of this application based on a Police Department recommendation for disapproval.

Police Detective David Hurt, with the Black Mountain Precinct, indicated he found discrepancies between the City application and State questionnaire during his investigation. He said he met with Mr. Ladiser at the Anthem business location on Nov. 24, 2020, where the applicant discussed his plans for the business. Detective Hurt added the applicant's initial plan was to move the bar area over to the larger area of the business, noting there was construction going on in the kitchen area. Detective Hurt pointed out Mr. Ladiser marked no on the City application which asked if there would be construction at the location. Detective Hurt stated the applicant talked about moving a wall and having emergency and water lines outside to expand the bar to an outside seating area, noting there was already a small patio area at this location. He questioned Mr. Ladiser about turning the business into a bar due to the dramatic changes, but Mr. Ladiser said he did not want to be like other bars in the Anthem area.

Detective Hurt conveyed Mr. Ladiser marked on Question 12 that he would be running the business; however, the home address listed on the application was quite a distance away from the business. Detective Hurt said Mr. Ladiser admitted that he did not live at the location listed on the application and lived right down the road which was another discrepancy. Detective Hurt stated he asked Mr. Ladiser about him being on the premise and confirmed he would only be there two days a week because of his other job at Shamrock and that there were two managers which were not listed on the application or questionnaire as they were not known yet. Detective Hurt remarked he asked about the financing and Mr. Ladiser explained he had paid $25,000 but still owed the previous owner $100,000 which he would pay out of the business proceeds and remodel funds would come from money saved at his other job.

Detective Hurt indicated he had a follow-up phone conversation with Mr. Ladiser on Nov. 30, 2020, and blamed the consulting group for the issues. Detective Hurt concluded the applicant had not proven to be reliable, capable and qualified to hold a liquor license based on his lack of truthfulness throughout the entire process, including the City application and State questionnaire. He added the applicant did not have actual experience running a bar that served liquor which went to his qualifications to operate the business; therefore, the Police Department recommended disapproval of this application.

A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that this item be recommended for disapproval based on the Police Department's recommendation for disapproval. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Williams and Mayor Gallego

No: 0

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Electronic comments were submitted for the record in support of Items 39 and 78.

Following the vote, Mayor Gallego congratulated Councilwoman Stark on the items related to redevelopment of Paradise Valley Mall.

A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that Items 14-81 be approved or adopted, except Items 14-15, 20, 27-28, 36, 64 and 79-81; continuing Item 65 to the March 3, 2021 City Council Formal Meeting; and noting that Item 26 is withdrawn and Item 78 is as revised. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Williams and Mayor Gallego

No: 0

Items 16-19, 21-25, Ordinance S-47292 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.

16 Settlement of Claim(s) Lucero v. City of Phoenix

To make payment of up to $36,000.00 in settlement of claim(s) in *Lucero v. City of Phoenix,* CV2019-010686, 18-0727-002, AU, BI, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement of a bodily injury claim arising from a motor vehicle accident on July 16, 2018 involving the Police Department.

This item was adopted.

17 Settlement of Claim(s) Mason v. City of Phoenix

To make payment of up to $100,000.00 in settlement of claim(s) in *Mason v. City of Phoenix,* CV2020-053869, 19-0823-001, GL, BI, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement of a bodily injury claim arising from a non-vehicular

accident that occurred on Aug. 28, 2019.

This item was adopted.

18 Settlement of Claim(s) Garcia v. City of Phoenix

To make payment of up to $60,000.00 in settlement of claim(s) in *Garcia v. City of Phoenix*, CV2019-002195, 18-0246-001, GL, BI, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement of a bodily injury claim arising from a non-vehicular accident that occurred on March 10, 2018.

This item was adopted.

19 Settlement of Claim(s) Hinds v. City of Phoenix

To make payment of up to $40,000.00 in settlement of claim(s) *Hinds v. City of Phoenix*, CV2019-012874, 18-0917-001, AU, BI, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement of a bodily injury claim arising from a motor vehicle accident on Sept. 22, 2018, involving the Police Department.

This item was adopted.

21 Settlement of Claim(s) Yakoo v. City of Phoenix

To make payment of up to $43,550.00 in settlement of claim(s) in *Yakoo v. City of Phoenix*, 20-0080-001, GL, PD, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement for a property damage claim arising from a sewer backup on July 14, 2020.

This item was adopted.

22 Arizona State University

For $65,000.00 in payment authority for Contract 119092 for the annual operating and maintenance fees for the Downtown Phoenix Civic Space A.E. England Building, which is paid to Arizona Board of Regents on behalf of Arizona State University, for the Parks and Recreation Department.

This item was adopted.

23 Arizona Generator Technology, Inc., doing business as Gen-Tech

For $13,195.41 in payment authority to repair a failed generator located at the Fire Academy, for the Public Works Department. The generator provides backup power to the training facility for emergency response

teams, including safety training. The generator was diagnosed with needing a new electronic control module. The part can only be purchased, replaced, and calibrated by Arizona Generator Technology, the original equipment manufacturer in the area.

This item was adopted.

24 Ferguson US Holdings Inc., doing business as Ferguson Enterprises, LLC.

For $58,230.00 in payment authority for a one-time purchase of three Quick View Pole Cameras for the Water Services Department (WSD). The equipment will allow WSD staff to inspect sanitary sewer structures including manholes, vaults, wet wells and other confined space structures safely throughout the City by removing staff from the potential exposure to hazardous gasses. The equipment will also allow staff to quickly and efficiently collect videos and pictures of the structures which can be used for rehabilitation or repair.

This item was adopted.

25 Central Arizona Water Conservation District doing business as Central Arizona Project

For $26,993.00 in payment authority for a land use license necessary for the ongoing right to use Central Arizona Project land and maintain three underground sewer lines along Cave Creek Road for the five-year term of 2016-2021 for the Water Services Department.

This item was adopted.

26 (CONTINUED FROM FEB. 3, 2021) - 2015-2020 Consolidated Plan's 2019 Annual Action Plan CARES Act Amendment (Ordinance S-47290)

Request City Council approval of a Substantial Amendment to the 2015-2020 Consolidated Plan's 2019-2020 Annual Action Plan to include a second Emergency Solutions Grant (ESG-CV2) allocation authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, enacted March 27, 2020, for the specific purpose of preventing, preparing for, and responding to the Coronavirus (COVID-19) public health crisis. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item.

Summary

The 2015-2020 Consolidated Plan's 2019 Annual Action Plan defines how the City's Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) funds will be used to address the priorities and goals outlined in the five-year Consolidated Plan.

A previous substantial amendment to the 2019 Annual Action Plan was completed for the first round of the CARES Act ESG funding in May of 2020 (ESG-CV1). This second substantial amendment is to allocate $19,212,248 provided to the City in the second round of ESG funding (ESG-CV2) authorized by the CARES Act to support the City's effort to prevent, prepare for, and respond to the COVID-19 pandemic.

The following summarizes the second ESG-CV2 allocation and the proposed activities that will be funded to address the growing effects of the public health crisis:

ESG-CV2: $19,212,248

$19,212,248 will be used to prevent, prepare for, and respond to the COVID-19 pandemic, focusing on individuals and families who are experiencing homelessness or receiving homeless assistance, and to support homelessness prevention activities to mitigate the impacts of COVID-19. The following eligible activities will be funded with this allocation:

Street Outreach: $1,922,285 will be used to fund essential services necessary to reach out to unsheltered homeless individuals and families and connect them with emergency shelter, housing or other critical services.

Emergency Shelter: $4,253,669 will be used to extend temporary shelter to vulnerable individuals who are receiving homeless assistance.

Homelessness/Eviction Prevention: $3,192,259 will be used to support additional homelessness prevention activities.

Rapid Re-Housing: $7,922,810 will be used to support additional homelessness assistance activities.

Administration, Planning and Coordination: $1,921,225 will be used for the purposes of program administration, planning and coordination.

Further City Council action will be required to enter into any new contracts, or to modify any existing contracts, with service providers for services funded under these eligible activities. If any additional federal funds are provided, a subsequent substantial amendment will be brought to council for approval.

Procurement Information

Services may be procured, as needed, by utilizing procurement practices in accordance with Administrative Regulation 3.10 to implement and administer U.S. Department of Housing and Urban Development (HUD) funded programs intended to prevent, prepare for, and respond to the COVID-19 pandemic.

Financial Impact

These activities are funded by the U.S. Department of Housing and Urban Development through the Coronavirus Aid, and Economic Security Act (CARES) Act. There is no impact to the General Fund.

Concurrence/Previous Council Action

On May 6, 2020, City Council authorized a Substantial Amendment to the 2015-2020 Consolidated Plan's 2019-2020 Annual Action Plan to include the first release of allocations and waivers authorized by the CARES Act.

On Jan. 21, 2021, the Land Use and Livability Subcommittee recommended City Council approval of this item.

Public Outreach

As part of the CARES Act, HUD approved an expedited public outreach process that allows the flexibility to institute more streamlined requirements to address immediate needs regarding to the Coronavirus. The HUD process includes the following:

The reduction of the 30-day public comment period and the implementation of a public comment period of no less than five days in an effort to expedite the Consolidated Plan Substantial Amendment process and allow the City to respond as quickly as possible to the immediate needs in the community.

The elimination of in-person public hearings and the implementation of virtual public hearings when 1) national and/or local health authorities recommend social distancing and limiting public gatherings for public health reasons, and 2) virtual hearing provide reasonable notification and access for citizens in accordance with Phoenix's certifications, timely responses from local officials and to all citizen questions and issues, and public access to all questions and responses.

The comment period for this substantial amendment was open from Jan. 18 to Jan. 22, 2021. The virtual public hearing took place on Jan. 22, 2021.

This item was withdrawn.

29 Acceptance and Dedication of Deeds and Easements for Roadway, Sidewalk and Public Utility Purposes (Ordinance S-47304)

Request for the City Council to accept and dedicate deeds and easements for roadway, sidewalk and public utility purposes; further ordering the ordinance recorded.

Summary

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

Deed (a)

Applicant: RD Deer Valley, LLC, its successor and assigns
Purpose: Roadway
Location: 24100 N. 19th Ave.
File: FN 200605
Council District: 1

Deed (b)

Applicant: James Frank Cole and Marlene Michelle Cole aka Michele

Cole, its successor and assigns
Purpose: Roadway
Location: 25513 N. 15th Ave.
File: FN 200615
Council District: 1

Easement (c)
Applicant: North Valley Romanian Pentecostal Church Inc., its successor and assigns
Purpose: Sidewalk
Location: 25435 N. 15th Ave.
File: FN 200633
Council District: 1

Easement (d)
Applicant: Sharon Kay Thompson, its successor and assigns
Purpose: Public Utility
Location: 8807 N. 11th Ave.
File: FN 200620
Council District: 3

Easement (e)
Applicant: Marisol Zenaida Aragon Herold, its successor and assigns
Purpose: Public Utility
Location: 2610 N. 15th St.
File: FN 200634
Council District: 4

Easement (f)
Applicant: Timothy Herold, its successor and assigns
Purpose: Public Utility
Location: 1432 E. Virginia Ave.
File: FN 200634
Council District: 4

This item was adopted.

30 Acceptance of Easements for Drainage and Water Purposes (Ordinance S-47305)

Request for the City Council to accept easements for drainage and water purposes; further ordering the ordinance recorded.

Summary

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

Easement (a)
Applicant: Elux Deer Valley Project, LLC, its successor and assigns
Purpose: Drainage
Location: 1717 W. Happy Valley Road
File: FN 200618
Council District: 1

Easement (b)
Applicant: Elux Deer Valley Project, LLC, its successor and assigns
Purpose: Water
Location: 1717 W. Happy Valley Road
File: FN 200618
Council District: 1

This item was adopted.

31 Acquisition of Real Property for Sky Harbor International Airport - 4108 E. Air Lane (Ordinance S-47320)

Request to authorize the City Manager, or his designee, to perform all acts necessary to acquire fee title to and possession of certain real property located at 4108 E. Air Lane, Phoenix, Arizona, together with associated improvements, appurtenances, and other property rights (Property). Acquisition is to be by voluntary purchase from Adonai Properties, LLC at a price not to exceed the Property's appraised value of $775,000.

Further request authorization to enter into a temporary occupancy agreement to allow the occupant time to vacate the Property as may be necessary to and in furtherance of this acquisition. The purchase agreement may contain other terms and conditions deemed necessary or appropriate. Additionally request to authorize the City Controller to disburse, and the City Treasurer to accept, all funds related to this item.

Summary

Adonai Properties, LLC (Adonai) initiated the voluntary acquisition process in September 2018. The Property consists of a 17,930 square foot parcel, which is improved with an office building and warehouse structure totaling 12,355 square feet. The property includes other improvements, and it is currently occupied. Fortis Networks, Inc., the tenant, is a minority owned design-build general contractor that intends to relocate its office closer to downtown. An independent appraisal, Phase I and Phase II Environmental Assessments, and testing have been conducted on the Property. The results of the environmental due diligence indicate the Property does not require environmental remediation, and the appraiser has concluded there are no adverse effects on market value.

This Property is located just north of Sky Harbor International Airport's fence line. As such, this transaction constitutes a strategic voluntary acquisition that is important to the Airport's future growth. Once the Property is acquired, the Aviation Department will demolish the improvements and prepare it for future airport development.

Financial Impact

The Property's purchase price is $775,000, plus the usual and customary closing costs. Funds are available in the Aviation Department's Capital Improvement Program.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board recommended this item for approval on Jan. 21, 2021, by a vote of 8-0.

The Transportation, Infrastructure and Innovation Subcommittee recommended this item for approval on Feb. 3, 2021, by a vote of 4-0.

Public Outreach

Adonai is interested in selling the Property to the City. Staff has met with Adonai on several occasions to address questions.

Location

4108 E. Air Lane, identified by Maricopa County Assessor's parcel number 124-01-004.

Council District: 8

This item was adopted.

32 Authorization to Enter into Land Use License with Salt River Project for Patrick Park Plaza (Ordinance S-47309)

Request to authorize the City Manager, or his designee, to enter into a land use license agreement with Salt River Project Agriculture Improvement and Power District (SRP) to maintain an existing art project, use and maintenance of parking spaces, park benches and landscape. 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 would be prohibited by Phoenix City Code § 42-18, as SRP's license documents include such provisions. There is no financial impact to the City.

Summary

This license will replace existing license 131473 with SRP for Patrick Park Plaza which was done as part of the City's overall Southern Avenue Streetscape project, located at 30th Street and Old Southern Avenue. The project was funded through City of Phoenix Percent-for-Art funds. The license fee is waived by SRP.

Contract Term

The term of the license will be 25 years, starting Feb. 1, 2021. Either party may terminate the license upon delivery of a 30-day written notice.

Financial Impact

There is no financial impact to the City.

Concurrence/Previous Council Action

The City Council approved Southern Avenue Streetscape Project in Patrick Park Plaza License Agreement 131473 (Ordinance S-37757) on April 6, 2011.

Location

30th Street and Old Southern Avenue, a portion identified as assessor parcel number 122-68-034.

Council District: 8

This item was adopted.

33 Verint Audio Log System Upgrade and Professional Services - Requirements Contract - EXC 21-042 (Ordinance S-47306)

Request to authorize the City Manager, or his designee, to enter into a contract with Goserco, Inc. to purchase the Verint Audio Log System upgrade and professional services for the Phoenix Fire Department. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $637,000.

Summary

The Phoenix Fire Regional Dispatch Center utilizes the Goserco Verint Audio Log System to record all calls coming into both the dispatch sites at 150 S. 12th St. and 2425 W. Lower Buckeye Road. The dispatch sites are used to receive 9-1-1 emergency calls, dispatch fire and emergency medical services personnel, assign, and monitor radio communications for the Phoenix Fire Department and their 28 regional partners. The system plays a vital role in recording, logging, and storing all calls received by both dispatch centers. The recordings are used for work review, public records requests, and legal requirements. The current system is outdated and can no longer be supported. The new system will serve as a critical public safety system that requires a certified vendor to upgrade and provide continued support and patches. Goserco is the current maintenance provider and is certified to perform work on the Verint Audio Log System.

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

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved Determination Memo which stated the current Verint Audio Log System hardware is not in compliance with the City’s information technology security and will not support a server upgrade. If the system fails, the department will lose critical data and information resulting in the department to be non-compliant for legal and public records requests.

The Deputy Finance Director recommends that the contract with Goserco, Inc. be accepted.

Contract Term

The five-year contract term will begin on or about Feb. 17, 2021.

Financial Impact

The aggregate contract value will not exceed $637,000; funds are available in the Fire Department's budget.

This item was adopted.

34 Hardware and Software for Exadata Cloud@Customer (Ordinance S-47295)

Request to authorize the City Manager, or his designee, to approve expenditures under the master agreement with Oracle America, Inc. to purchase software and one year of hardware, maintenance and support for Exadata Cloud@Customer (ExaCC), and to enter into all related software license and maintenance agreements in accordance with the terms of the master agreement, in support of citywide Oracle systems. Further request authorization for the City Manager, or his designee, to enter into an agreement with Oracle Credit Corporation for payment for Exadata software, maintenance and support. Aggregate contract costs will not exceed $2,569,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Information Technology Services Department is responsible for Citywide support of Oracle databases for business applications throughout the City that reside on the Oracle Engineered System, Exadata. These databases support multiple critical business systems, including those for the Water Services and Public Works departments. This system is comprised of two components, one of which was end-of-life in June, 2020. The second component, which is currently hosting the remaining business application databases, is scheduled to reach end-of-life in 2021. This request is to replace the aging systems with a hardware and software solution that will utilize the latest generation of Oracle Engineered Systems to deliver high-performance cloud-like service capabilities.

Replacement of the Exadata systems with a subscription model will reduce the overall operational cost by approximately $500,000 per year. Failure to replace the current Exadata system could result in extensive business disruptions in the event of equipment failure due to aging infrastructure and limited vendor support and replacement parts.

Contract Term

Concurrently, a separate City Council authorization is requested to enter into a five-year master service agreement with Oracle America, Inc., under which these expenditures will be made. Annual ExaCC hardware, software, maintenance and support costs will continue annually, as long as it is in the City's best interest.

Financial Impact

The costs of the Exadata implementation, software, and one year of hardware, maintenance and support will not exceed $2,569,000. Approval of future annual ongoing costs for hardware, software, maintenance and support will be brought to City Council for payment authority at later dates. Funds are available in various departments' budgets.

This item was adopted.

35 Open Data Portal Hosting Annual Renewal (Ordinance S-47322)

Request to authorize the City Manager, or his designee, to extend Contract 144640 with OpenGov, Inc. for the annual renewal of support and maintenance of the City's Open Data portal, in an amount not to exceed $203,330. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix utilizes OpenGov, Inc. for its Open Data Portal, which provides transparent and easy-to-use data to residents and businesses regarding areas such as public safety, transportation, finance, energy and sustainability, libraries, parks, and arts and culture. The solution is a cloud-based platform that simplifies or eliminates on-premise storage, infrastructure, indexing, retrieval, data management, and presentation. Funding is for maintenance and support, technical assistance, hosting, and performance dashboards. Failure to renew support and hosting for the portal would result in the City no longer having an open data site for

residents and businesses who utilize the data for informational or data analytics purposes.

Contract Term
This contract was originally awarded for a one-year term on Feb. 1, 2017, with approval of annual maintenance and support to continue annually, as long as it is in the City's best interest. The City renews this contract annually, and this request is for the fifth year, ending Feb. 28, 2022.

Financial Impact
With the $203,330 in additional funds, the contract's revised aggregate value is approximately $954,147. Funds are available in the Information Technology Services Department's operating budget.

This item was adopted.

37 Library Services and Technology Act Grant Application (Ordinance S-47319)

Request to authorize the City Manager, or his designee, to apply for, accept and for the City Controller to expend 2021 Library Services and Technology Act grant money up to $50,000. The funds will be used to procure equipment in order to digitize historical documents that are currently part of the Arizona Room at Burton Barr Central Library. Further request authorization for the City Treasurer to accept and the City Controller to disburse funds related to this item.

Summary
The purpose of the grant will be to procure professional scanning equipment in order to digitize key Arizona Room collections which will make them available to more customers through Phoenix Public Library website. The Arizona Room showcases the history and culture of greater Phoenix, Arizona, and the Southwest. Many elements of the Arizona Room's collections are invaluable for researchers, historians, architects, preservationists, and the general public. This project would commence in June 2021 and conclude in August 2022.

The Library Services and Technology Act (LSTA) is the only federal program exclusively for libraries. It is administered by the Institute of Museum and Library Services. State libraries use the funds to support statewide initiatives and also distribute the funds through sub-grants or

cooperative agreements to public, school, academic, research, and special libraries. Every fiscal year, Congress provides funding for LSTA in the Labor, Health and Human Services, Education, and Related Agencies Appropriations bill. Federal resources help target library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited literacy skills.

Financial Impact

The amount of the grant (up to $50,000) will be expended in Fiscal Year 2021-22 and as no matching funds are required, there is no impact to the General Fund.

Location

Burton Barr Central Library, 1221 N. Central Ave.
Council District: 7

This item was adopted.

38 Authorization to Apply for Local Judicial Collection Enhancement Fund Grant to Fund Municipal Court IT Position (Ordinance S-47315)

Request to authorize the Phoenix Municipal Court to apply for grant funding in an amount not to exceed $430,000 from the Arizona Supreme Court-administered Judicial Collection Enhancement Fund (JCEF) to fund a Lead User Technology Specialist position for three years. Further request to authorize the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The Lead User Technology Specialist is a critical component to sustaining the Court's IT operations. This position is responsible for administration of a diverse portfolio of mission-critical platforms, including Microsoft Windows Active Directory, the VMware vSphere infrastructure, CommVault Simpana, For the Record and Qmatic. The position is also responsible for managing and patching a fleet of over 400 computer workstations, as well as ensuring that security patches are tested and applied in a timely fashion, and remediation of any potential risks to the Court's computer environment.

Financial Impact

Funding will not exceed $430,000 over the three-year period. Funds will be made available in the Phoenix Municipal Court local JCEF account. The Phoenix Municipal Court must submit a funding plan and application to the Arizona Supreme Court Administrative Office of the Courts to secure approval for use of JCEF funds pursuant to Arizona Revised Statutes section 12-113. No General Fund dollars will be used.

This item was adopted.

39 Add Positions in Planning and Development Department to Meet Increased Construction Activity (Ordinance S-47318)

Request to authorize the City Manager, or his designee, to add 23 new positions to the base staff level in the Planning and Development Department. No General Fund dollars are requested to support this request; Development Services funds are available.

Summary

Development activity continues to steadily increase in specific work group areas over the past year and staffing has not maintained adequate levels to continue to meet review turn-around times. The Planning and Development Department continues to utilize innovation, efficiency improvements, technology and contract staff to meet the increasing demands of our customers. There still remains a need to increase the base level of staff to meet customer expectations. The requested positions are in areas of the department that have been most impacted by the increase in construction activity, specifically in development plan review and inspections. This targeted increase in staff will help ensure that development activity is not negatively impacting development customers/stakeholders. See **Attachment A** for the positions being requested.

Financial Impact

The estimated cost for the positions for the remainder of the FY 2020-21 is estimated to be $605,867, and full year costs for FY 2021-22 are estimated to be $2,069,999. No General Funds are requested to support this request; Development Services funds are available.

This item was adopted.

40 Amend Contract for Home Delivered Meals (Ordinance S-47312)

Request authorization for the City Manager, or his designee, to amend contract 152984 with Area Agency on Aging, Region One, Inc. (AAA) to accept additional home-delivered meal funding in the amount of $500,000 for a new contract total of $5,425,370. The term of this contract is from July 1, 2020 through June 30, 2021. 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

Funds provided to the City of Phoenix through AAA are used to fund the City's Home Delivered Meal (HDM) program. The HDM program assists with increasing the nutrient intake of older adults at nutrition risk to allow them to remain independent in their homes.

Due to the COVID-19 pandemic, service needs have increased as more seniors have become homebound. With the additional funding, the Human Services Department is projected to prepare and deliver approximately 52,137 additional nutritionally balanced meals to homebound seniors, bringing the overall projected number of meals served during the term of the contract to 585,717 meals.

Contract Term

This term of the contract is for one year from July 1, 2020 through June 30, 2021, with three remaining one-year options to extend. Any extension option may be exercised by the City Manager or his designee.

Financial Impact

The aggregate value of this contract shall not exceed $5,425,370. There is no match requirement for the additional funding. There is no impact to the General Fund.

Concurrence/Previous Council Action

On May 16, 2018, City Council authorized staff to contract with Selrico Services, Inc. for food management of the Senior Congregate and HDM Programs with Ordinance S-44610. Selrico Services produces and delivers meals according to the specified AAA standards for the HDM program. The contract term for Selrico is July 1, 2018 through June 30, 2023.

On April 3, 2019, City Council authorized staff to enter into contract with AAA, the City Treasurer to accept and City Controller to disburse funds with Ordinance S-45521.

On Nov. 18, 2020, City Council authorized staff to accept an additional $2,843,045 from AAA, the City Treasurer to accept and City Controller to disburse funds.

This item was adopted.

41 Amend Contract for Senior Nutrition Meal Program (Ordinance S-47313)

Request authorization for the City Manager, or his designee, to amend Contract 147513 with Selrico Services, Inc. to increase the contract amount by $500,000 to provide additional home-delivered meals to vulnerable seniors impacted by COVID-19. The new total contract amount will not exceed $31,443,045. The current term of the contract from July 1, 2018 through June 30, 2023, remains unchanged, however this additional funding must be expended by June 30, 2021. Further request authorization for the City Controller to disburse all funds related to this item. Funding is provided by the Area Agency on Aging, Region One, Inc. There is no impact to the General Fund.

Summary

Selrico Services, Inc. provides home-delivered meals (HDM) services to homebound and disabled seniors who live in Phoenix as specified by the Area Agency on Aging, Region One, Inc. (AAA) standards for the HDM program. The AAA funding and standards are outlined in Contract 152984. As a result of the COVID-19 pandemic, the AAA has expanded the qualifications for HDM recipients, resulting in an increase of residents who qualify for meals. To address the need created by the COVID-19 pandemic, Selrico Services under its existing contract, will prepare and deliver additional meals to meet the needs of qualifying recipients.

Contract Term

The term of the contract is from July 1, 2018 through June 30, 2023, with one, two-year option to extend, for a total contract term of seven years.

Financial Impact

The new contract total shall not exceed $31,443,045. Expenditures for the term July 1, 2020 through June 30, 2021 shall not to exceed $6,819,450. There is no impact to the General Fund. Funding is provided from AAA.

Concurrence/Previous Council Action
On May 16, 2018, City Council authorized staff to contract with Selrico Services, Inc. for food management of the Senior Congregate and HDM Programs with Ordinance S-44610.

On April 3, 2019, City Council authorized staff to enter into contract with AAA, the City Treasurer to accept and City Controller to disburse funds with Ordinance S-45521.

On May 14, 2020, City Council approved the COVID-19 Food Assistance Plan.

On June 3, 2020, City Council approved $300,000 in additional funds to be added to the Selrico contract with Ordinance S-46709.

On Nov. 18, 2020, City Council authorized an amendment to the AAA contract to accept $2,843,045 in additional funding and for the City Treasurer to accept and City Controller to disburse funds.

On Jan. 6, 2021, City Council approved $2,843,045 in additional funds to be added to the Selrico contract with Ordinance S-47210.

This item was adopted.

42 Agreement Between State of Arizona and City of Phoenix for Maintenance and Operation of Margaret T. Hance Park (Ordinance S-47314)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the State of Arizona Department of Transportation (ADOT) to establish maintenance and operational responsibilities for the City and ADOT, for Margaret T. Hance Park and the I-10 Deck Park Tunnel.

Summary
In 1988, the City and ADOT entered into an IGA for the “Deck at Central

Avenue." The agreement outlined the responsibilities regarding construction of the deck/tunnel, development of a park on the structural deck and development of a bus transit terminal integral with the deck. The IGA also outlined responsibilities of costs for the overall project.

Margaret T. Hance Park (Hance Park) opened to the public in 1992, over the completed I-10 deck tunnel. Today, 250,000 vehicles drive daily under Hance Park, which has become a downtown destination and oasis of green, open space.

In 2016, the Parks and Recreation Board approved the Margaret T. Hance Park Master Site Plan. In October 2017, a Notice to Proceed was issued to HargreavesJones, a landscape architecture firm, to begin the design for the redevelopment of Hance Park, estimated to cost a total of $100 million.

On Dec. 15, 2020, Phase IA, consisting of the Fiesta Bowl PLAY at Hance Park, a partial escarpment and surrounding landscape opened to the public.

Now, 33 years after the 1988 IGA, this new IGA (**Attachment A**) will address maintenance and operational issues of a fully completed transportation facility with an iconic downtown park above it.

Contract Term
The new IGA is automatically renewing for successive five-year terms from the effective date and may be amended upon mutual written consent of both parties. The IGA may be cancelled at any time, with 90 days written notice.

Financial Impact
There is no financial impact to the approval of this IGA. Both parties will continue to fund the maintenance, operations, and any improvements to their respective facilities as outlined in the IGA.

Concurrence/Previous Council Action
IGA between ADOT and the City for the Deck at Central Avenue on Feb. 4, 1988 (Agreement 47353).

IGA between State of Arizona and the City for Margaret T. Hance Park Joint Repair Project on Jan. 8, 2020 (Ordinance S-46304).

Location
Margaret T. Hance Park, 67 W. Culver St.
Council District: 7

This item was adopted.

43 Authorization to Enter into Development Agreement with PV RE Devco LLC for Installation of Public Infrastructure and Public Space Improvements (Ordinance S-47323)

Request to authorize the City Manager, or his designee, to negotiate and enter into a development agreement and any other agreements as necessary (Agreements), with PV RE Devco LLC, or its City-approved designee (Developer), for the installation of public infrastructure and outdoor public space improvements, and the dedication of public right-of-way or easements. Further request authorization for the City Controller to disburse funds under the terms of the Agreements.

Summary
The City has been informed that the Developer has secured the rights to purchase from the existing owners, portions of the nearly 100-acre Paradise Valley Mall property generally located from 4500-4610 E. Cactus Road (Site) and intends to redevelop the Site, into a mixed-use, amenity rich destination (Project). To facilitate this redevelopment, the Developer will make several public infrastructure improvements, creating new public access through the Site, and facilitating pedestrian connectivity and activity.

Subject to City Council approval, the following major business terms have been negotiated with the Developer and would be implemented through the Agreements:

Developer will privately finance and construct the enhanced public infrastructure improvements.
Developer will install and construct a public east-west street (including landscaping and appurtenant amenities) for public access through the Project at approximately the location of East Larkspur Drive and

convey such access to the City in a mechanism approved by the City.

As the Project plans develop, and at Developer's discretion, the Developer may install and construct an additional public east-west street (including landscaping and appurtenant amenities) for public access through the Project at a location selected by Developer, and convey such access to the City in a mechanism approved by the City.

As the Project plans develop and at Developer's discretion, Developer may install and construct one or more public north-south streets (including landscaping and appurtenant amenities) for public access through the Project at locations selected by Developer, and convey such access to the City in a mechanism approved by the City.

Developer will design and construct a public park/trail/bike path component through the Project including new landscaping, enhanced shading, decorative paving, new community gathering spaces and water features, which exceed what is required by City Code.

Developer will install additional enhanced landscaping, enhanced pedestrian improvements, decorative construction features, site furnishings, shade structures and other enhanced improvements which are beyond what may be required by any City codes, plans or ordinances, and as agreed upon by the City and Developer.

The Agreements may include other such public infrastructure and related components (and costs thereof) as approved by the City of Phoenix Community and Economic Development Director.

These improvements shall be in conformance with the zoning for the Site.

Developer must comply with Title 34 of the Arizona Revised Statutes in constructing the improvements to qualify for reimbursement, and the specifics and cost of the public infrastructure improvements must be pre-approved by the City in order to qualify for reimbursement.

The City will reimburse the Developer for public infrastructure improvements as listed above in the following manner:

Years 1-7: 100 percent of the City of Phoenix portion of the eligible transaction privilege tax (TPT) revenue generated from new development activity at the Site, including construction sales tax.

Years 8-25: (1) 50 percent of the City of Phoenix portion of eligible TPT revenue generated from new development activity at the Site, and (2) 50 percent of the increase in the City of Phoenix portion of eligible TPT revenue generated at the Site from existing tenants as of the construction commencement date for the first phase of the public

infrastructure improvements, based on the TPT revenue levels at the Site from operations as of Dec. 31, 2019.

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

Reimbursement would not begin until after the Developer completed the first phase of public infrastructure improvements at the Site and the City accepted those improvements. Reimbursements would be made quarterly, in arrears, with additional details to be specified in the Agreements.

No other sources of funds would be used if the above resources are not adequate to meet the projected construction expense.

The Agreements will include other terms and conditions as deemed necessary by the City.

The redevelopment of Paradise Valley Mall is an important economic development opportunity that will create several thousand new jobs over time for the community, and will yield significant financial and public benefits for the City of Phoenix, above and beyond the TPT revenue generated. This property is the village core for Paradise Valley and redevelopment of it in more intense mixed-use development pattern is supported by numerous goals in the Phoenix General Plan.

Contract Term

The development agreement will be for a term of 25 years.

Financial Impact

The City's financial impact will be the reimbursement of eligible City of Phoenix new TPT revenue generated from the Site. This includes 100 percent of the TPT revenue generated from new development activity in years 1-7; 50 percent of the new TPT revenue generated at the Site from new development activity in years 8-25; and 50 percent of the increase in TPT revenue generated at the Site from existing tenants (above and beyond levels from operations as of Dec. 31, 2019) in years 8-25. Financial terms of the Agreements will be reviewed by the Budget and Research Department to verify funding availability prior to execution.

Location

Generally located at 4500-4610 E. Cactus Road

Council District: 3

This item was adopted.

44 Authorization to Conduct Direct Negotiations for Disposition of City-Owned Land and Improvements Located at 1 S. 24th St. (Ordinance S-47329)

Request to authorize the City Manager, or his designee, to identify a buyer and negotiate for the direct sale of the former First National Bank of Arizona building located at 1 S. 24th St. Further request to authorize placement of a 30-year declaration of restrictive covenants on the property prior to any sale and/or make the sale conditioned on a 30-year conservation easement. There is no impact to the General Fund with this action.

Summary

The City's Aviation Department owns Assessor Parcel Number (APN) 121-62-041A, located at 1 S. 24th St. (Site). The Site is approximately 1.55 acres and includes the former First National Bank of Arizona Building (Building), currently vacant. The Building, approximately 5,460 square feet, was originally designed by Kenneth Oberg, built in 1966, and is eligible for historic designation.

On June 20, 2018, City Council authorized the Community and Economic Development Department (CEDD) to issue a Request for Proposals (RFP) for the sale and adaptive reuse of the land and improvements, and on Sept. 17, 2018, the RFP was issued.

On Dec. 16, 2018, a fire incident occurred in the Building resulting in damage to the Building’s interior and roof. This incident occurred before the RFP process could be completed. Key dates and actions that followed, include:

January 2019 - RFP-CED18-FNB canceled with intent to reissue;
June 2019 - Fire Damage Investigation and Final Report completed; and
May 2020 - Building Conditions Assessment and Report completed.

On Oct. 30, 2020, RFP-CED18-FNB was canceled with no intent to reissue due to changes in the Site’s condition as a result of the fire damage. Staff now recommends conducting direct negotiations for the

sale of the Site.

With City Council approval, CEDD will advertise the Site for sale at the appraised value of $480,000 and in “as-is” condition. Interested parties will also be notified of the 30-year declaration of restrictive covenants on the property and/or that the sale is subject to a 30-year conservation easement. Following negotiations with the recommended buyer, business terms will be presented to the City Council for approval prior to entering into an agreement.

Financial Impact
There is no financial impact to the General Fund with this action.

Concurrence/Previous Council Action
The Downtown, Aviation, Economy and Innovation Subcommittee recommended issuance of an RFP for the sale and adaptive reuse of the real property and improvements for approval on June 6, 2018, by a vote of 4-0.

The City Council authorized issuance of an RFP for the sale and adaptive reuse of the real property and improvements on June 20, 2018.

Public Outreach
Staff presented to the Central City Village Planning Committee on May 14, 2018 and to the Historic Preservation Commission on May 21, 2018 and Feb. 8, 2021.

Location
1 S. 24th St.
Council District: 8

This item was adopted.

45 Additional Expenditures for Marketing Services - ADSPO16-145339 (Ordinance S-47321)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 149535 with RIESTER Sonoran, LLC for the purchase of interactive marketing services for the Community and Economic Development (CED) Department. Further request

authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $50,000.

Summary

This contract provides interactive marketing services including website design, advertising and public relations services for the City. Additional funds are needed to allow CED to produce two videos that will showcase the diverse economy of Phoenix with a special focus on the unprecedented growth of Phoenix's bioscience industry throughout the community and on the Phoenix Biomedical Campus.

This effort will serve to dynamically communicate via multi-media platforms to two key audiences for business attraction: industry executives and skilled talent on local, national and international levels. The videos will visually complement the CED website redesign, be posted on both the CED and Phoenix Biomedical Campus websites and elevate the visibility of Phoenix at the annual BIO International Digital Convention, occurring virtually in June 2021. Technology has greatly changed the way the public accesses information as it evaluates a city for relocation and expansion. The videos will provide the 10,000+ anticipated attendees at the 2021 BIO Digital Convention the opportunity to quickly see the advantages of being a part of Phoenix's vibrant, welcoming, collaborative ecosystem of growing advanced industries, opportunities and quality of life. The departments currently utilizing this contract include CED and the Office of Government Relations.

Contract Term

The contract term is March 21, 2019 through March 20, 2024.

Financial Impact

Upon approval of $50,000 in additional funds, the revised aggregate value of the contract will not exceed $3,380,000. Funding for the two videos is available in the

Downtown Community Reinvestment Fund and Genomic Facilities and Operations Fund.

Concurrence/Previous Council Action

This contract was originally approved by City Council on March 20, 2019.

This item was adopted.

46 Request Authorization to Apply for, Accept and Enter Into Agreements for Fiscal Year 2021-22 Governor's Office of Highway Safety Grants (Ordinance S-47327)

Request authorization for the City Manager, or his designee, to allow staff to apply for, accept and enter into grant contracts for Fiscal Year 2021-22 with the Arizona Governor's Office of Highway Safety (GOHS), which includes funding from the DUI Abatement Council and Proposition 207 funding. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The GOHS announced the availability of funding on Jan. 7, 2021. Grant proposals are due by March 19, 2021. If awarded, these funds will be used to support new traffic safety programs and enhance existing programs in the City Prosecutor's Office, the Fire Department, the Street Transportation Department and the Police Department. The total Citywide request for funding is $5,632,058.

City Prosecutor's Office - Total Funding Request $225,000

Traffic Safety Resource Prosecutor: This request is to pay the salary, expenses, supplies and travel for an existing Traffic Safety Resource Prosecutor (TSRP), Attorney IV. Approximately half of the funding will be sought from the Oversight Council on Driving or Operating Under the Influence Abatement Council. The other half will be requested through a grant from GOHS. GOHS will administer all funds.

The TSRP program will continue its four primary objectives:

Provide training for prosecutors and law enforcement officers in the prosecution of traffic safety-related crimes.

Serve as a resource for questions about traffic laws and trial advocacy.

Improve communication between prosecutors, law enforcement officers and members of the judiciary.

Act as a liaison for individuals and agencies committed to the enforcement and prosecution of traffic safety-related crimes.

The GOHS has funded the TSRP program since its inception in 2007. Though the grant project is administered by Phoenix, it benefits citizens,

law enforcement and prosecutors across Arizona. The TSRP is a resource to both small and large jurisdictions for legal issues related to the enforcement of DUI and traffic laws. The TSRP also provides training to prosecutors, law enforcement officers, crime lab personnel, interns and community groups. It is anticipated that up to $25,000 of employee-related expenses will need to be covered by City general funds.

Fire Department - Total Funding Request $360,000

Occupant Protection and Child Car Seat Program: This request is for training, overtime, related fringe benefits, materials, public education and equipment related to child safety seats and seat belt usage. This funding will maintain current occupant protection efforts and increase the frequency of conducting child safety technician certification and recertification classes; opportunities to educate residents at car seat check events; the number of locations of designated car seat check fitting stations to enhance geographical outreach; and to enhance outreach for occupant protection public education in K-12 schools.

(DUI) Youth Alcohol Awareness: This request is for overtime and related fringe benefits, materials and equipment related to high school education campaigns including dramatic mock crashes and classroom education. The program informs young drivers of the danger of distracted driving, alcohol and other drug impairment with the goal of decreasing preventable injuries and fatalities associated with impaired and distracted driving.

Pedestrian and Bicycle Safety Program: This request is for overtime, related fringe benefits, materials and equipment related to education campaigns to increase safety and traffic awareness and necessary skills of young pedestrians and bicyclists. This program provides bike rodeos for young cyclists, bike and pedestrian school safety assemblies and public education opportunities at community safety fairs and events.

Distracted Driving: This request is for overtime and related fringe benefits, materials and equipment related to high school education campaigns, including teen and adult education. The goal of this program is to eliminate or minimize injuries and deaths that involve preventable

distracted driving practices by educating drivers to recognize distractions such as adjusting electronic devices, texting and talking on cell phones while driving. The program educates young drivers on the dangers of driving distracted with a goal to decrease preventable injuries and fatalities associated with distracted driving.

Police Department - Total Funding Request $5,000,000

DUI Enforcement (Traffic Bureau): Funding will provide training, overtime, related fringe benefits and equipment to support and enhance DUI enforcement within the City of Phoenix and joint enforcement efforts throughout the valley.

Occupant Protection (Traffic Bureau): Funding will provide training, materials, supplies, overtime and related fringe benefits associated with Click It or Ticket enforcement activities, child passenger safety technician certification classes, car seat events, Buckle Up, Baby Hotline and various seatbelt enforcement campaigns.

Pedestrian and Bicycle Safety (Traffic Bureau): Funding will provide training, materials, supplies, overtime and related fringe benefits associated with education and enforcement campaigns designed to increase safety awareness, traffic law knowledge, and skills among pedestrians and bicyclists.

Traffic Services (Traffic Bureau): Funding will provide training, materials, supplies, equipment (radar/laser speed detection devices), overtime and related fringe benefits associated with education and enforcement campaigns such as: Traffic Impact Programs, school zone enforcement, construction zone enforcement, Traffic Complaint Hotline enforcement, and selective traffic enforcement programs.

DUI Abatement Council DUI (Traffic Bureau): Funding will be requested from the DUI Abatement Council for overtime and related fringe benefits associated with DUI enforcement and innovative Know Your Limit Programs.

Proposition 207 Funding (Traffic Bureau): Funding will be requested for training, overtime, related fringe benefits, and equipment to support and

enhance DUI enforcement, pedestrian and bicycle safety, occupant protection, and traffic services within the City of Phoenix.

Street Transportation Department - Total Funding Request $47,058
Roadway Safety/Education Programs: Funding will be requested to develop and enhance the educational campaigns and tools for school, bicycle, and pedestrian safety. Requests for pedestrian and bicycle safety include funds for pedestrian safety promotional materials, bicycle helmets, reflective gear, and LED flashing stop paddles.

Contract Term
One year beginning Oct. 1, 2021 through Sept. 30, 2022. The contract term for Proposition 207 funds is Jan. 1, 2021 through Dec. 31, 2021.

Financial Impact
Total funding request is $5,632,058. The cost to the City is personnel expenses and in-kind resources only.

This item was adopted.

47 Custodial Services for Fire Locations - Requirements Contract - IFB 17-043B (Ordinance S-47316)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contracts 144486 and 144485 with Triangle Services and IWC LLC, for the purchase of custodial services for the Fire Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $525,000.

Summary
These contracts provide custodial services for 20 administrative buildings within the Fire Department. As a result of Prop 206 increases to the minimum wage over the last three years and unforeseen additional cleaning services related to COVID-19, contract expenditures have been greater than originally estimated. The services provided under these contracts include general cleaning of the interior and exterior of facilities, encompassing floor cleaning, restroom cleaning, and cubicle cleaning and periodic ancillary services for deep-cleaning and maintenance of floors and upholstery.

Contract Term
The contract term is March 1, 2017 through Feb. 28, 2022.

Financial Impact
Upon approval of $525,000 in additional funds, the revised aggregate value of the contract will not exceed $2,473,488. Funds are available in the Fire Department's budget.

Concurrence/Previous Council Action
This contract was originally approved by City Council on Jan. 25, 2017, and additional expenditures were approved by the City Council on Jan. 24, 2018.

This item was adopted.

48 Authorization to Amend Ordinance for FY 2020 Paul Coverdell Forensic Science Improvement Formula Grant Program (Ordinance S-47328)

Request authorization for the City Manager, or his designee, to amend the current ordinance (S-46704) with the Arizona Criminal Justice Commission in support of the FY 2020 Paul Coverdell Forensic Science Improvement Formula grant. Authorization of the amendment will increase the total funding amount from $119,780 to $123,099. 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 has applied for these types of grant funds continually over the past several years. Funding is used to implement innovative solutions to the backlog issues facing many crime laboratories nationwide. The Police Department's Crime Laboratory has made significant strides in addressing these issues by utilizing these grant funds as part of a comprehensive approach to support and enhance the services provided to the criminal justice community. Funding will be utilized for overtime, related fringe benefits, and supplies to improve the timeliness of forensic science services and to address the backlogs in the analysis of forensic evidence.

Ordinance S-46704 authorized an agreement with the Arizona Criminal Justice Commission for grant funding not to exceed $119,780. The

amendment will increase the grant funding by $3,319 not to exceed a total of $123,099. All other items will remain unchanged.

Contract Term
Two-year period beginning on Oct. 1, 2020.

Financial Impact
The Arizona Criminal Justice Commission will provide up to a maximum of $123,099 in funding under this agreement.

Concurrence/Previous Council Action
Ordinance S-46704 was adopted by City Council at the June 3, 2020 meeting.

This item was adopted.

49 Aviation Department Airport Planning On-Call Consulting Services for Fiscal Years 2022-25 (Ordinance S-47294)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the five consultants listed on **Attachment A**, to provide Airport Planning On-Call Consulting services for the Aviation 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 services will not exceed $7.5 million.

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

Summary
The On-Call consultants will be responsible for providing Airport Planning On-Call Consulting services that include, but are not limited to: a range of

airport planning functions and analysis related to airfield design; airspace analysis; facility planning; transportation planning; environmental policy and documentation; land use; grants administration; land compatibility; mapping; graphics; and public outreach. These services will be provided to the Aviation Department's Planning and Environmental Division, in support of the planning and operation for projects located at Phoenix Sky Harbor International Airport (PHX), Phoenix Deer Valley Airport (DVT), and Phoenix Goodyear Airport (GYR) on an as-needed basis.

These Agreements are essential to the health, safety, and welfare of the public and critical operations for the City.

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. Eleven firms submitted proposals and are listed in **Attachment A**.

Contract Term
The term of each agreement is up to four years, or up to $1.5 million, whichever occurs first. 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 each of the On-Call consultants will not exceed $1.5 million, including all subconsultant and reimbursable costs. The total fee for all services will not exceed $7.5 million.

Funding is available in the Aviation Department's Capital Improvement Program and Operating budgets. The Budget and Research Department will review and approve funding availability prior to issuance of any On-Call task order of $100,000 or more. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Location
Phoenix Sky Harbor International Airport - 3400 E. Sky Harbor Blvd.
Phoenix Deer Valley Airport - 702 W. Deer Valley Road
Phoenix Goodyear Airport - 1658 S. Litchfield Road, Goodyear, Ariz.
Council Districts: 1, 8 and Out of City

This item was adopted.

50 Sibran Properties, LLC Lease Extension at Phoenix Deer Valley Airport (Ordinance S-47317)

Request to authorize the City Manager, or his designee, to extend the Ground Lease with Sibran Properties, LLC (Sibran) at Phoenix Deer Valley Airport (DVT) for seven years. Total anticipated revenue over the term will be approximately $66,906.

Summary
Sibran entered into Ground Lease 122664 on Nov. 1, 2008 for 17,700 square feet at DVT where Sibran operates a self-service aviation gas (AvGas) fueling station. Sibran has requested to extend the lease for seven years. The extension will ensure DVT AvGas users continue to have more than one option for fueling their planes, and the rate adjustment will promote the long-term viability of the self-fueling option at DVT.

Contract Term
The term will be seven years with no renewal options.

Financial Impact
Rent for the first year of the lease will be approximately $9,558 ($0.54 per square foot) plus applicable taxes. Rent will be adjusted annually thereafter by the Phoenix-Mesa-Scottsdale Consumer Price Index. Total anticipated revenue over the term will be approximately $66,906.

Concurrence/Previous Council Action
The Phoenix Aviation Advisory Board recommended this item for approval on Jan. 21, 2021, by a vote of 8-0.
The Transportation, Infrastructure and Innovation Subcommittee recommended this item for approval on Feb. 3, 2021, by a vote of 4-0.

Location
Deer Valley Airport - 702 W. Deer Valley Road
Council District: 1

This item was adopted.

51 Fare Box Software Upgrade Project (Ordinance S-47324)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 123686 with Scheidt & Bachmann USA, Inc. to maintain and upgrade the current back-end fare box software to the FareGo Data product for the Public Transit Department. 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 total additional fee for services included in this amendment will not exceed $878,585 (including taxes).

Summary
The Public Transit Department (PTD) operates and maintains the Scheidt & Bachmann USA, Inc. (S&B) Fare Collection System (FCS), which is used to collect transit fares across the region (bus and rail). The system consists of ticket vending machines, fareboxes, back-office software, and equipment at the transit garages to record revenue and ridership data. The system was originally procured in 2007, with the City's contract with S&B consisting of maintenance and support activities for the system's software and back-end. Considering the age of the system and available modifications that can be implemented in conjunction with the phasing in of the new regional fare collection system, staff recommends a contract amendment to the City's contract with S&B as regional staff continues utilizing the existing fare box components as part of implementing a new fare collection system.

In addition to the FCS back-office software, there are other software and hardware systems that will be addressed during this project.

The Windows Operating System (OS) on which the current system is hosted requires the use of Microsoft-provided Extended Security Updates to prolong the use of the system; these updates are available through January 2023. The current version of the FCS does not support the updated version of the Windows OS and can only be supported with

the FareGo Data back-office option.

Additionally, the back-end server/workstation hardware and associated Oracle databases are nearing their end-of-life, which may put the current system at risk of a potential failure or may introduce security risks to transit data and the City's network without additional vendor support. The FareGo Data project will upgrade the existing S&B software platform, remediate the end-of-life support issues, and mitigate security risks arising from an out-of-date operating system. The back-office upgrade will also move PTD to a more flexible open architecture program.

The FareGo Data project is separate from the ongoing regional Fare Collection Modernization Project, which is currently underway and will provide a modernized overall fare collection system with onboard validators and implementation of two new fare purchasing options: a mobile ticketing application and reloadable smartcards.

FareGo Data will provide improved farebox and ridership data management. The upgraded software system will collect data from the over 900 regional fareboxes and will ultimately be part of the transition to the new fare collection system by providing farebox data to the new system.

Financial Impact

The project includes the system upgrade cost and maintenance through January 2023. The project cost also includes consulting fees (to be used only as needed) of up to 150 hours of support to transition the employer-based Platinum Pass program to the new fare collection system. The estimated total cost for the upgrade is $878,585 (including tax), including capital and consulting costs of $590,350, maintenance costs of $250,735, and consulting fees of $37,500. Transportation 2050 (T2050) funds for the capital cost and consulting fees are available in the PTD Capital Improvement Program budget, and T2050 funds for the maintenance cost are available in the PTD operating budget.

Concurrence/Previous Council Action

The City Council approved:
Maintenance and Service Agreement 123686 (Ordinance S-34282) on

July 2, 2007;
Maintenance and Service Agreement 123686 Amendment (Ordinance S-40050) on June 19, 2013;
Maintenance and Service Agreement 123686 Amendment (Ordinance S-41385) on Dec. 17, 2014; and
Maintenance and Service Agreement 123686 Amendment (Ordinance S-45234) on Dec. 12, 2018.

This item was recommended for approval by the Citizen's Transportation Commission on Jan. 28, 2021, by a vote of 14-0.
This item was recommended for approval by the Transportation, Infrastructure and Innovation Subcommittee on Feb. 3, 2021, by a vote of 4-0.

This item was adopted.

52 Heavy Duty Bus Procurement - Request to Issue Request for Proposals (Ordinance S-47325)

Request to authorize the City Manager, or his designee, to issue a Request for Proposals for the procurement of at least 243 heavy-duty, 40-foot buses to replace the City's buses that will reach the end of their useful life in the coming years.

Summary
Phoenix’s heavy-duty bus fleet of 494 buses, which is operated and maintained from three city-owned garages, currently averages nearly seven years of age. As a result of this request for proposals, the Public Transit Department (PTD) will replace the oldest 40-foot buses to reduce operating and maintenance costs, as well as provide a more reliable, comfortable, and efficient service for transit users.

The buses purchased through this five-year contract will replace a total of 243 buses, with the ability to purchase an additional 57 buses if additional funds (such as regional/federal grants) become available. PTD’s approved five-year Capital Improvement Program (CIP) includes the purchase of these vehicles, with such capital purchases procured with 85 percent federal funding and 15 percent local/regional funding.

Through the life of the contract, the estimated cost to purchase a 40-foot, heavy-duty bus ranges between $535,000 to $602,000. Staff anticipates

purchasing between 40 and 60 buses each year as the current fleet vehicles reach their end-of-life.

Evaluation Criteria
The following is a breakdown of the evaluation criteria that a panel of qualified staff will use to recommend award of the contract:

1,000 points total:
Design: 200
Quality: 200
Warranty: 100
Schedule: 100
Price: 400

Financial Impact
The estimated cost over the course of the contract will be between $138 and $176 million, depending on whether the 57 additional buses are purchased on top of the planned quantity of 243 units. Funds are programmed in the Public Transit Department's five-year Capital Improvement Program for the purchase of these vehicles with 85 percent federal funding and a 15 percent match of local/regional funding.

Concurrence/Previous Council Action
This item was presented to the Citizen's Transportation Commission on Jan. 28, 2021.
This item was recommended for approval by the Transportation, Infrastructure and Innovation Subcommittee on Feb. 3, 2021, by a vote of 4-0.

This item was adopted.

53 Routing Information Software - Requirements Contract (Ordinance S-47298)

Request to authorize the City Manager, or his designee, to enter into a contract with RouteSmart Technologies, Inc for ArcGIS software, and all the necessary software maintenance and support for five licenses. Further request to authorize the City Controller to disburse all funds related to this item. The total fee for services will not exceed $187,680.

Summary

Public Works Department staff uses this proprietary software to create daily delivery and collection routes for solid waste services collection vehicles. Other features of the software assist staff in maximizing efficiencies, including decreased mileage, time and labor through sequencing of stops, and other measures. In addition, the software enables staff to enforce collection procedures, including minimizing left-hand turns and avoiding school zones during pick-up and drop-off times.

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

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Determination Memo citing that there is only one source for the necessary goods and services.

Contract Term
The term of this contract is for four years and the contract shall begin on June 1, 2021.

Financial Impact
Expenditures shall not exceed $187,680 over the life of the contract, with an estimated annual expenditure of $46,920. Funds are available in the Public Works Department's budget.

This item was adopted.

54 Bard Heating, Ventilation and Air Conditioning Equipment and Parts (Ordinance S-47300)

Request to authorize the City Manager, or his designee, to enter into an agreement with Geary Pacific Supply for the purchase of Bard Heating, Ventilation and Air Conditioning (HVAC) equipment and parts on an as-needed basis. This item will have an aggregate amount of $375,000. Further request to authorize the City Controller to disburse all funds related to this item.

Summary
The Public Works Department is responsible for maintaining the HVAC systems for 30 radio communication towers. Each tower contains one to

six Bard units which provide critical cooling requirements to those communication towers. The towers are used by 911 dispatch, Police, FBI, Fire, and other law enforcement agencies for radio communication. This agreement will allow the purchase of necessary parts and equipment to maintain and repair these systems, which is necessary for proper operation and to maintain temperatures in these communication towers.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a determination memo citing that Geary Pacific Supply is the sole source provider in the State of Arizona for equipment and parts for Bard HVAC systems.

Contract Term

The initial three-year contract term will begin on or about April 1, 2021, with two one-year options to extend in increments of up to one year, for a total contract term of up to five years.

Financial Impact

The aggregate value of the contract including all option years is $375,000, including all applicable taxes, with an estimated annual expenditure of $75,000. Funds are available in the Public Works Department's budget.

This item was adopted.

55 SR85 Litter Removal Cost Sharing Agreement (Ordinance S-47301)

Request to authorize the City Manager, or his designee, to enter into a cost sharing agreement with Allied Waste Industries, Inc., dba Southwest Regional Landfill, to reimburse the City for litter removal services along State Route 85 (SR85). Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The City of Phoenix (SR85 Landfill) and Allied Waste (Southwest Regional Landfill) own separate landfills on SR85 in the City of Buckeye. Each party desires to participate in a joint agreement to remove litter along SR85 from the I-10 interchange to the Patterson Road interchange attributable in part to each Party’s use of solid waste transport vehicles on SR85.

The City of Phoenix is responsible for contracting with a third-party vendor to provide roadway litter removal services as part of this agreement. Both Allied Waste and the City of Phoenix will share this cost of removal services including fees, costs, and expenses charged to the City for contracted litter collection.

Controlling windblown litter is a regulatory requirement of open landfills.

Contract Term
The contract term is for five years with one, five-year extension and retroactive beginning on Oct. 1, 2019.

Financial Impact
Allied Waste will reimburse the City $1,600 per month as part of this cost sharing agreement. This amount due to the City is subject to annual Consumer Price Index (CPI) adjustments. The cost sharing reimbursement due to the City will never be less than $1,600 even if the inflation adjustment reflects as such.

Location
SR85 Landfill - 28361 W. Patterson Road, Buckeye, Ariz.
Council District: Out of City

This item was adopted.

56 Intergovernmental Agreement for Waste Collection and Transportation Mutual Aid (Ordinance S-47307)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) for Waste Collection and Transportation Mutual Aid with the cities of Mesa, Avondale, Glendale, Tempe, Scottsdale, Peoria, Surprise and the towns of Queen Creek and Gilbert.

Summary
The purpose of this IGA is to define procedures for participating jurisdictions to request emergency assistance and supply resources for waste collection and transportation or other assistance in emergencies, identify available resources and inventory, and provide a mechanism for maintenance and repair of these resources. Resources include, but are

not limited to, automated side loaders, bin/barrel delivery vehicles, front loaders, rear loaders, backhoes, front-end load tractors, pick-up trucks, mobile equipment, trailers and dump trucks.

Contract Term

This agreement will be effective July 1, 2021 and remain in effect for a five-year period through June 30, 2026. There are no option years available to extend.

Financial Impact

There is no financial impact to the Public Works Department associated with this IGA.

Location

Council Districts: Citywide and Out of City

This item was adopted.

57 Fuel Island Cleaning - Agreement Recommendation (Ordinance S-47310)

Request to authorize the City Manager, or his designee, to enter into an agreement with DetailXPerts Franchise Systems, LLC, to provide fuel island cleaning services. Further request to authorize the City Controller to disburse all funds related to this item. This item will have a total aggregate amount of $98,280.

Summary

The Public Works Department is responsible for cleaning 18 fuel island locations throughout the city. The fuel islands must be cleaned to sufficiently remove grease, oil, dirt, refuse, and grime accumulation. DetailXPerts will provide this service in compliance with Arizona Department of Environmental Quality (ADEQ) requirements and use high pressure, low-volume pressure washing, closely monitoring the amount of water used to prevent runoff.

Procurement Information

Request for Quote (RFQ) 21-FSD-022 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department received six bids, with DetailXPerts being the lowest responsive and responsible bidder. The bid evaluation occurred based on a grand total

with the below bid submissions:

DetailXPerts Franchise Systems, LLC: $54,080
Lincoln Constructors, Inc: $70,720
Clean Scene AZ, LLC: $79,040

Contract Term
This agreement will begin on or about March 3, 2021 for an initial one-year term, with two option years, to be exercised in increments of up to one year, with a total contract term of three years.

Financial Impact
This item will have an estimated annual expenditure of $32,760, with a total aggregate amount of $98,280. Funds are available in the Public Works Department's budget.

This item was adopted.

58 Intergovernmental Agreement with City of Tolleson for Real-Time Traffic Management Support (Ordinance S-47293)

Request authorization for the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the City of Tolleson to participate in the communication and coordination of all City of Tolleson-owned traffic signals through City of Phoenix Street Transportation Department's Advanced Traffic Management System (ATMS). Additionally request the City Controller to disburse all funds related to this item. Further request an exemption prohibition set forth in Phoenix City Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20. The total estimated contribution from the City of Phoenix will not exceed $7,500.

Summary
The City of Phoenix Street Transportation Department (Streets) wishes to coordinate all City of Tolleson-owned traffic signals by connecting their signals to Phoenix's ATMS, which will improve the safety, efficiency, and convenience of vehicular travel through and around both jurisdictions. The City of Tolleson is located west of Phoenix city limits, between Buckeye Road and McDowell Road, and is surrounded by Phoenix on three sides.

Streets owns and operates a central traffic management system to

monitor and control traffic signals in real time. This partnership with the City of Tolleson will allow for base coordination plans and real-time Active Traffic Management (ATM) in response to incidents and special events affecting traffic flows on the west side of Phoenix. Streets will provide traffic signal coordination timing plans to the City of Tolleson, so they can program Tolleson's traffic signals on Phoenix's network. By having Tolleson's traffic signals on Streets' ATMS, Tolleson's traffic signal clocks will be synchronized with Phoenix's, allowing for progression of traffic and responding with predetermined timing plans to resolve reoccurring and non-reoccurring congestion. Synchronizing the traffic signal timing of both jurisdictions will provide the traveling public the ability to traverse along the corridors of McDowell Road, 83rd Avenue, 91st Avenue, and 99th Avenue with improved traffic flow. Additionally, the installation of communication nodes in the City of Tolleson city limits will further strengthen the City of Phoenix traffic signal communications network and provide a more efficient connection to remote signals owned and operated by Streets.

Contract Term

The term of the IGA will be five years beginning on or about Feb. 17, 2021. Provisions of this agreement include an option to renew for an additional five years with the consent of both parties, which may be exercised by the City Manager or his designee.

Financial Impact

The total estimated cost of the communications infrastructure is $45,000. The estimated contribution from the City of Tolleson will be $37,500. The estimated contribution from the City of Phoenix will not exceed $7,500. Funding is available in the Street Transportation Department's Capital Improvement Program budget.

Location

Various locations in the City of Tolleson, which borders the City of Phoenix at McDowell Road between 99th and 83rd avenues, 75th Avenue between Buckeye Road and Van Buren Street, and Buckeye Road between 107th and 75th avenues.
Council Districts: 5, 7 and Out of City

This item was adopted.

59 Relief Sewer Project: Van Buren and 52nd Streets - Design-Bid-Build Services - WS90500295 (Ordinance S-47296)

Request to authorize the City Manager, or his designee, to accept Hunter Contracting Co. as the lowest-priced, responsive and responsible bidder and to enter into an agreement with Hunter Contracting Co. for Design-Bid-Build Services for the Relief Sewer Project: Van Buren and 52nd Street. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $3,522,369.

Summary

This project was established under the Sanitary Sewer Relief Program. Flow monitoring showed the existing 8-inch diameter sanitary sewer line, in the area of Van Buren Street between 52nd Street and the Phoenix Zoo, at times surcharged by as much as two to four inches. As a result, a relief sewer project was recommended for this area.

Hunter Contracting Co.'s services include, but are not limited to: the installation of approximately 5,000 linear feet (LF) of 12-inch diameter sanitary sewer line and 500 LF of 8-inch sewer, abandonment of approximately 3,250 LF of 8-inch sewer and 250 LF of 10-inch sewer, installation of approximately 1,070 LF of 36-inch storm drain main, 25 sewer manholes, and eight storm drain manholes.

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

Procurement Information

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Seven bids were received on Nov. 17, 2020, and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Small Business Enterprise program requirements.

The Opinion of Probable Cost and the four lowest responsive, responsible bidders are listed below:

Opinion of Probable Cost: $4,163,035
Hunter Contracting: $3,522,368.20
T & T Construction Inc.: $3,881,840.50
Achen Gardner Construction LLC: $4,997,701.00
The Fishel Construction Company: $5,894,509.00

Bidders who were deemed non-responsive are listed below, in alphabetical order:
Action Direct LLC dba Redpoint Contracting
Degan Construction, LLC
FPS Civil, LLC

The bid award amount is within the total budget for this project. There are no specific cost differences found by the Engineer to be of a concern that would prevent the City from moving forward with the lowest responsive bid amount.

Contract Term
The term of the agreement is 425 calendar days 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 Hunter Contracting Co. will not exceed $3,522,369.00, including all subcontractor and reimbursable costs.

Funding 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 execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

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

This item was adopted.

60 Agreement with Arizona Department of Transportation For Rights of Way along South Mountain Freeway / Loop 202 (Congressman Ed Pastor Freeway) - Amendment 1 (Ordinance S-47302)

Request to authorize the City Manager, or his designee, to amend the existing Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) related to the rights of way along the South Mountain Freeway / Loop 202 (Congressman Ed Pastor Freeway). The original agreement allowed the State to bring in rights of way into the State's system for areas needed for construction of the Congressman Ed Pastor Freeway, which included portions of City of Phoenix streets that crossed the freeway alignment. This amendment will allow the State to transfer back ownership of those portions of City streets that are no longer needed by the State as the Congressman Ed Pastor Freeway has been completed.

Summary

ADOT opened the Congressman Ed Pastor Freeway in December 2019 and has now issued final acceptance of the project. With this amended agreement, the State will abandon ownership, jurisdiction and maintenance responsibilities of those City of Phoenix cross streets no longer needed for the construction of Congressman Ed Pastor Freeway and are outside of the State’s access control limits. These responsibilities will be returned to the City of Phoenix.

Financial Impact

There is no financial impact to the City.

Concurrence/Previous Council Action

The City Council approved the original IGA on Oct. 21, 2015 (Ordinance S-42094).

Location

Congressman Ed Pastor Freeway: Interstate 10 (I-10) - 59th Avenue alignment to south Pecos Road.
Council Districts: 6, 7 and 8

This item was adopted.

61 **Agreement with Arizona Department of Transportation for Landscape and Abandonment for Interstate 10 Broadway Curve Improvement Project (Ordinance S-47303)**

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for Interstate 10 Broadway Curve Improvement Project (Broadway Curve Project). This agreement establishes the operations and maintenance responsibilities of ADOT and the City of Phoenix, as well as abandonment of ownership, jurisdiction, and maintenance responsibilities until after final acceptance of the Broadway Curve Project.

Summary

This agreement continues the City of Phoenix and ADOT's partnership on the freeway maintenance responsibilities as set forth in the IGA 18-0006976-I Master Maintenance Agreement dated Nov. 7, 2018.

Specifically, the agreement outlines the limits of the project, interchanges, and cross streets that each party is responsible to maintain after construction is complete. These responsibilities include delegation of reconstruction, major and minor rehabilitation of roadways, curbs, gutters, sidewalks, landscape and irrigation, and the different operation and maintenance components.

Contract Term

This agreement shall remain in effect until completion of the Broadway Curve Project.

Financial Impact

There is no financial impact to the City.

Location

Interstate 10, from Interstate 17 to State Route 202 Loop.
Council Districts: 4, 7 and 8

This item was adopted.

62 **Intergovernmental Agreement with Arizona Department of Transportation for Maintenance of Congressman Ed Pastor Freeway (South Mountain Freeway / Loop 202) - Amendment 1**

(Ordinance S-47311)

Request to authorize the City Manager, or his designee, to amend the existing Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) to maintain portions of Congressman Ed Pastor Freeway, a State highway system encompassed within the City of Phoenix's system of streets. This agreement establishes the responsibilities of ADOT and the City of Phoenix for operations and maintenance. This agreement also identifies related maintenance responsibilities of the freeway developer, who is separately contracted with by ADOT. There is no financial impact to the City.

Summary

This agreement continues the City of Phoenix and ADOT's partnership on the freeway maintenance responsibilities as set forth in the IGA 18-0006976-I Master Maintenance Agreement.

Specifically, the agreement outlines the limits of the project, interchanges, frontage roads, and cross streets that each party is responsible to maintain after construction is complete. These responsibilities include: delegation of reconstruction; major and minor rehabilitation of roadways, curbs, gutters, sidewalks, drainage facilities, and pedestrian bridges; and the different operation and maintenance components.

Contract Term

This agreement shall remain in full force and effect for successive periods of five years from the effective date and may be amended upon mutual written consent of both parties and approval of City Council. This agreement shall be reviewed, and all reviews shall be completed within 60 days prior to the end of the 5th year anniversary date.

Financial Impact

There is no financial impact to the City of Phoenix.

Concurrence/Previous Council Action

The City Council approved the original IGA on Oct. 21, 2015 (Ordinance S-42093).

Location
Congressman Ed Pastor Freeway (South Mountain Freeway / Loop 202: Interstate 10 - 59th Avenue alignment to south Pecos Road).
Council Districts: 6, 7 and 8

This item was adopted.

63 Support for Formation of Tonka Vista Irrigation Water Delivery District (Resolution 21894)

Request to adopt a resolution to support formation of the Tonka Vista Irrigation Water Delivery District (IWDD) through Maricopa County. The proposed IWDD includes the single-family residential properties bounded by Bethany Home Road to the south, Claremont Street to the north, 18th Street to the west, and 20th Street to the east. This action has no financial impact to the City of Phoenix.

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

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

This request has been reviewed by the Water Services Department.

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

Public Outreach
On Dec. 7, 2020, the City received a formal written request from City of

Phoenix resident Steve Caprara, representative for the Tonka Vista neighborhood, to pursue Council approval to form an IWDD with Maricopa County (**Attachment B**).

Location

The proposed IWDD includes the single-family residential properties bounded by Bethany Home Road to the south, Claremont Street to the north, 18th Street to the west, and 20th Street to the east.
Council District: 6

This item was adopted.

65 Wastewater Collection System Emergency Repair and Replacement - Job Order Contracting Services - 4108JOC196 (Ordinance S-47299)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with two contractors to provide Wastewater Collection System Emergency Repair and Replacement Job Order Contracting (JOC) services for the Water Services Department. 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 total fee for services will not exceed $20 million.

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

Summary

The JOC contractors' services will be used on an as-needed basis to provide Wastewater Collection System Emergency Repair and Replacement services for repair or replacement of sanitary sewer lines and force mains. Additionally, the JOC contractors will be responsible for fulfilling Small Business Enterprise program requirements.

These Agreements are essential to the health, safety, and welfare of the public and critical operations for the City.

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. Eight firms submitted proposals and are listed below.

Selected Firms
Rank 1: WaCo, LLC dba WaCo Contracting
Rank 2: Achen-Gardner Construction, LLC

Additional Proposers
Rank 3: TF Contracting Services, LLC
Rank 4: FPS Civil, LLC
Rank 5: Action Direct LLC dba Redpoint Contracting
Rank 6: Blucor Contracting, Inc.
Rank 7: Kinkaid Civil Construction, LLC
Rank 8: Degan Construction, LLC

Contract Term
The term of each master agreement is for up to five years, or up to $10 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 values for each of the JOC contractors will not exceed $10 million, including all subcontractor and reimbursable costs. The total fee for services will not exceed $20 million. The value for each job order agreement performed under this master agreement will be up to $2 million. 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. 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 continued to the March 3, 2021 City Council Formal Meeting.

66 Intergovernmental Agreement with Arizona Department of Transportation for Right-of-Way Along State Route 51 Near Northern Avenue and 26th Street (Ordinance S-47308)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT) to accept ownership, jurisdiction and maintenance responsibilities for right-of-way adjacent to, and on both sides of State Route 51 (SR51) near Northern Avenue and 26th Street. This will be used by the City in the construction of water transmission mains for the Zone 3D and 4A Improvements Program. Further request the City Council grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion of the IGA of indemnification and assumption of liability provisions that otherwise are prohibited by Phoenix City Code 42-18. There is no direct financial impact to the City for this agreement.

Summary

The purpose of the Water Services Department's (WSD) Zone 3D and 4A Improvements Program is to assist with supplementing the potable water distribution system in north Phoenix, in the event of restrictions placed on Colorado River water. To accomplish this the WSD will construct water transmission mains from the 24th Street Water Treatment Plant to approximately 32nd Street and Bell Road.

This IGA is necessary to obtain right-of-way from ADOT along SR51 near Northern Avenue and 26th Street for the water transmission mains. As part of this IGA, the City will maintain the right-of-way within the area of abandonment. There is no direct financial impact to the City for this agreement.

Location
Along both sides of SR51, near Northern Avenue and 26th Street.
Council District: 3

This item was adopted.

67 Final Plat - Cachet at Peak View - PLAT 200578 - 42nd Street and Peak View Road

Plat: 200578
Project: 18-3908
Name of Plat: Cachet at Peak View
Owner(s): Cachet-Peak View, LLC
Engineer(s): James A. Brucci, RLS
Request: A 23 Lot Residential Plat
Reviewed by Staff: Jan. 14, 2021
Final Plat requires Formal Action Only

Summary
Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with resolution of abandonment for ABND 200527. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location
Generally located at 42nd Street and Peak View Road.
Council District: 2

This item was approved.

68 Final Plat - Lot 1, Aldea Centre - PLAT 200606 - 101st and Montebello Avenues

Plat: 200606
Project: 18-3875
Name of Plat: Lot 1, Aldea Centre
Owner(s): TC Park Aldea Venture, LLC
Engineer(s): David S. Klein, RLS
Request: A 3 Lot Commercial Lot
Reviewed by Staff: Jan. 14, 2021

Final Plat requires Formal Action Only

Summary

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

Location

Generally located at 101st and Montebello Avenues
Council District: 5

This item was approved.

69 Final Plat - Clarendale Arcadia - PLAT 200574 - 3233 E. Camelback Road

Plat: 200574
Project: 19-93
Name of Plat: Clarendale Arcadia
Owner(s): Lako Limited Partnership
Engineer(s): Jerry L. Dodd Jr., RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Jan. 20, 2021
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment 200559. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

Located at 3233 E. Camelback Road.
Council District: 6

This item was approved.

70 Final Plat - 56th Street and Camelback - PLAT 200625 - 5716 and 5728 E. Camelback Road

Plat: 200625
Project: 19-1919
Name of Plat: 56th Street & Camelback

Owner(s): Duke & Cybele Moscrip
Engineer(s): 3 Engineering, LLC
Request: A 4 Lot Residential Single Family Detached Plat
Reviewed by Staff: Jan. 8, 2021
Final Plat requires Formal Action Only

Summary

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

Location

5716 and 5728 E. Camelback Road
Council District: 6

This item was approved.

71 Final Plat - Hurley Ranch - Phase 1 - PLAT 200553 - Southeast Corner of 91st Avenue and Illini Street

Plat: 200553
Project: 02-4732
Name of Plat: Hurley Ranch - Phase 1
Owner(s): Meritage Homes of Arizona, Inc.
Engineer(s): EPS Group, Inc.
Request: A 172 Lot Residential Subdivision Plat
Reviewed by Staff: Jan. 19, 2021
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the southeast corner of 91st Avenue and Illini Street.
Council District: 7

This item was approved.

72 Final Plat - NWC 7th Street and Mohave Street - PLAT 200532 - Northwest Corner of 7th and Mohave Streets

Plat: 200532

Project: 19-1485
Name of Plat: NWC 7th Street and Mohave Street
Owner(s): SK&M Investments, Inc.
Engineer(s): A.L. Slater, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Jan. 19, 2021
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the northwest corner of 7th and Mohave Streets
Council District: 8

This item was approved.

73 Abandonment of Right-of-Way - ABND 200527 - Northeast Corner of 42nd Street and Peak View Road (Resolution 21896)

Abandonment: 200527
Project: 18-3908
Applicant: James A Brucci; Hunter Engineering
Request: To abandon the 30-foot right-of-way easement for the east half of 42nd Street, recorded on Docket 11709, Page 1033, west of APN 211-38-008K; the 25-foot right-of-way dedicated for the west half of 42nd Street, per Plat "The Toy Barn on Cave Creek Road," Book 1018, Page 11, Maricopa County Recorder; the 8-foot public utility easement and water easement and 20-foot water easement dedicated by Ordinance S-34573, recording number 2007-1302105, Maricopa County Recorder, on the west portion of APN 211-38-355.
Date of Hearing: July 9, 2020

Summary

The resolution of the abandonment and the subdivision plat Final Plat for "Cachet at Peak View", Plat 200578, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location
Northeast corner of 42nd Street and Peak View Road
Council District: 2

Financial Impact
A fee was also collected as part of this abandonment in the amount of $18,100.

This item was adopted.

74 Abandonment of Right-of-Way - ABND 200559 - Southeast Corner of Camelback Road and 32nd Street (Resolution 21895)

Abandonment: 200559
Project: 19-93
Applicant(s): Survey Innovation Group, Inc.
Request: To abandon several easements that include sign easement as recorded in document 1991-165344, Maricopa County Recorder; roadway easement per Book 319, Page 46 of Maricopa County Recorder; 24-foot refuse collection easement and emergency and service type vehicle easement per Book 319, Page 46 of the Maricopa County Recorder; and 24-foot refuse collection easement and emergency and service type vehicle easement per Book 371, Page 43 of the Maricopa County Recorder.
Date of Hearing: Dec. 10, 2020

Summary
The resolution of the abandonment and the commercial plat Final Plat for "Clarendale Arcadia," Plat 200574, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location
Southeast corner of Camelback Road and 32nd Street
Council District: 6

Financial Impact
Pursuant to Phoenix City Code Art. 5, Sec. 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.

75 Abandonment of Right-of-Way - ABND 200524 - Southwest Corner of 23rd Avenue and Roeser Road (Resolution 21897)

Abandonment: 200524
Project: 17-430
Applicant: Lennar Arizona, Inc.
Request: To abandon an approximate 575 feet of 23rd Avenue, between Roeser Road, north alignment and Roeser Road, south alignment, located adjacent to Lindo Park, addressed 2230 W. Roeser Road, recorded on residential subdivision final plat "Liberty," recorded with Maricopa County Recorder's office, Book 944, Page 39.
Date of Hearing: June 25, 2020

Summary

The resolution of the abandonment and the subdivision plat, Final Plat For "Liberty 1A", PLAT 200524, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

Southwest corner of 23rd Avenue and Roeser Road
Council District: 8

Financial Impact

Pursuant to Phoenix City Code Art. 5, Sec. 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.

76 Modification of Stipulation Request for Ratification of Jan. 20, 2021 Planning Hearing Officer Action - PHO-4-20_Z-273-79-5(7) - Approximately 670 Feet South of the Southeast Corner of 83rd Avenue and Thomas Road

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Jan. 20, 2021. This ratification requires formal action only.

Summary

Application: PHO-4-20--Z-273-79-5(7)
Existing Zoning: C-2
Acreage: 13.33

Applicant: Adam Baugh, Withey Morris PLC
Owner: Columbia Group LTD
Representative: Adam Baugh, Withey Morris PLC

Proposal:
Deletion of Stipulation 1 regarding an overall development plan;
Deletion of Stipulation 2 requiring site plan approval;
Deletion of Stipulation 3 regarding a landscaping and open space plan, schedule of intensity, and development schedule;
Deletion of Stipulation 4 regarding access to major and collector streets;
Deletion of Stipulation 5 regarding a master drainage plan;
Deletion of Stipulation 6 regarding improvement costs for Encanto Boulevard;
Deletion of Stipulation 1 (ROW) regarding a 55-foot half-street for 83rd Avenue;
Deletion of Stipulation 2 (ROW) regarding right-of-way for Thomas Road;
Deletion of Stipulation 3 (ROW) regarding a 33-foot half street for Encanto Boulevard and 79th Avenue;
Deletion of Stipulation 4 (ROW) regarding triangles at intersections; and
Deletion of Stipulation 5 (ROW) regarding additional right-of-way and a traffic study.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Maryvale

Village Planning Committee heard this case on Jan. 13, 2021 and recommended approval with additional stipulations, by a 8-1-1 vote. Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Jan. 20, 2021 and recommended approval with additional stipulations. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location
Approximately 670 feet south of the southeast corner of 83rd Avenue and Thomas Road
Council District: 7
Parcel Address: 2627 N. 83rd Ave.

This item was approved.

77 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-20_Z-43-13-7 - Northwest Corner of 67th Avenue and Broadway Road (Ordinance G-6809)

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 Jan. 20, 2021.

Summary
Application: PHO-1-20_Z-43-13-7
Existing Zoning: C-1
Acreage: 3.13

Applicant: The Carioca Company
Owner: Butterfield Trail, LLC
Representative: Jeff Winter, Esencia LLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped Aug. 21, 2013.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this case on Jan. 19, 2021 and recommended approval, by a 6-0 vote.

PHO Action: The Planning Hearing Officer heard this case on Jan. 20, 2021 and recommended approval with additional stipulations. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Northwest corner of 67th Avenue and Broadway Road
Council District: 7
Parcel Address: 6711 W. Broadway Road

This item was adopted.

78 Formal Action - PCD Major Amendment - Rezoning Application Z-49-XX-75-3 - Northwest Corner of Tatum Boulevard and Cactus Road

Request to approve Rezoning Application Z-49-XX-75-3 per the Planning Commission recommendation and rezone the site from RSC PCD (Regional Shopping Center, Planned Community District) to C-2 H-R DNS/WVR SP PCD (Intermediate Commercial, High-Rise and High Density, Density Waiver, Special Permit, Planned Community District) for a mix of uses to include retail, office, multifamily, grocer, distribution, hospitality, medical and a Special Permit for self-storage and all underlying C-2 uses. This item requires Formal Action only.

Summary
Current Zoning: RSC PCD
Proposed Zoning: C-2 H-R DNS/WVR SP PCD
Acreage: 91.16 acres
Proposed Use: A mix of uses to include retail, office, multifamily, grocer, distribution, hospitality, medical and a Special Permit for self-storage and all underlying C-2 uses.

Owner: Paradise Valley Mall SPE, LLC, et al
Applicant: Ed Bull, Burch & Cracchiolo, P.A.
Representative: Ed Bull, Burch & Cracchiolo, P.A.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Paradise Valley Village Planning Committee heard the case on Feb. 1, 2021 and recommended approval, per the staff recommendation, by a 14-0 vote.

PC Action: The Planning Commission heard the case on Feb. 4, 2021 and recommended approval, per the Paradise Valley Village Planning Committee recommendation, by a 8-0 vote.

Location
Northwest corner of Tatum Boulevard and Cactus Road
Parcel Addresses: 4500, 4502, 4520, 4540, 4550, 4554, 4568, 4570, 4604, and 4610 E. Cactus Road; 4515 and 4623 E. Paradise Village Parkway; and 12820 N. Tatum Blvd.
Council District: 3

This item was approved as revised.

Items 14, 15 and 20, Ordinance S-47292 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.

A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that Items 14 and 15 be adopted. The motion carried by the following vote:

Yes:	7 -	Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Williams and Mayor Gallego
No:	2 -	Councilman DiCiccio and Councilman Waring

14 American Association of Airport Executives

For $59,375.00 in payment authority for 2021 American Association of Airport Executives (AAAE) Federal Affairs membership dues for the Aviation Department. The AAAE advocates on behalf of airports and works to prevent shifting of costs and federal responsibilities to airports, ensuring that unfunded mandates are not imposed. It is the primary interface with elected officials and regulatory agencies on issues affecting airports across the country. AAAE provides important information, alerts, updates and insight on legislation and proposed

regulations, security policy, and congressional hearing reports.

This item was adopted.

15 PFM Financial Advisors, LLC

For $75,000.00 in payment authority for a new contract, entered on or about Feb. 20, 2021 for a term of five years for the Finance Department. The contract will provide financial advisory services to the Public Transit and Street Transportation departments for work related to the development and maintenance of long-term financial planning models necessary for future financings. The vendor was selected from the City of Phoenix Financial Advisor Qualified Vendor List established through RFQ-2017FIN-003.

This item was adopted.

20 Settlement of Claim(s) Foster v. City of Phoenix

To make payment up to $52,500.00 in settlement of claim(s) in *Foster v. City of Phoenix*, CV2020-012773, 19-1025-001, AU, BI, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement of a bodily injury claim arising from a motor vehicle accident on Oct. 12, 2019, involving the Police Department.

A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that this item be adopted. The motion carried by the following vote:

Yes:	9 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Williams and Mayor Gallego
No:	0	

27 2015-2020 Consolidated Plan's 2019 Annual Action Plan CARES Act Amendment (Ordinance S-47330)

Request City Council approval of a Substantial Amendment to the 2015-2020 Consolidated Plan's 2019-2020 Annual Action Plan to include a second Emergency Solutions Grant (ESG-CV2) and Community Development Block Grant (CDBG-CV2) allocations, and to amend the first round of Community Development Block Grant (CDBG-CV1) authorized by the Coronavirus Aid, Relief, and Economic Security Act

(CARES Act), Public Law 116-136, enacted March 27, 2020, for the specific purpose of preventing, preparing for, and responding to the Coronavirus (COVID-19) public health crisis. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item.

Summary

The 2015-2020 Consolidated Plan's 2019 Annual Action Plan defines how the City's Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) funds will be used to address the priorities and goals outlined in the five-year Consolidated Plan.

A previous substantial amendment to the 2019 Annual Action Plan was completed for the first round of the CARES Act ESG and CDBG funding in May of 2020 (ESG-CV1 and CDBG-CV1). This second substantial amendment is to allocate $19,212,248 of ESG funds (ESG-CV2) and $14,096,369 of CDBG funds (CDBG-CV2) provided to the City in the second round of funding authorized by the CARES Act, and to amend the first allocation of CDBG-CV1 to support the City's effort to prevent, prepare for, and respond to the COVID-19 pandemic.

The following summarizes the ESG-CV2 and CDBG-CV2 allocations and the proposed activities that will be funded to address the growing effects of the public health crisis:

ESG-CV2: $19,212,248

$19,212,248 will be used to prevent, prepare for, and respond to the COVID-19 pandemic, focusing on individuals and families who are experiencing homelessness or receiving homeless assistance, and to support homelessness prevention activities to mitigate the impacts of COVID-19.

The following eligible activities will be funded with this allocation:
$2,973,199 will be used to expand the beds at Project Haven shelter.
$2,303,165 will be used to expand Rapid Rehousing for women and families.
$1,800,000 will be used to expand Rapid Rehousing for men.

$600,000 will be used for operational costs at the new US Vets shelter.

Additionally, $11,535,884 will be used to fund homeless support in an effort to prevent, prepare for, and respond to the Coronavirus pandemic amongst individuals and families who are homeless or receiving homeless assistance; and to support additional homeless assistance and homeless prevention activities to mitigate the impacts of COVID-19 as directed by City Council.

CDBG-CV2: $14,096,369

$11,277,095 will be used to fund homeless support in an effort to prevent, prepare for, and respond to the Coronavirus pandemic amongst individuals and families who are homeless, receiving homeless assistance; and to support additional homeless assistance and homeless prevention activities to mitigate the impacts of COVID-19. Homeless support activities may include public services, public facility improvements, or strategic acquisition of properties in an effort to address community needs related to homelessness in response to the national pandemic.

$2,819,274 will be used for the purpose of program administration, planning and coordination as it relates to the CDBG-CV allocations.

Additionally, $298,445 of uncommitted funds from the first round of CDBG funding will be added to the $4 million of CDBG-CV1 funds allocated by City Council to fund homeless support activities.

The aforementioned allocations, as summarized in Attachment A, would allow for $27,111,423 of ESG-CV2, CDBG-CV1 and CDBG-CV2 funds to be available to fund homeless support activities to prevent, prepare for, and respond to the Coronavirus pandemic in one of the City's most vulnerable populations through the following:

$3 million for Human Services Campus operations and/or facility improvements support.

$15 million for RFP(s) to fund facility acquisition and/or improvement of up to four shelters.

$9.1 million for RFP(s) to support homeless services providers.

Further City Council action will be required to enter into any new contracts, or to modify any existing contracts, with service providers for services funded under these eligible activities. If any additional federal funds are provided, a subsequent substantial amendment will be brought to Council for approval.

Procurement Information
Services may be procured, as needed, by utilizing procurement practices in accordance with Administrative Regulation 3.10 to implement and administer U.S. Department of Housing and Urban Development (HUD) funded programs intended to prevent, prepare for, and respond to the COVID-19 pandemic.

Financial Impact
These activities are funded by the HUD through the CARES Act. There is no impact to the General Fund.

Concurrence/Previous Council Action
On May 6, 2020, City Council authorized a Substantial Amendment to the 2015-2020 Consolidated Plan's 2019-2020 Annual Action Plan to include the first release of allocations and waivers authorized by the CARES Act.

On Jan. 21, 2021, the Land Use and Livability Subcommittee recommended City Council approval of broad allocations of ESG-CV2 allocations to prevent, prepare for, and respond to the COVID-19 pandemic, focusing on individuals and families who are experiencing homelessness or receiving homeless assistance, and to support homelessness prevention activities to mitigate the impacts of COVID-19.

Public Outreach
As part of the CARES Act, HUD approved an expedited public outreach process that allows the flexibility to institute more streamlined requirements to address immediate needs regarding the Coronavirus. The HUD process includes the following:

The reduction of the 30-day public comment period and the implementation of a public comment period of no less than five days in an effort to expedite the Consolidated Plan Substantial Amendment

process and allow the City to respond as quickly as possible to the immediate needs in the community.

The elimination of in-person public hearings and the implementation of virtual public hearings when 1) national and/or local health authorities recommend social distancing and limiting public gatherings for public health reasons, and 2) virtual hearings provide reasonable notification and access for citizens in accordance with Phoenix's certifications, timely responses from local officials and to all citizen questions and issues, and public access to all questions and responses.

The comment period for this substantial amendment will be advertised for two weeks and open for five days. Additionally, a virtual public hearing will be hosted to receive comment from the public prior to finalization and submission to HUD.

Discussion

Councilwoman Pastor stated this was a one-time allocation of C.A.R.E.S. Act funding to support vulnerable people in the community. She recalled in May 2020 Council approved the first allocation to support homelessness services as well as small businesses, non-profits and housing rehabilitation in low- and moderate-income areas. She said she reviewed this proposal against the homeless plan approved by Council in October 2020 and recognized many of the proposed allocations could be tied back to elements of the homeless plan.

A motion was made and seconded to approve this item as amended with additional direction.

Mayor Gallego conveyed the motion advanced regional solutions and collaboration, along with a message that Phoenix placed homelessness as its top priority.

Councilwoman Stark expressed she supported the motion as she had been working with businesses, residents and caregivers in Sunnyslope looking for some type of shelter.

Mayor Gallego acknowledged their partnership with the federal government as this would allow Phoenix to fund important projects, such

as appropriate housing for veterans.

Councilman Nowakowski thanked Mayor Gallego and others who worked hard to make this possible, including the neighborhoods around the campus. He emphasized the City needed to challenge neighboring cities to do the right thing and use Phoenix as an example of how to fund homeless programs.

Mayor Gallego thanked Council for making this a regional solution where answers came from all parts of the community.

Rich Eaton stated he was part of an ownership group of a 280-plus hotel in north Phoenix that wanted to provide their facility to a homeless provider to use as a shelter or housing transition.

Amy Schwabenlender, executive director of the Human Services Campus, thanked Council for supporting their request to shelter more people, but it came with stipulations that had expenses tied to them, so she appreciated this consideration of funding. She stated the Campus would incur costs due to increased cleaning on streets, sidewalks and easements. She remarked they were hiring staff to keep restrooms open later and security to ensure safety around the property and immediate neighborhood. She added the Campus would have on-going costs of up to 200 people on shelter beds during extreme weather events. She emphasized work at the Campus spanned 16 organizations serving up to 1,000 people per day. She said she supported this item not just for the Campus but for their partners to create more shelters in other locations. She stressed this demonstrated to other municipalities that funding could be found to address homelessness.

Ash Uss wished to echo what Ms. Schwabenlender said, noting these funding sources were needed to address the needs in the community.

Lisa Glow spoke in support and expressed she was excited about the $2.4 million that would allow them to scale up to 600 beds by the summer and get people off the streets in the immediate area around the Campus. She explained that increase would require some initial upgrades to the shelter, purchase of new beds, renovations to the restrooms and

improvement in trauma-informed care. She pointed out they had waiting lists and this expansion would help as the quality improvement of the shelter would entice more people to come inside. She added some of the funding was for operations and staff, noting they could move to 1 to 30 case management ratios. She thanked Council for their continued support of Project Haven as outcomes showed it was helping seniors and medically vulnerable people. She stated she also supported the other funding allocation for the Campus and all the other partners.

Mayor Gallego requested Ms. Glow talk about what this funding did with CASS and caseworkers.

Ms. Glow remarked the zoning case transformed the model which meant more intensive services for people coming on the campus. She conveyed CASS provided case management, noting the recommended ratio was 1 to 30 and CASS was currently around 1 to 40 with a waiting list for seniors that needed more support. She said this funding would allow them to hire more case managers and get to the 1 to 30 ratio. She stated there were discussions at the Phoenix Task Force about bringing more behavioral health services to the forefront as well as new partners to address gaps in services. She expressed permanently ending homelessness started with connecting one-on-one.

Mayor Gallego recognized the regional collaboration support included in the motion as municipalities had to work together which included better data collection.

One electronic comment was submitted for the record in support of this item.

Prior to his vote, Councilman Nowakowski thanked Deputy City Manager Inger Erickson and the Neighborhood Services and Human Services departments for their hard work and outreach to the community to make sure the City's homeless plan was an active document.

A motion was made by Councilwoman Pastor, seconded by Councilmember Garcia, that this item be adopted as amended with additional direction to include a second Emergency Solution grant and Community Development Block Grant allocations, and to amend the

first round of the Community Development Block Grant authorized by the Coronavirus Aid, Relief and Economic Security Act, and to make the following changes to Public Law 116-136 enacted on March 27, 2020: increase the allocation to support the Human Services Campus to $4 million with the following distributions: $2.4 million going to Central Arizona Shelter Services (CASS) to support the downtown location, $1.6 million through a new contract with the Human Services Campus (HSC) to support the needs of HSC partners who provide critical service needs. Further request staff work with HSC to identify how the money will be used and to provide a timeline for the use of this one-time funding prior to the release of funds; reduce by $1 million for a total of $14 million allocation to support the funding of facility acquisition and/or improvement; further ensure RFP clearly delineates this is one-time funding allocation, with the preference for a regional approach to purchase a shelter facility to organizations that identify sustainable resources to maintain ongoing maintenance and operations with no changes to the allocation presented by staff for the RFP to support homeless services; request the RFP requires respondents to outline their proposed plan tied back to the Council approved homeless plan approved in October 2020; and request to dedicate $200,000 from administrative costs to further efforts into identifying regional resources and working with Maricopa Association of Governments (MAG) to urgently advance a regional plan to address homelessness under the direction of the City Manager. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Williams and Mayor Gallego

No: 0

28 **Public Hearing and Authorizing Amendment to Chapter 14 of the Phoenix City Code Relating to Taxes (Ordinance G-6808)**

Request to hold a public hearing on the request for the following item to authorize an amendment to Chapter 14 of the Phoenix City Code. An ordinance authorizing the City Manager, or his designee, to amend Chapter 14 of the Phoenix City Code, where the model city tax code is maintained, with corresponding statutory model city tax code

amendments approved in 2018 and 2019 by the Municipal Tax Code Commission (MTCC), which was established by the State Legislature to review and approve all changes to the local model city tax code. The 2018 and 2019 conforming amendments align the model city tax code with state statutes. Arizona Revised Statute § 42-6052 (H) requires that the governing bodies of all cities and towns adopt the changes to the model city tax code adopted by the commission and therefore, the City of Phoenix must adopt these changes to bring Chapter 14 of the Phoenix City Code into conformance with State statutes accordingly.

Summary

The Model City Tax Code, adopted in 1987, was a coordinated effort on the part of Arizona cities to achieve uniformity in tax administration. Consequently, statutory changes made by the Arizona Legislature during its regular sessions between years 2014 and 2018 required that equivalent changes be incorporated in the local model city tax code (**Attachments A and B**). These changes were prepared by the League of Arizona Cities and Towns in consultation with representatives from Arizona cities, approved by the business community, and presented before the MTCC. The MTCC held public hearings and approved adoption of the proposed amendments on Dec. 14, 2018; Feb. 22, 2019; and May 31, 2019. The delay in obtaining MTCC adoption was due to the need to await final determination of evolving State Transaction Privilege Tax (TPT) Simplification administrative issues that were clarified through subsequent State legislature session actions, collaborative deliberation and concurrence with the business community on complex construction contracting tax issues that required multiple State legislature session actions to clarify legislative intent, and challenges in securing the required quorum of 10 non-compensated appointive members, each restricted to a 3-year term limit, to serve on the commission.

Financial Impact

Arizona cities and towns must comply with statutory changes recommended for incorporation into the model city tax code when approved for adoption by the MTCC and because the City of Phoenix has been in compliance since then, no fiscal impacts from City Transaction Privilege Tax revenues - neither increases nor decreases - are expected to arise from these recommended changes.

Concurrence/Previous Council Action

Due to the need to maintain uniformity with State statutes and the approval of the business community, City staff recommends that the City Council adopt the proposed 2018 and 2019 amendments already approved by the Municipal Tax Code Commission.

Discussion

Mayor Gallego declared the public hearing open. Noting there was no one on the line wishing to speak, she declared the public hearing closed.

Mayor Gallego expressed this would enact required amendments due to state legislative changes that disrupted local control which she disagreed with.

The City Clerk read the title of the ordinance for this item.

The hearing was held. A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that this item be adopted. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Williams and Mayor Gallego

No: 0

36 Oracle Master Agreement (Ordinance S-47326)

Request to authorize the City Manager, or his designee, to enter into a master agreement with Oracle America, Inc. (Oracle), setting out the terms and conditions for future purchases, as needed, for products, services, software licensing, support and maintenance for the City's applications, databases and computing hardware, and to enter into all related software licenses, hardware and maintenance agreements in accordance with the terms of the master agreement. Further request exemption from the indemnification and liability provisions of section 42-18 of the City Code.

Summary

The City uses Oracle applications and technologies in multiple departments and they are an integral part of the daily operations of the City. Oracle applications and technologies are used in several critical

Citywide systems, such as the Police Department's Records Management System, the Customer Care and Billing system used for water and solid waste billing, the Human Capital Management system used for human resources and payroll functions, the Planning and Development Department's permitting system, and the citywide Business Intelligence infrastructure. These systems are critical to the City operations, as they bring in revenue from permitting, water, and solid waste billing, and because they manage critical operations.

This master agreement is simply to agree upon the terms and conditions for agreements, allowing for greater consistency and eliminating the need to negotiate each license or agreement separately. Provisions in licenses and agreements under this master agreement may be perpetual or extend beyond the term of the master agreement, if deemed in the best interest of the City.

Procurement Information
The City's Oracle systems are procured individually at the time of their implementation.

Contract Term
This contract is for a five-year term beginning on or about Feb. 22, 2021.

Financial Impact
There is no financial impact to this master agreement. This request is only for authorization to enter into a general product and services agreement with Oracle. Request for City Council authorization for funding under this agreement will be sought on an as-needed basis.

A motion was made by Vice Mayor Williams, seconded by Councilwoman Stark, that this item be adopted. The motion carried by the following vote:

Yes:	7 -	Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Williams and Mayor Gallego
No:	2 -	Councilman DiCiccio and Councilman Waring

64 Zone 3D and 4A Improvements Program: Water Transmission

Main - Construction Manager at Risk Services Amendment - WS85500442 and WS90500306 (Ordinance S-47297)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 152402 with Sundt Construction, Inc. (Sundt) to provide additional Construction Manager at Risk (CMAR) Services for the Zone 3D and 4A Improvements Program: Water Transmission Main 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 $48.1 million.

Summary

The purpose of this project is to supply water in north Phoenix in the event there are restrictions placed on Colorado River water delivered through the Central Arizona Project. The City of Phoenix treats Colorado River water at the Union Hills and Lake Pleasant Water Treatment Plants (WTPs), which supply water to north Phoenix.

This amendment is necessary to proceed with construction of a new 66-inch pipeline from the 24th Street WTP to water infrastructure in north Phoenix to allow for the delivery of Salt and Verde River water into north Phoenix. Scope of services will include installation of the 66-inch pipeline and corresponding activities in this segment, and construction of a relief sewer parallel to the 66-inch pipeline on 32nd Street. This amendment will provide additional funds to the agreement.

Sundt will be responsible for construction means and methods related to the project and fulfilling the Small Business Enterprise program requirements. Sundt will be required to solicit bids from pre-qualified subcontractors and to perform the work using the City’s subcontractor selection process. Sundt may also compete to self-perform limited amounts of work.

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

Contract Term

The term of the agreement amendment is for two 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 initial agreement was authorized for an amount not to exceed $15 million.

This amendment will increase the agreement by an amount not to exceed $48.1 million, for a new total amount not to exceed $63.1 million.

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 execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrent/Previous Council Action

The City Council approved:

Engineering Services Agreement 149803 (Ordinance S-45175) on Dec. 5, 2018;

CMAR Preconstruction Services Agreement 148952 (Ordinance S-45171) on Dec. 5, 2018; and

CMAR Construction Services Agreement 152402 (Ordinance S-46723) on June 17, 2020.

Location

32nd Street south of Shea Boulevard to Greenway Road
Greenway Road from 32nd to 31st Streets
31st Street from Greenway to Bell Roads
Bell Road from 31st to 32nd Streets
Council Districts: 2, 3 and 6

A motion was made by Vice Mayor Williams, seconded by Councilwoman Pastor, that this item be adopted. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Williams and Mayor Gallego

No: 0

79 **Public Hearing - Amend City Code - Ordinance Adoption - Responsible Adult Use of Marijuana - Z-TA-8-20 (Ordinance G-6810)**

Request to hold a public hearing on a proposed text amendment Z-TA-8-20 and to request City Council approve Z-TA-8-20 as proposed which amends Chapter 6, Section 623.D.124 (Commercial C-2 District-Intermediate Commercial) and 627.D.92 (A-1 Light Industrial District) of the Phoenix Zoning Ordinance to address changes to the Arizona Revised Statutes regarding responsible adult use of marijuana (Smart and Safe Arizona Act).

Summary

Application: Z-TA-8-20
Proposal: Request to amend Chapter 6, Section 623.D.124 (Commercial C-2 District-Intermediate Commercial) and 627.D.92 (A-1 Light Industrial District) of the Phoenix Zoning Ordinance to address changes to the Arizona Revised Statutes regarding responsible adult use of marijuana (Smart and Safe Arizona Act).

Applicant: City of Phoenix, Planning Commission
Representative: City of Phoenix, Planning and Development Department

The voters of the State of Arizona approved Proposition 207, known as the "Smart and Safe Arizona Act" on Nov. 3, 2020. The Smart and Safe Arizona Act amended Title 36, of the Arizona State Statutes by adding Chapter 28.2, and added regulations related to the retail sale of marijuana at licensed establishments (marijuana establishments). This text amendment proposes changes to the Phoenix Zoning Ordinance to be consistent with the new provisions of Title 36 of the Arizona Revised Statutes.

Concurrence/Previous Council Action

Staff Recommendation: Staff recommends approval of Z-TA-8-20, per the **Attachment B** - Staff Report Exhibit A language.
VPC Action: The request was heard by all fifteen Village Planning Committees (VPCs). Thirteen VPCs recommended approval and two VPCs recommended approval with a modification, as reflected in **Attachment C - VPC Results**.
PC Action: The Planning Commission heard this case on Feb. 4, 2021 and recommended approval, per the language in Exhibit A of the Staff Report by a 7-0 vote, as reflected in **Attachment D - PC Summary**.

Discussion

Mayor Gallego declared the public hearing open. Noting there was no one on the line wishing to speak, she declared the public hearing closed.

The hearing was held. A motion was made by Vice Mayor Williams, seconded by Councilwoman Pastor, that this item be approved per the Feb. 4, 2021 Planning Commission recommendation, with adoption of the related ordinance. The motion carried by the following vote:

Yes: 8 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Williams and Mayor Gallego

No: 1 - Councilman Waring

80 **Public Hearing - Rescind Action and Withdraw Ordinance Adoption - Rezoning Application Z-30-20-5 - Southeast of the Southeast Corner of 107th Avenue and Camelback Road (Ordinance G-6811)**

Request to hold a public hearing and request the City Council rescind Ordinance G-6755 adopted on Oct. 21, 2020 pursuant to A.R.S. 12-1134(E). Ordinance G-6755 rezoned approximately 122.92 acres located southeast of the southeast corner of 107th Avenue and Camelback Road to the Golf Course (GC) District.

Summary

On Dec. 1, 2020, the property owner filed a written demand seeking $14 million for the diminution of value allegedly attributed to the adoption of G-6755.

Location

Southeast of the southeast corner of 107th Avenue and Camelback

Road
Council District: 5
Parcel Addresses: 4655 N. 103rd Ave.

Discussion

NOTE: Councilwoman Guardado temporarily left the voting body.

Mayor Gallego declared the public hearing open. Noting there was no one on the line wishing to speak, she declared the public hearing closed.

A motion was made by Vice Mayor Williams, seconded by Councilwoman Pastor, that this item be approved to rescind Ordinance G-6755 and adopt related Ordinance G-6811. The motion carried by the following vote:

Yes:	8 -	Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Williams and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman Guardado

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

81 Human Services Campus Request

On Feb. 4, 2021 Vice Mayor Thelda Williams, Councilman Sal DiCiccio and Councilman Jim Waring submitted a request **(Attachment A)** to the City Manager to place an item on the Feb. 17, 2021 Formal City Council agenda. The request is for the City Council to consider redirecting budgeted funds dedicated to the Office of Accountability and Transparency (OAT) to be spent on services provided at the Human Services Campus. The request involves the consideration to allocate the $3 million budgeted for OAT in the current fiscal year (2020-21) as well as an ongoing basis in future budgets.

This request is in compliance with Rule 2(c) of the Rules of Council Proceedings.

Savings from the current year could be repurposed with no impact to this year's operations because an ordinance establishing OAT has not been

adopted. Repurposing OAT funds in future years would make the Council-adopted OAT program unfunded in future budget allocations.

Discussion

NOTE: Councilwoman Guardado returned to the voting body.

Mayor Gallego expressed police oversight was important to her and she wanted to move forward with oversight and the Office of Accountability and Transparency.

A motion was made by Vice Mayor Williams, seconded by Councilman DiCiccio, to approve this item to redirect funds from this year's budget from the Office of Accountability and Transparency to spend on shelter services for the homeless; $2 million to Central Arizona Shelter Services (CASS), $500,000 to the Human Services Campus, and $500,000 to the City Manager to address how to change operations of the Police Department by calling in experts from around the country.

Councilwoman Pastor requested the third part of the motion be repeated.

Vice Mayor Williams stated the third piece was to allocate the remainder of the money to the City Manager and Police Chief to address issues within the Police Department on how to reorganize it with better training.

Dr. Ann Hart recalled on June 8, 2020, the Council voted to fully fund civilian oversight of the Phoenix Police Department, but the remaining allocation for the Office of Accountability and Transparency (OAT) had not come about over the past six months. She emphasized OAT would create oversight which would promote increased community trust and urged Council not to terminate funding for OAT.

Vanessa DiCarlo spoke in opposition and insisted that Council defund the Police Department as that would provide the necessary funds to fix the problem.

Bishop Anthony Holt said he also recalled Council's vote in June of last year to fully fund the Office of Accountability and Transparency. He applauded Council for dealing with the homeless population, but he

wondered if there were other sources of money, such as the federal government. He expressed citizens needed to be part of the conversation to trust decisions made by the Police Department which was through the Office of Accountability and Transparency.

Joseph Mulkern spoke in opposition and expressed his disappointment that Council was setting civilian oversight against helping with homelessness.

Kenneth Smith stated he was opposed to taking money from the Office of Accountability and Transparency. He emphasized Council needed to stop pitting homelessness against oversight and should fund both issues.

Ash Uss spoke in opposition to defunding OAT in future years and asked that Council find resources to help homeless people while not harming another community. She expressed the city deserved funding for both homelessness and police accountability and transparency.

Twanna Ray stated she was opposed to this measure, though she did support helping the homeless, as there needed to be civilian oversight to hold police officers accountable.

Anne Ender spoke in support of this request because the pandemic had worsened the existing homeless situation, especially people with underlying physical and mental health issues. She remarked since there was no agreement on the plan for police oversight reallocation was the right decision.

Viridiana Hernandez spoke in opposition and insisted the Police Department be defunded and to use those resources for homelessness.

Johanna Haygood spoke in opposition to this item.

Carole Coles Henry urged Council to vote no on this item and remain committed to funding the OAT and to have staff identify all resources to address both issues.

Katie Gipson-McLean indicated she was involved with creating the

proposal for the Office of Accountability and Transparency and expressed this was not an appropriate response to the committee's proposal.

Elizabeth Venable spoke in opposition, noting accountability was important for both homelessness and officers.

Phil Martinez stated he was opposed to defunding the Office of Accountability and Transparency.

Janelle Wood stated she was also on the committee that worked to make sure things were in place to hold officers accountable and create transparency. She implored Council to vote no on this item, noting it was important that all residents felt safe in the community.

Anesia Groves spoke in opposition and demanded that Council defund the Phoenix Police Department.

Katie Baeza said she was opposed to removing funds from OAT and expressed doing so would put police and citizens in harm's way.

Rebecca Denis spoke in opposition and expressed she did not agree with pitting homelessness against police accountability. She urged Council to defund the Police Department.

Hava Derby remarked she was opposed to shelving police accountability and said she wanted to know what the reasoning was behind this proposal.

Sarah Ford urged Council to vote no on removing Phoenix Police Department accountability.

Chelsea Friday requested that Council vote no on this item and said she wanted to know why this request was submitted.

Anna Hernandez spoke in opposition of withdrawing funds from the Office of Accountability and Transparency.

Jennifer Hernandez spoke in opposition and urged Council to defund the Police Department.

Kelly Kwok insisted that Council vote no on this item.

Benjamin Lewis spoke in opposition to this item.

Marysa Leyva urged Council to vote no on not funding the Office of Accountability and Transparency.

Lucy Lou spoke in opposition to this item.

Tara Lowman-Rojas requested that Council oppose this redirection of funds and to defund the Phoenix Police Department and use that money to address this issue.

Tina Luna stated she was opposed to taking money from the OAT as it would hurt one community to benefit another one.

Dr. Angeles Maldonado spoke in opposition and she expressed the Police Department needed to be defunded and accountability needed to be sustained.

Christopher Martinez demanded that Council vote no on this item, noting the public supported the creation of the OAT.

April McCue spoke in opposition of defunding police accountability.

Samuel Merten stated he was opposed to this item, noting this proposal was pitting two big issues against each other.

Lola Nsangou stated she was opposed to defunding accountability and demanded to instead defund the Police Department.

Karen Olson spoke in opposition of defunding accountability and transparency.

Erika Ovalle stated she was opposed to diverting funds from the Office

of Accountability and Transparency and expressed it was unfair to pit two important issues against each other.

Patricia Pagliuca spoke in opposition to this item and demanded that Council defund the Police Department.

Jacob Raiford spoke in opposition to this item and insisted Council defund the Police Department.

Shawn Severud stated he opposed this item as the OAT was needed and urged Council to redirect funds from the Police Department. He expressed that Council needed to address the root causes of homelessness and the issues people faced when unsheltered.

Bailey Spears said she opposed this item and demanded that Council reserve the OAT as originally approved. She expressed Phoenix needed both homeless services and police oversight and did not think money should be taken from one to benefit the other.

Jessica Spencer spoke in opposition, noting the City needed both police accountability and homeless services.

Reshauna Striggles stated the four causes of homelessness were affordable housing, unemployment, poverty and lack of mental illness services. She emphasized Council should focus on solving those problems before defunding the OAT and suggested that additional funds come from the Police Department's budget.

Brandon Valetin spoke in opposition to this item and insisted the Phoenix Police Department be defunded.

Heather Hamel spoke in opposition to this item and expressed she was disheartened that Council had not made changes to how policing was done in the City.

Harper Rowan stated he was opposed to pitting police accountability against the housing crisis. He urged that Council take funding from the Phoenix Police Department instead of the OAT.

Chris Sanchez insisted that Council vote no on this item as police accountability was important.

Kalixta Villasaez spoke in opposition to this item and demanded accountability for police.

Ronnie Wollenzier recalled Council took steps toward accountability and transparency on Feb. 25, 2020. She indicated she was opposed to this item even though no progress had been made since that time.

Jisoo Kim urged Council to vote no on this item, defund the Phoenix Police Department
and establish an accountable OAT.

Hana Hehman stated he was opposed to this item and urged Council to work with the community to create an independent and investigative OAT.

Electronic comments were submitted for the record as follows: 22 in support, 126 in opposition, 4 neutral and 4 with no position.

Councilwoman Guardado stated she supported the need for community participation and oversight in the City's processes. She conveyed there were resources available to fund both the Office of Accountability and Transparency and the homeless crisis.

A substitute motion was made by Councilwoman Guardado, seconded by Councilmember Garcia, to deny this item as presented in the three-person memo.

Councilmember Garcia stressed Council needed to assess and shift policies to hold officers accountable. He said he agreed that OAT and a civilian review board were needed instead of being defunded. He stated he hoped that Council reflected on today's conversation and reiterated his support for Councilwoman Guardado's motion to deny this item.

Councilman DiCiccio expressed this vote was critical as council members either defended police officers and their actions or agreed with

a small group of individuals to defund the Police Department. He conveyed he supported the original motion by Vice Mayor Williams and he hoped Council went along with it.

Councilwoman Stark acknowledged there were issues in the Police Department, but officers did want to serve the public which was critical. She stated she agreed there needed to be some form of accountability, such as the ombudsman program and, because of that, supported the substitute motion.

Vice Mayor Williams remarked her motion did not end accountability and transparency, but moved money that could not be spent in this year's budget to address some problems. She recalled CASS needed funds to provide mental health services and this money would help them immediately. She pointed out part of her motion was to continue to redevelop and retrain officers to change their attitudes and practices, so she supported her original motion.

Following the vote, Mayor Gallego announced that Council voted to support the Office of Accountability and Transparency and against the three-person memo. She expressed this vote was an important step towards a safer city and to building trust with the community. She added Council was committed to fighting homelessness and building a better Phoenix.

A substitute motion was made by Councilwoman Guardado, seconded by Councilmember Garcia, that this item be denied as presented in the three-person memo. The motion carried by the following vote:

Yes:	6 -	Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark and Mayor Gallego
No:	3 -	Councilman DiCiccio, Councilman Waring and Vice Mayor Williams

000 CITIZEN COMMENTS

City Attorney Cris Meyer 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. He 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.

Katie Gipson-McLean submitted a citizen petition regarding the immediate return of personal property to all protestors that were arrested this past summer.

Shanissa Rowland submitted a citizen petition and recounted police officer actions during past protests.

Benjamin Lewis said he supported the nine demands in the citizen petition to hold officers accountable.

NOTE: Councilman DiCiccio left the voting body.

Will Knight submitted a citizen petition that requested to establish enforceable guidelines or meaningful discipline to prevent police from using false information in reports or under oath in order to target protestors.

Derek Begay submitted a citizen petition requesting to create a reparations fund for individuals impacted by the Phoenix Police Department's use of excessive force at protests.

Phillis Tyson submitted a citizen petition that requested to create a reparations fund for individuals impacted by the Phoenix Police Department's practice of falsely prosecuting protestors.

Heather Hamel submitted a citizen petition requesting an ethics investigation, independent of the Phoenix Police Department and the Maricopa County Attorney's Office, into the policies and practices of the Tactical Response Unit, Police Chief Jeri Williams and command staff regarding the anti-Trump rally in 2017 and protests in 2019 and 2020.

Dr. Angeles Maldonado submitted a citizen petition that requested to disband the Tactical Response Unit.

Patricia Pagliuca mentioned Ms. Rowland's citizen petition requested that Police Chief Jeri Williams be terminated. Ms. Pagliuca demanded that Council defend the community by defunding the Police Department. She said she agreed Chief

Williams along with City Manager Ed Zuercher should be terminated and reparations were necessary for individuals impacted by the Police Department's response at protests.

Hana Hehman expressed his support of the nine demands in the citizen petition.

Tina Luna said she supported the nine demands in the citizen petition as well as defunding the Police Department.

Viridiana Hernandez submitted a citizen petition requesting to terminate City Manager Ed Zuercher for failure to uphold accountability.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 6:01 p.m.

MAYOR

ATTEST:

CITY CLERK

SM

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 17th day of February, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of December, 2023.

CITY CLERK